

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

Monday, December 16, 2024
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. Employee Recognition
6. Consideration and Proposed Action on Minutes of Regular Board Meeting of October 14, 2024.
7. 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 – Brian McDowell
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 – Justin Cooper
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 Sellers
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

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

Agricultural Environmental Management Services
Martin Mitchell, 102025 HWY 72, Council Hill, Oklahoma

Consumer Protection Services
American Plains Coop, Aline, 112 E. Main, Carmen, Oklahoma
Family Dollar, 911 E. Broadway, Enid, Oklahoma
Jerry Jahn, 46154 CS 2710, Cyril, Oklahoma
Standlee Premium Products, LLC, 22349 Kimberly Rd., STE E, Eden, Idaho
Standlee Premium Products, LLC, 22349 Kimberly Rd., STE E, Eden, Idaho

**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 Consent Order

Consumer Protection Services
Mood Product Group, LLC, 4406 S. W. 25th St., Oklahoma City, Oklahoma
Newkirk Public Schools, 701 W. South Street, Newkirk, Oklahoma

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11. Consideration and Proposed Action on Cases Resolved by Final Order

Consumer Protection Services
Pure Green Turf Mgmt., LLC, 6608 N. Western Ave., Unit 348, Oklahoma City, Oklahoma
Texoma Sprayers, LLC, 19149 CO Road NS 238, Grandfield, Oklahoma

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12. Consideration and Proposed Action on Proposed Permanent Rules

AGRICULTURAL PRODUCTS
Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 10. Agricultural Products

Subchapter 1. General Provisions

35:10-1-3 Handbook and publication editions [AMENDED]

ANIMAL INDUSTRY

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

CHAPTER 15. ANIMAL INDUSTRY

Subchapter 44. Farmed Cervidae

35:15-44-21. Registration of Exotic Cervidae Species [REVOKED]

35:15-44-22. Chronic Wasting Disease Genetic Improvement Program (CWDGIP) [NEW]

WATER QUALITY

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

Chapter 17. Water Quality

Subchapter 3. Swine Feeding Operations

35:17-3-22. Violation points system [REVOKED]

Subchapter 4. Concentrated Animal Feeding Operations

35:17-4-18. Violation points system [REVOKED]

CONSUMER PROTECTION

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

Chapter 30. Consumer Protection

Subchapter 10. Moss Ball (Aegagropila Linnaei) Quarantine [NEW]

35:30-10-1. Establishment of quarantine [NEW]

35:30-10-2. Regulated area [NEW]

35:30-10-3. Regulated articles [NEW]

35:30-10-4. Conditions governing movement [NEW]

Subchapter 13. Imported Fire Ant Quarantine

35:30-13-3. Regulated area [AMENDED]

Subchapter 17. Combined Pesticide

Part 15. Minimum Standards For Termite Work For Existing Structures

35:30-17-70. Borate or other wood applied termiticide treatment for post-construction [NEW]

Part 17. Minimum Standards For Termite Work For Preconstruction (Pretreats) And New Construction

35:30-17-74. Borate or other wood applied termiticide treatment for new construction [NEW]

Part 21. Standards For Disposal Of Pesticide And Pesticide Containers

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations [AMENDED]

Subchapter 24. Oklahoma Industrial Hemp Program

35:30-24-7. Fees [AMENDED]

35:30-24-11.1. Allowable testing thresholds [AMENDED]

Subchapter 27. Feed

Part 3. Pet Food

35:30-27-51. Definitions and terms [AMENDED]

35:30-27-52. Label format and labeling [AMENDED]

35:30-27-53. Brand and product names [AMENDED]

- 35:30-27-54. Expression of guarantees Intended use statement and nutritional adequacy claims [AMENDED]**
- 35:30-27-55. Ingredients [AMENDED]**
- 35:30-27-56. Drugs and pet food Additives and drugs [AMENDED]**
- 35:30-27-57. Nutritional adequacy Pet and specialty pet nutrition facts [AMENDED]**
- 35:30-27-58. Feeding directions [AMENDED]**
- 35:30-27-59. Statements Determination of calorie content for dog and cat foods [AMENDED]**
- 35:30-27-60. Descriptive terms [AMENDED]**
- 35:30-27-61. Manufacturer or distributor; name and address [AMENDED]**
- 35:30-27-62. Handling and Storage Instructions [NEW]**
- Subchapter 30. Soil Amendment**
- 35:30-30-1. Definitions [AMENDED]**
- 35:30-30-3. Contents of the label [AMENDED]**

FOOD SAFETY

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

Chapter 37. Food Safety

Subchapter 11. Exotic Livestock and Exotic Livestock Products

Part 3. Application Of Inspection Laws and Other Requirements [AMENDED]

35:37-11-7.1 Special License for “Hunters Against Hunger” Program

- 13. Next Board meeting scheduled for **January 29, 2025**, at Oklahoma City, Oklahoma.
- 14. Old Business
- 15. 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.
- 16. 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 lunch.*

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

Oklahoma City, Oklahoma
October 14, 2024

The Oklahoma State Board of Agriculture met in regular session at 4:00 p.m., October 24, 2024, in Miami, 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
Joe Farris

Others Present: Michaela Lembeck, Executive Secretary
JanLee Rowlett, Deputy Commissioner
Wade Krivanek, Director, Laboratory Services
Kenny Naylor, Director, Consumer Protection Services
Mark Goeller, Director, Forestry Services
Teena Gunter, Director, Agricultural Environmental
Management Services & Office of General Counsel
Scott Yates, Director, Food Safety
Justin Cooper, Director, Wildlife Services
Meriruth Sellers, Director, Market Development
Lee Benson, Public Information Officer
President Kyle Stafford, NEO
Brando Glick, NEO
Mary Booth, NEO
Dustin Groves, NEO
Amy Ishmael, NEO
Kamryn Kelley, NEO
Ryan Orcutt, NEO
Alisen Anderson, OKFB
Gage Milliman, OKFB
James Faser, Ottawa County FB
Candy Faser, Ottawa County FB
Rick Reimer, OK Soybean Board
Sue Ellen Farris, Guest

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

A motion was made by Mr. Farris, seconded by Mr. Bolen, to approve the minutes of the regular meeting of August 28, 2024, as presented.

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Farris	Aye

The motion carried.

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

The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Farris	Aye

The motion carried.

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

Consumer Protection Services
Family Dollar, 911 E. Broadway, Enid, Oklahoma

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The vote was as follows:

Bolen	Aye
Burtrum	Aye
Arthur	Aye
Farris	Aye

The motion carried.

There is no old business presented for the Board to take action upon. Mr. Bolen moved, Mr. Burtrum seconded, that the meeting be adjourned at 4:48 p.m.

By _____
President

ATTEST: _____
Executive Secretary

OCTOBER 14, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

\$800,000/FY2025 - Purchase of new vehicles to replace vehicles within our fleet that have received their maximum life expectancy and they require replacing in order for employees to complete their job responsibilities effectively.

CONSUMER PROTECTION SERVICES

FY2025 Oklahoma Boll Weevil Eradication Organization - \$6,000.00

FORESTRY SERVICES

FY25 – Oklahoma Gardening Grant, \$10,000 Federal Funds

Renew Oklahoma Gardening Grant. This is a longstanding education and outreach grant sponsoring the popular Oklahoma Gardening program produced by OSU. This grant supports tree related educational programming. Without this purchase, we would lose an avenue of support and education. Funding for this specific grant was identified and federally approved. This money will be refunded to us through Federal funding.

FY25 – Oklahoma Urban and Community Forestry Council Contract, \$15,000 Federal Funds

Renew nonbinding contract with the Oklahoma Urban and Community Forestry Council to perform services to assist in implementation of the continuing education component of Oklahoma's Urban & Community Forestry program. We are enforcing renewal option 2 of 3 of federal pass through dollars identified for the Council. Without this program outreach and education related to urban forest management and individual tree care would be limited. This money will be refunded to us through Federal funding.

FY 25 Loading Dock Expansion, \$22,000 One Time Project Funding

This purchase is to expand the current loading dock at the Forest Tree Improvement Center located east of Idabel. This project mitigates a major safety concern for loading/unloading close to 2 million pine seedlings allocated to non-industrial, private forest landowners in Oklahoma. The current loading dock is extremely narrow for the heavy forklift operation that is required during peak operation dates. The dock expansion would consist of a concrete pour to be framed off existing dock with the dimensions of 40'L X 15'W X 4.5'H. This will allow for ease of forklift operation while maintaining a safe perimeter when loading/unloading seedlings for customers.

Justification: Without this purchase, the safety of FTIC staff and landowners picking up seedlings is at risk and may impact the delivery of conservation seedlings to landowners. Funding for this purchase is FY25 one-time appropriations from the Oklahoma Legislature.

FY25 – Southern Pine Beetle Federal Grant, \$10,000 Federal Funds

Aerial detection for Southern Pine Beetle (SPB). Ensures early detection and treatment to limit the insect's spread and possible timber stand infestation.

Justification: SPB is a destructive insect to Oklahoma's pine forest resource. This prevention program protects forest health, forest industry investments, landowner investments, and future revenue. (Federal Grant)

LABORATORY SERVICES

FY25 - \$5400.00 – Lab Equipment

Purchase of an Ex-Fluorometer for Aflatoxin testing. Current fluorometer is over 10 years old with failing parts.

MARKET DEVELOPMENT

FY2025 – Agritourism categorical guides – Animal, Horticulture, Western Experiences and Craft Beer Trail – printing - \$50,000.00

Justification: It is the goal of the Agritourism Program to utilize all marketing channels to create a consistent brand awareness campaign and utilize these channels for seasonal promotions within the many categories of Agritourism. The brochure distribution program is one of the top marketing channels for Oklahoma Agritourism as we are able to reach hundreds of thousands of consumers each year. Not only are individual consumers requesting these brochures through TravelOK.com, but they are also distributed at festivals, tradeshows, and other events throughout the year. If this expense is not approved, there will be a negative impact on the ability of the Agritourism Program to promote and advertise the 400+ Agritourism venues in the state, resulting in an economic loss of those businesses and the local economy in those areas.

FY2025 – USDA has provided a Specialty Crop Block Grant to ODAFF with the objective to solely enhance the competitiveness of specialty crops. ODAFF is one of six grant partners included in this award. Effective: 9/30/24 - 9/29/27 - \$545,444.79.

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.

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.

\$38,662 – ODAFF Wildlife Services is requesting approval for renewing hangar rent for the helicopters which will house up to all 6 of our aircraft providing consolidation of assets and closer access to the maintenance facility. It will provide secure storage for firearms, ammunition, and other supplies that pilots and gunners need to their complete their duties.

\$22,385 – ODAFF Wildlife Services is requesting approval to use FY25 Legislative Directed Expenditure Money to purchase Vulture Traps. This will allow Wildlife Services the ability to continue to help farmers and ranchers of Oklahoma.

Oklahoma Department of Agriculture, Food & Forestry

December 16, 2024, Board Report

Administrative Services

Administrative Services – Investigative Services

INVESTIGATIVE SERVICES ACTIVITIES OCTOBER 2024



INVESTIGATIONS		OCTOBER	YTD	FYTD
LIVESTOCK		2	41	16
FIRE		1	14	5
PROPERTY		1	15	5
TIMBER			0	0
AGENCY ASSISTS	ODAFF		5	0
AGENCY ASSISTS	EXTERNAL	1	5	3
OTHER			7	2
TOTAL INVESTIGATIONS OPENED		5	87	31
CLOSED PENDING ADDITIONAL INFORMATION		1	16	7
NO CRIME		2	13	5
NO PROSECUTION			0	0
CLOSED - ASSIST CASE		2	6	2
PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION		2	10	3
REFERRED FOR ADMINISTRATIVE ACTION			0	0
TOTAL INVESTIGATIONS COMPLETED		7	45	17
COUNTS FILED			15	6
VALUE OF LOSSES - ALL CRIMES		\$83,200	\$785,733	\$341,700
RECOVERED LOSSES - ALL CRIMES		\$86,070	\$370,418	\$153,970
NUMBER OF CATTLE REPORTED STOLEN		21	270	101
NUMBER OF CATTLE RECOVERED		21	87	34





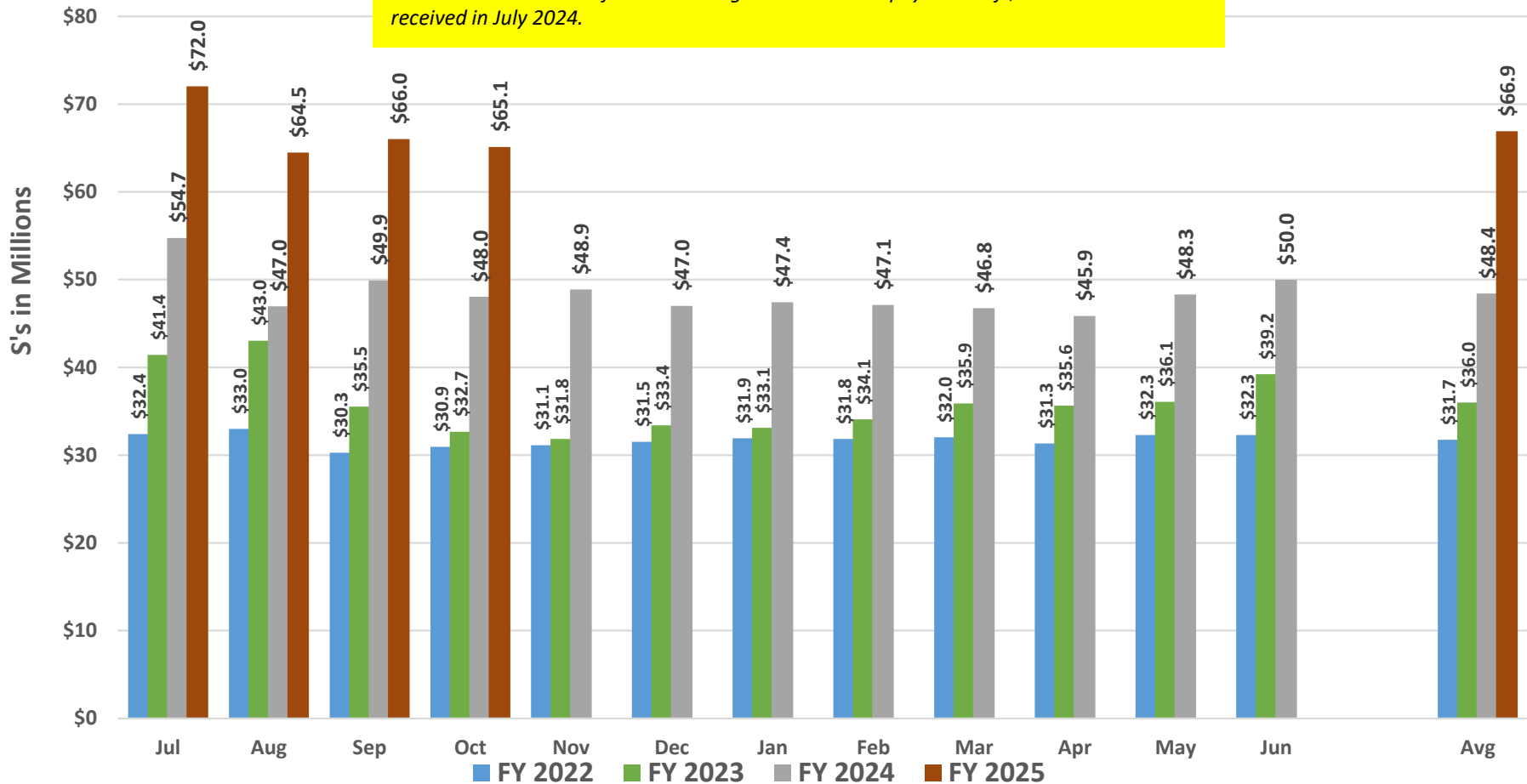
Available Cash at Month End

Months Ending: July 2021 – October 2024

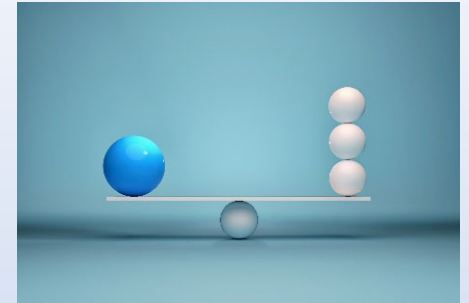
per Allotment Budget & Available Cash Report Fiscal Year 2022-2025

Note 1: The amounts shown here include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,819,576 as of 10/31/2024.

Note 2: One-time cash for FY 2025 Legislative directed payments of \$20.1 million was received in July 2024.



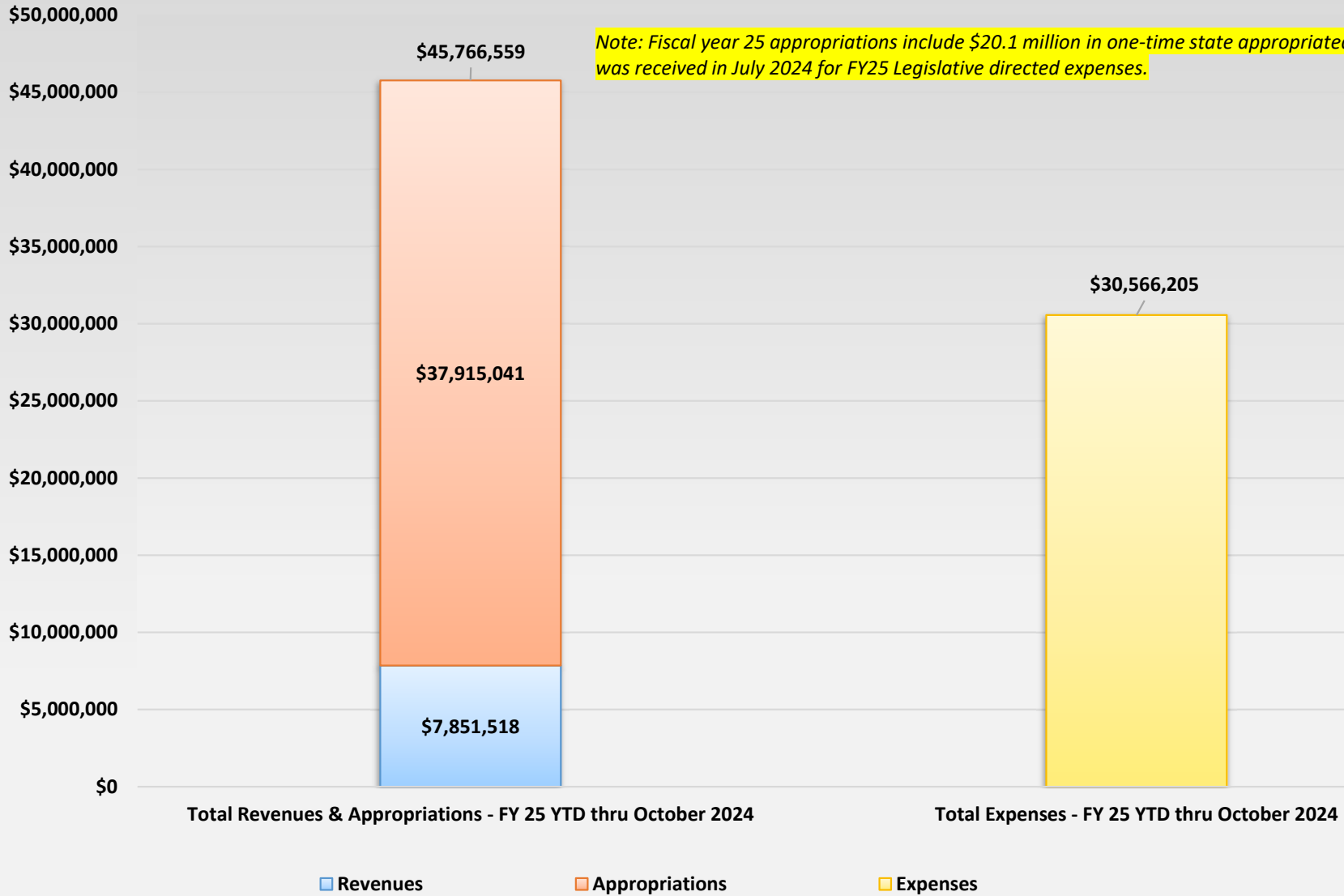
Administrative Services - Finance



- Cash balance as of October 31, 2024, was \$65.1 million compared to \$48 million as of October 31, 2023
 - Increase of \$17.1 million from the prior year and is primarily attributed to the following:
 - Increase in state appropriated cash received in July 2024 for fiscal year 2025 Legislative directed spendings
 - Increase in monthly state appropriations due to increase in Legislative directed spendings

Total Revenues, Appropriations and Expenses FY 2025 thru October 2024

Note: Fiscal year 25 appropriations include \$20.1 million in one-time state appropriated cash that was received in July 2024 for FY25 Legislative directed expenses.





Revenue By Division October 2024

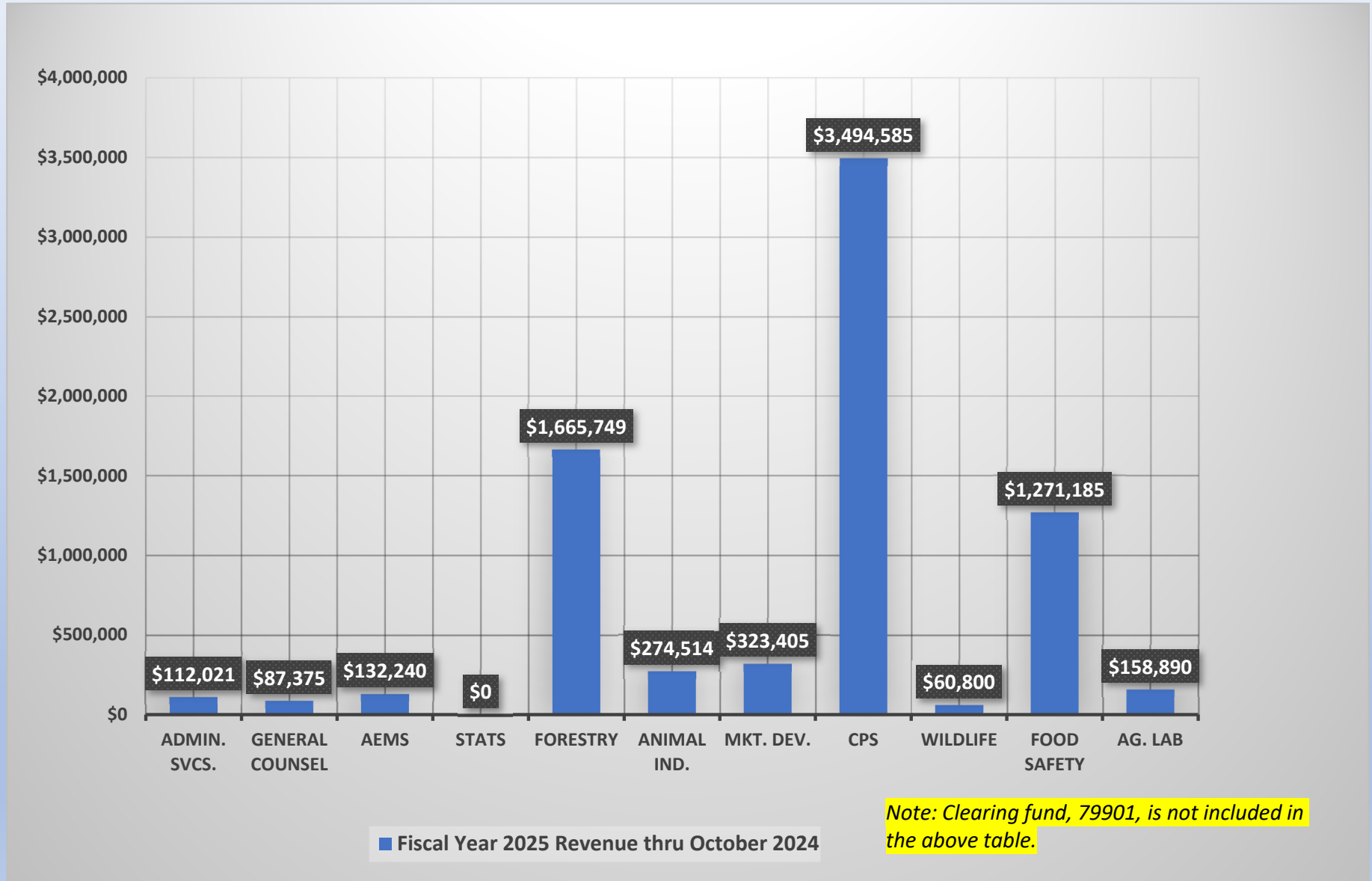
Division	October 2024 Revenue	Fiscal Year 2025 Revenue thru October 2024
Admin. Svcs.	15,143	112,021
General Counsel	108,850	87,375
AEMS	50,396	132,240
Stats		-
Forestry	154,776	1,665,749
Animal Ind.	213,963	274,514
Mkt. Dev.	150,741	323,405
CPS	286,757	3,494,585
Wildlife	10,000	60,800
Food Safety	119,480	1,271,185
Ag. Lab	39,944	158,890
Division Total (see division receipts graph on next slide)	1,150,050	7,580,763
Commodity Storage Indemnity	32,667	130,558
Appropriations	4,444,944	37,915,041
Agency Total	5,627,661	45,626,362

Note 1: Clearing fund, 79901, is not included in the above table.

Note 2: Appropriations shown above, include \$20.1 million in state appropriated one-time cash received in July 2024 for FY25 Legislative directed spendings.



Revenue By Division Fiscal Year 2025 thru October 2024

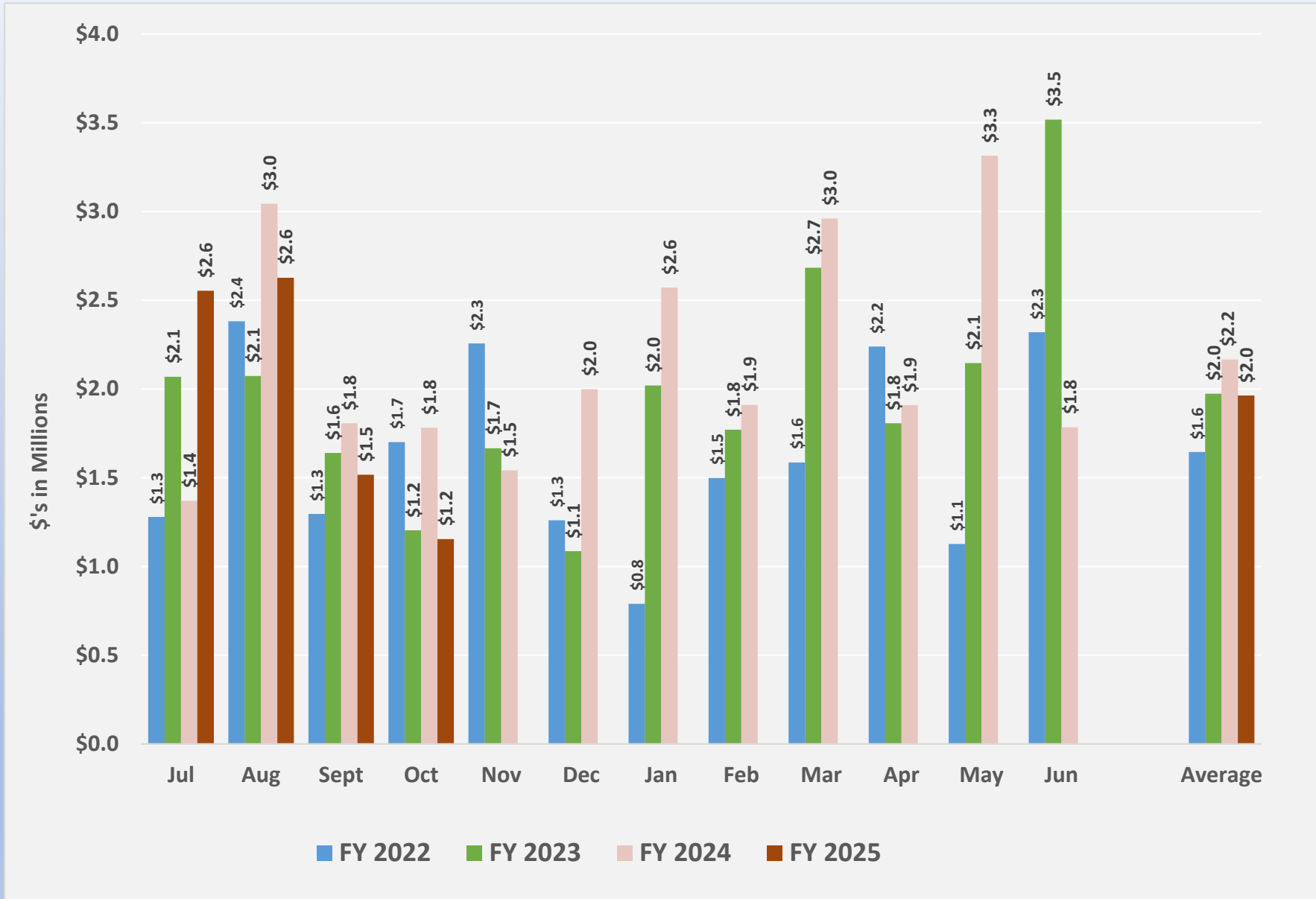


Administrative Services - Finance

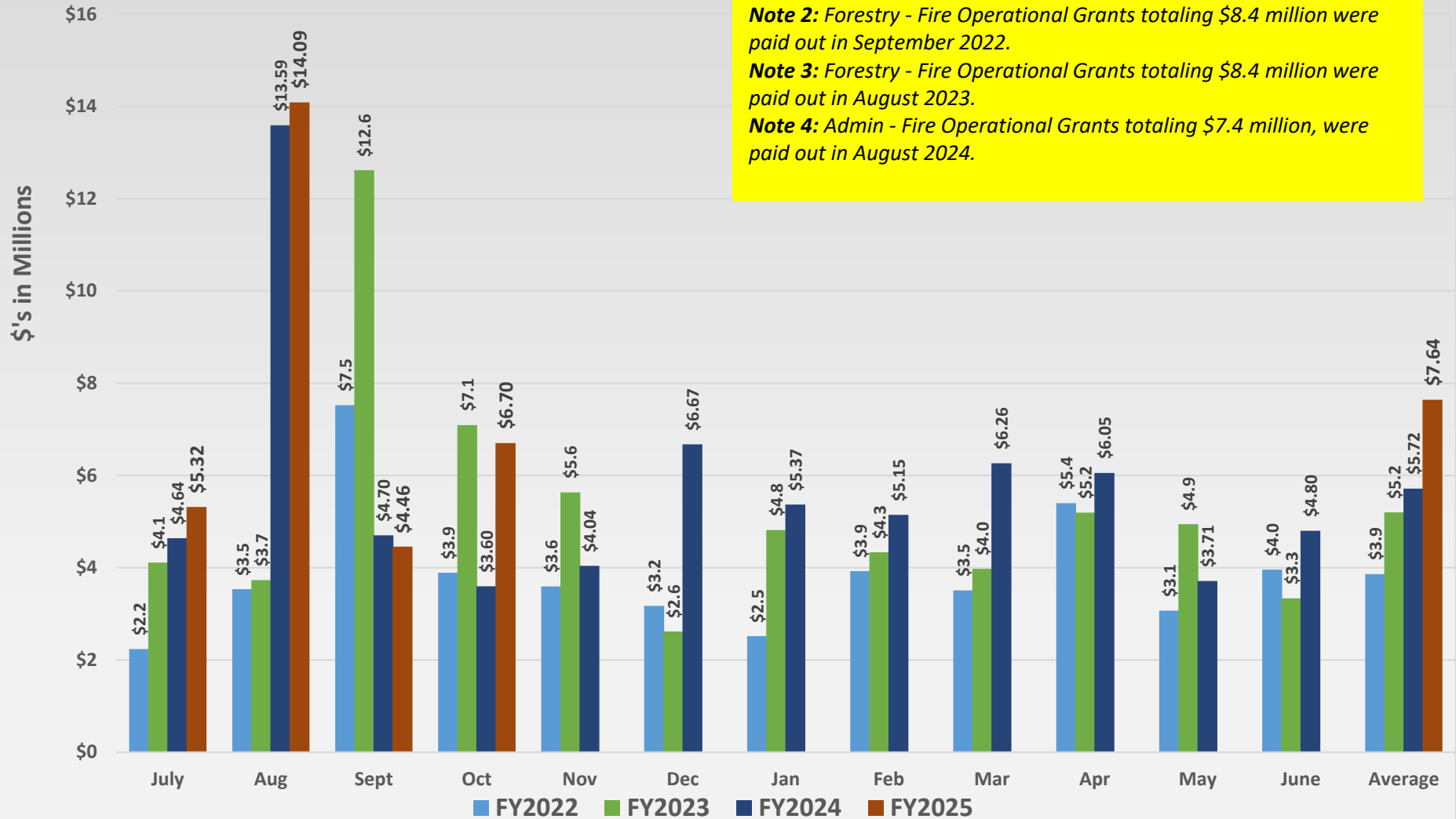
- Revenues (excluding appropriations) for FY 2025 thru September 2024 were \$7.85 million compared to \$8.0 million for the same period last year.
- This is a decrease of approximately \$150K and is primarily due to:
 - Changing our on-line credit card payment system



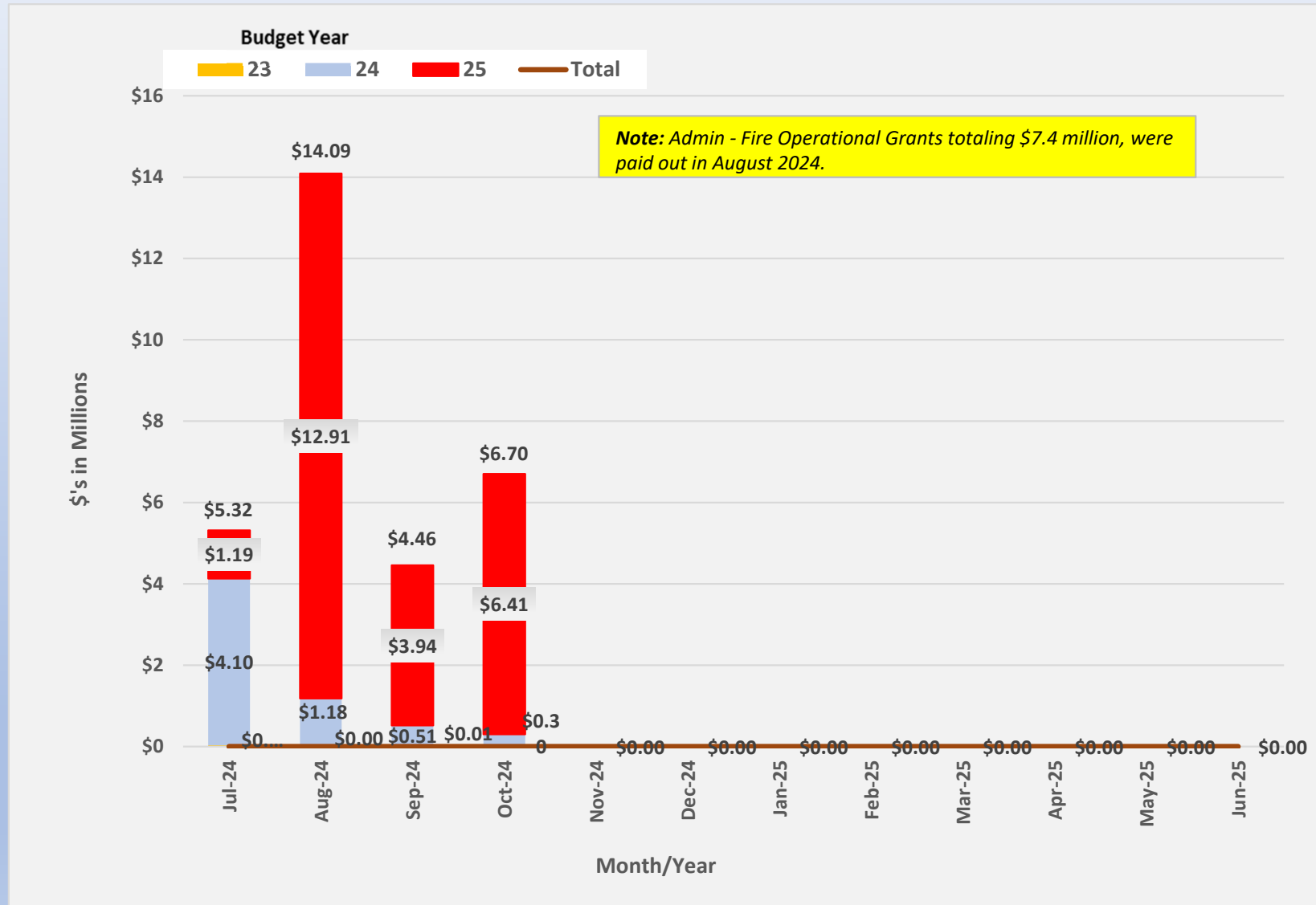
Total Revenue by Month July 2021 – October 2024



Total Expenses by Month July 2021 – October 2024



FY 2025 Total Expenses by Month with Budget Year

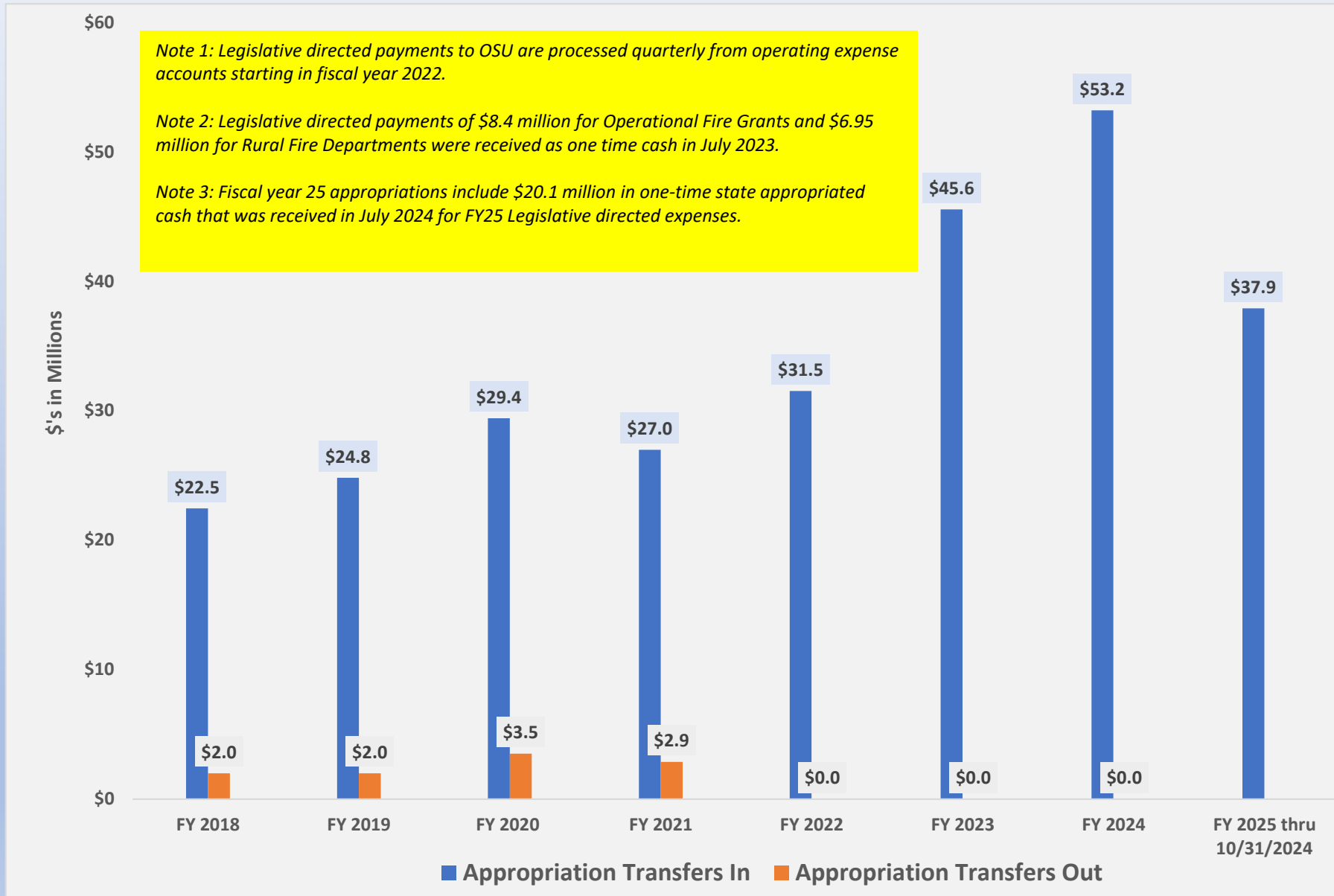


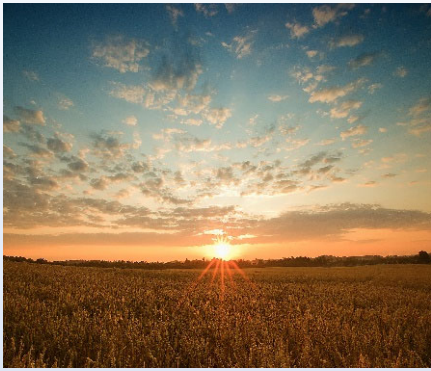
Administrative Services - Finance

- Total expenses for FY 2025 thru October 2024 were \$30.5 million compared to \$26.5 million for the same period last year.
 - This was an increase of \$4 million and is primarily attributed to:
 - Increase in Legislative directed spendings
 - Catesby, Oklahoma fire - out of state fire assistance payments
 - Replacement of Forestry radios that are no longer manufactured/supported that are used for
 - Wildfire/emergency response
 - Fuels mitigation projects
 - Communication with state and local cooperators
 - Increased payroll and benefit costs
 - Timing of payments

Appropriations

FY 2018 thru FY 2025 (thru October 2024)





Commodity Storage Indemnity Investment Report

As of October 31, 2024			
Investments with Office of State Treasurer			
Cash Management Account:			\$11,819,576
		Current Month	YTD
		-----	-----
New		-	-
Interest Revenue		32,667	130,558
Reinsurance		-	-
ODAFF Support Services		-	-
Recovered Salvage		-	-
Elevator Salvage		-	-
Matured Long Term Investments		-	-
		-----	-----
	TOTALS	32,667	130,558
		=====	=====

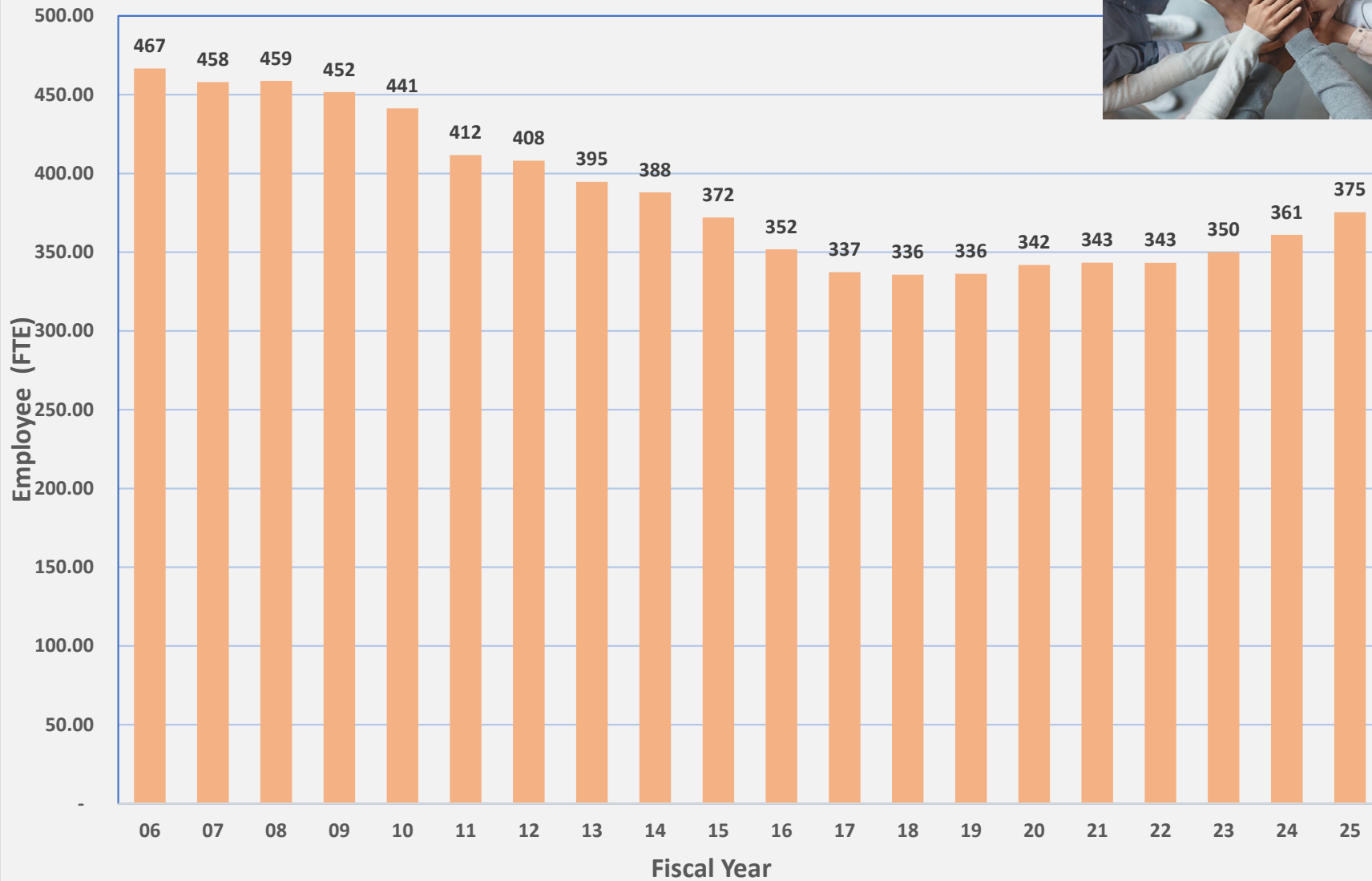
Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2025
As of October 31, 2024
Fiscal Year 2025 Annual Budget to Actuals for Budget Year 2025 thru October 31, 2024

Object Code	Account Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
511	Salary Expense	24,126,670	6,842,047	22,437,009	(5,152,387)
512	Insur.Prem-Hlth-Life,etc	5,534,084	1,566,535	319,438	3,648,111
513	FICA-Retirement Contributions	6,378,139	1,625,083	1	4,753,055
515	Professional Services	4,864,534	601,121	3,871,837	391,577
519	Inter/Intra Agy Pmt-Pers Svcs	60,800	9,818	23,182	27,800
521	Travel - Reimbursements	555,687	67,284	-	488,403
522	Travel - Agency Direct Pmts	612,621	124,843	-	487,778
531	Misc. Administrative Expenses	1,509,717	233,718	302,504	973,495
532	Rent Expense	1,374,563	259,494	453,515	661,554
533	Maintenance & Repair Expense	1,978,335	329,866	545,263	1,103,206
534	Specialized Sup & Mat.Expense	1,389,975	237,002	705,917	447,056
535	Production,Safety,Security Exp	187,500	26,189	27,486	133,826
536	General Operating Expenses	298,775	27,253	-	271,522
537	Shop Expense	646,391	106,842	100,409	439,140
541	Office Furniture & Equipment	8,591,632	109,008	2,755,865	5,726,760
542	Library Equipment-Resources	1,000	(21)	-	1,021
543	Lease Purchases	1,672,295	676,827	995,468	-
546	Buildings-Purch.,Constr,Renov.	772,000	-	-	772,000
552	Scholar.,Tuition,Incentive Pmt	15,440	56	-	15,384
554	Program Reimb,Litigation Costs	25,710,438	850,078	2,061,293	22,799,067
555	Pmts-Local Gov't,Non-Profits	16,690,090	8,598,799	1,973,360	6,117,931
559	Assistance Pymts to Agencies	18,230,000	2,040,091	14,459,909	1,730,000
561	Loans,Taxes,Other Disbursements	550	-	-	550
564	Merchandise For Resale	150,000	-	149,999	1
601	AFP Encumbrances	-	-	13,022,096	(13,022,096)
810	Req Only	-	-	446,282	(446,282)
	Operating Totals	121,351,236	24,331,934	64,650,832	32,368,471

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2025
As of October 31, 2024
Fiscal Year 2025 Annual Budget to Actuals for Budget Year 2025 thru October 31, 2024

Class Funding	Class Fund Description	Annual Budget	Expenditures	Encumbrances & Pre Encumbrances	Available Budget
19102	Duties	1,500,000	415,091	1,084,909	-
19302	Agriculture Extension Division	20,135,265	8,464,549	4,539,088	7,131,628
19501	GRF-Duties	53,339,326	7,848,472	39,749,573	5,741,282
20500	Rural Fire Defense Eqp Rev Fd	150,000	-	149,999	1
21000	Agriculture Revolving Fund	26,344,057	6,885,785	16,190,435	3,267,837
22500	Enhancemnt & Diversificatn Fnd	97,000	10,000	3,333	83,667
23000	Okla Pet Overpopulation Fund	35,000	12,500	-	22,500
23500	Animal Friendly Revolving Fund	35,000	2,500	10,000	22,500
24000	Unwanted Pesticide Disp Fund	300,000	-	350,000	(50,000)
24500	Rural Fire Revolving Fund	2,010,575	2,293	293,110	1,715,173
25500	Ag. Evidence Law Enforce Fund	4,000	-	-	4,000
25600	Ok Viticulture Enology Revl Fd	446,657	44,924	237,453	164,279
26200	Poultry Grading Revolving Fund	1,234,512	344,015	588,755	301,743
28500	Milk & Milk Prod Inspec Rev Fd	466,489	128,473	299,353	38,662
28600	Ag In The Classrm Educ Rvlv Fd	24,000	-	-	24,000
28700	Healthy Food Financing Revl Fd	100,000	14,333	33,337	52,330
42000	Specialty Crop Federal Funds	1,100,000	50,624	653,359	396,016
43100	Marketing's Farm to School	278,352	41,747	114,755	121,851
43500	Local Food for Schools Co-op	452,000	66,628	353,372	32,000
44000	Rslnt Food Sys Infrstr Coop Ag	6,407,933	-	-	6,407,933
57911	Carryover	6,891,070	-	-	6,891,070
	Totals	121,351,236	24,331,934	64,650,832	32,368,471

Employee FTE Totals



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 25 was based on the FTE thru October 31, 2024.

**DECEMBER 2024 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(September and October 2024 Activities)**

QUALITY MANAGEMENT SECTION: (Daniel Tripp, QA Manager)

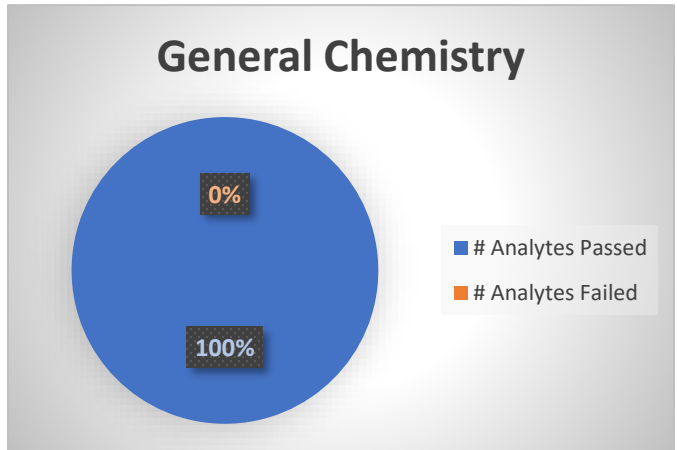
In September most Sections had been experiencing poor/tanking values for about a month. Culligan performed the DI bed change and the Sections have not appeared to have any further issues. The QA Manager believes some type of compound entered through the city water line negatively impacting the bed's ability to properly filter out unwanted contaminants.

The Food and Dairy Section recently had its' new Quant Studio Molecular Detection System properly setup for use. This instrument will allow the Section to detect and differentiate between multiple STEC (Shiga Toxin *E. coli*) types.

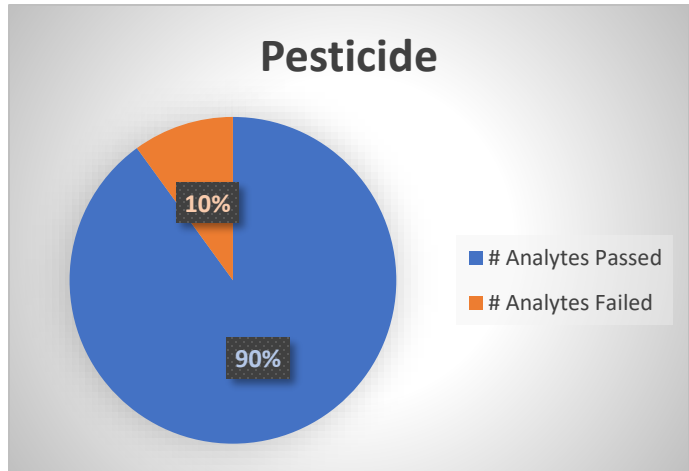
PT Results

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	38
# Analytes Passed	38
# Analytes Failed	0



Pesticide	
# Analytes Results Received	20
# Analytes Passed	18
# Analytes Failed	2



In October the QA Manager performed the Bureau of Standard’s Internal Quality Audit for 2024.

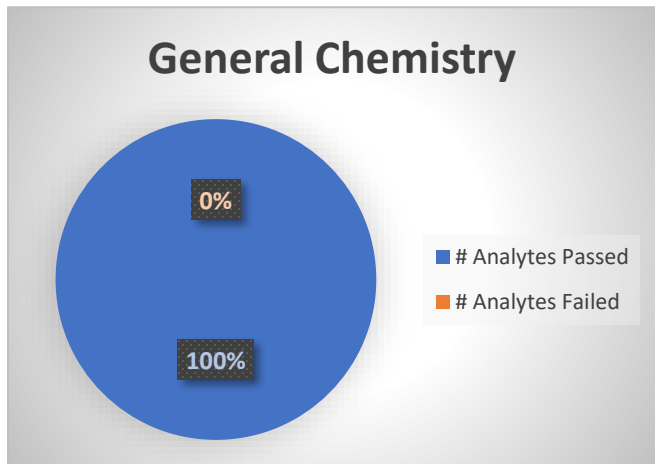
The Food and Dairy Section has received training on and verified the Quant Studio Molecular Detection System for laboratory use. This PCR instrument platform enables the staff to screen for up to seven different types of Shiga Toxin *E. coli* (STEC).

STEC serotypes include: O157:H7, O26, O45, O103, O111, O121, and O145. Every one of these have the potential to carry the *Stx* (Shiga Toxin) gene, which is responsible for producing the toxin that is possible for causing illness in those who are infected. The USDA requires all FSIS/MPI labs to be able to detect, isolate, and confirm these pathogens when present in collected samples.

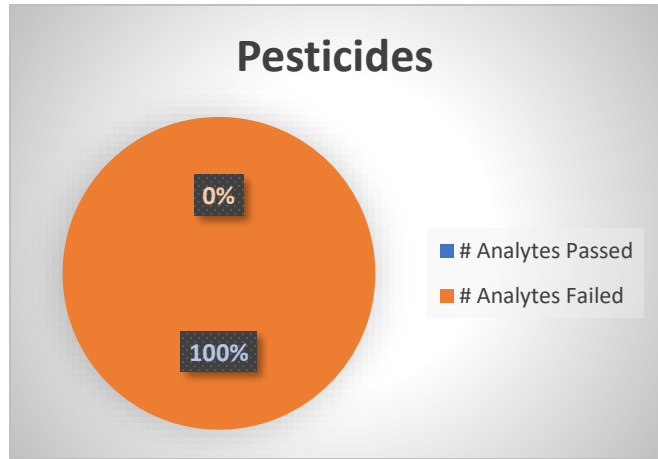
PT Results

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	19
# Analytes Passed	19
# Analytes Failed	0



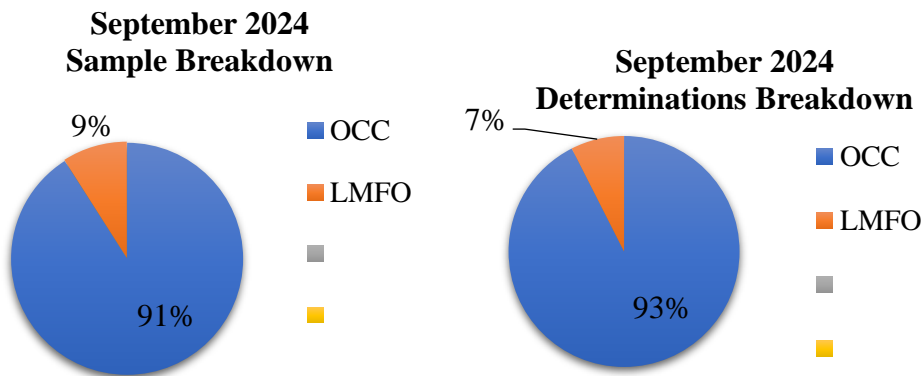
Pesticides	
# Analytes Results Received	1
# Analytes Passed	0
# Analytes Failed	1



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

In September of 2024 the Section completed 199 samples consisting of 1444 determinations, with the following breakdown:

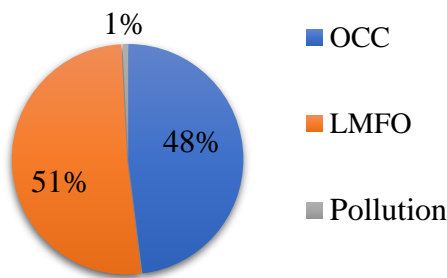
OCC	181	1336
LMFO	18	108
Pollution	0	0
Total	199	1444



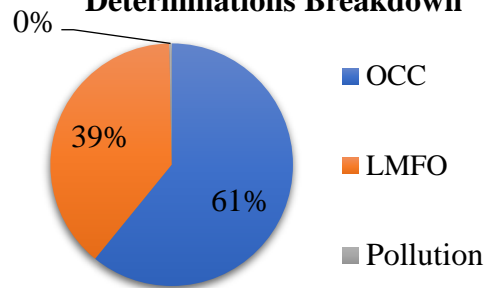
In October of 2024 the Section completed 252 samples consisting of 1994 determinations, with the following breakdown:

OCC	121	1214
LMFO	129	774
Pollution	2	6
Total	252	1994

**October 2024
Sample Breakdown**



**October 2024
Determinations Breakdown**

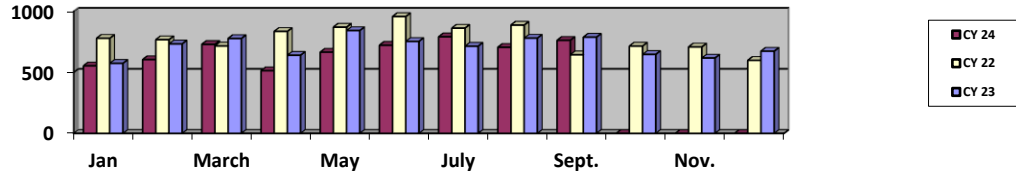


DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

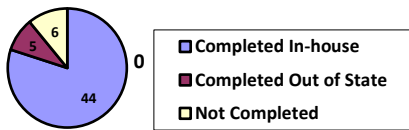
In the month of September the Laboratory hosted the FDA Milk Analyst training class. Thirty-three attendees from across the United States and Puerto Rico, four FDA instructors and four sales representatives from three different vendors were present. The class utilized the conference room for the presentations and the now vacant serology lab for hands-on training. The week before the FDA class, the Section received the FDA proficiency test for raw milk. Due to the FDA class, milk testing for the month was performed in two weeks. The Section did not accept any meat samples the week of the FDA class. Due to short testing times, six dairies were not tested for the month, but this was the first time this year that they had not been tested.

The Section has received the new Quant Studio Molecular Detection System. This system will replace the existing ABI 7500 Fast for testing E. coli in food samples. The ABI is over ten years old and is not capable of being updated. The new system is able to identify E. coli O157:H7 as well as the "Big 6" pathogenic E.coli. (O26, O45, O103, O111, O121 and O145). This is a USDA requirement from the audit the Section received this year.

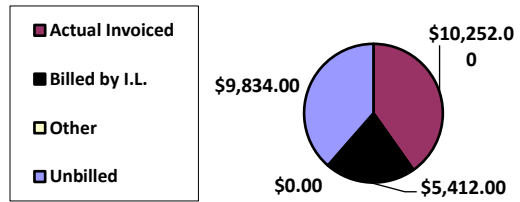
Total Determinations



Dairy Farms



Revenue Breakdown

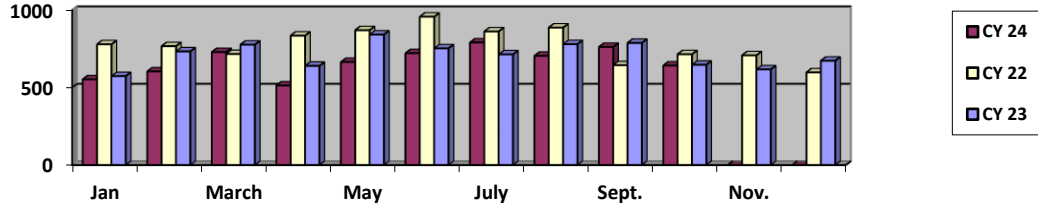


The month of October was a typical month for the Section. There were two positive antibiotic tests this month, one at the plant and the Section detected the other sample through routine screening. The Section also had three positive STEC meat samples. One sample is in confirmation for E. coli O157:H7 and the other two samples are being confirmed for positive STEC but they are not one of the Big 6 E. coli's, which this was confirmed by the new molecular detection system. Once colonies are isolated and confirmed to be STEC positive, colony plates will be taken to the State Health Department in Stillwater where the samples will be sent to Nebraska for whole genome sequencing and the results will be entered into the national data base. The national data base can be used to trace back the source of the bacteria in case of an outbreak.

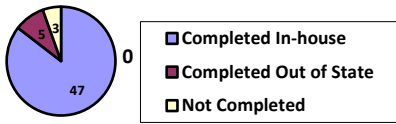
On October 1st, the vendor field application scientist was at the laboratory to install and train on the Quant Studio Molecular Detection System. With the improved technology the Section will also be able to add additional parameters for testing if the need arises.

The Section is in the process of getting information on equipment and supplies needed to be able to test for Campylobacter. This bacteria is an anaerobic organism that will die when exposed to room air so therefore must be grown in a controlled environment of nitrogen, carbon dioxide or mixture. There have been positive Campylobacter detected in raw milk on multiple occasions and the Section has had to outsource the testing. By being able to test in-house it will ensure the sample's chain of custody stays intact. This will also allow the Section to expand FSIS testing for Campylobacter if needed.

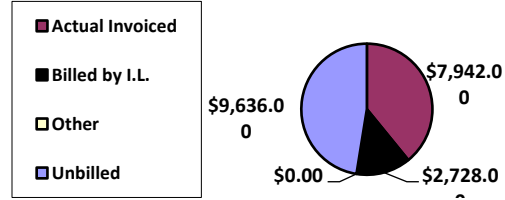
Total Determinations



Dairy Farms



Revenue Breakdown



SEED SECTION: (Tori Gillispie, Agriculture Services Administrator I)

Sample records indicate that a total of 188 seed samples were received for the month of September. Crops being tested consisted of wheat, rye, barley, oat, mung beans and fall season grasses.

Overall germination for certified wheat seed is showing great quality. Germination results were up from last year given the rainfall received. Seed quality was acceptable for official samples. There were no Seed Law violations discovered during the month.

The Section also successfully completed another proficiency test for Application of Test Tolerances through the Association of Official Seed Analysts (AOSA). Analysts have been completing continuing education training to better improve the section.

In October the Section received 154 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 one lot of spot repair seed. All the infractions have since been remedied and released from stop sale.

The Section is working on continuing education, Proficiency Tests, and reviewing the updated Rules for Testing Seed through the Association of Official Seed Analysts to increase knowledge on seed testing.

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

September was a decent month, overall numbers were down due to CPS updating their sampling systems. The Section started off the month with the instant water heater for fiber analysis failing, OMES was able to replace it in a day. We are still working on the best way to use the new FOSS analyzer however the time needed for processing the new CPS sheet has prolonged the process.

Even though numbers were down slightly for the month the Section was still on track to keep improving on five year averages. The Section received 241 samples, completed 215 consisting of 923 determinations. The completed samples and determinations are slightly skewed due to a large push of ICP results that came out the second of October but all of the work was done in September so the approval process carried it over. We are still getting a trickle of fertilizer samples but expect those to stop by the end of the month as we kick off feed rush.

We had our third consecutive month of completing all prior month samples before the end of the month, which means the Section is succeeding in the goal of no samples taking over 30 days. Our turnaround time is currently at 13.47 days, exceeding our primary turnaround goal.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	205	30	6	241
Samples Completed	174	35	6	215
Determinations	786	101	36	923
Violations	60	13	1	74
Violation %	7.63%	12.87%	2.78%	8.02%



New water heater that OMES switched out and replaced in less than a day.

In October the Section started off fairly slow but as the month progressed our sample inflow picked up, contributing to a decent month overall. We are still adjusting to the new CPS sample sheets but we are working together to streamline the process, greatly reducing the time commitment on our end. We are hoping to wrap up our fertilizer samples in the next week or so allowing us to focus on feed samples for feed rush.

We received 249 samples, completed 264 consisting of 1318 determinations. We hope to be able to receive around 300-350 samples per month and complete over 1500 determinations during feed rush, allowing us to keep on our trend of improving our numbers.

The Section had their fourth consecutive month of completing all prior month samples before the end of the month, succeeding in the goal of not having any samples take over 30 days. The turnaround time is currently at 15.23 days, exceeding our primary turnaround goal.

Overview of Section numbers for the month:

	Feed	Fertilizer	Lime	Total
Samples Received	210	35	4	249
Samples Completed	233	26	5	264
Determinations	1224	63	31	1318
Violations	107	11	4	122
Violation %	8.74%	17.46%	12.90%	9.26%

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

For September, Hemp samples have been steadily coming in and have been completed. Residue analysis for routine soil samples have continued to be completed in good time, while the backlog of Vegetation samples steadily decreases.

Pesticide Section samples completed:

In the month of September, the Section completed 67 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 the month is 32 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	11	25	145	112
Residue Soil	26	27	55	19
Residue Water	2	4	17	29
IFA Soil	-	-	-	-
Residue, Other	-	-	-	-
Concentrate	8	21	15	30
Tank Mix	-	-	-	-
Proficiency Test	2	2	2	8
Hemp	18	18	18	6

Average Residue Turnaround Time: 44 days

Average Formulation Turnaround Time: 26 days

Average Hemp Turnaround Time: 6 days

Totals		
# of Samples	# of Tests	# of Determinations
67	97	252

For October, Hemp samples have been steadily coming in and are being completed. Residue analysis for routine soil samples have continued to be completed in good time, while the backlog of Vegetation samples has made good progress. The residue LC-TripleQuad instrument has developed a hardware error, halting progress until repaired. A service engineer is scheduled for first week of November, under the service contract agreement.

Pesticide Section samples completed:

In the month of October, the Section completed 128 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 the month is 46 days.

	Number of samples	Test	Det.	Average TAT (days)
Residue Vegetation	39	95	568	121
Residue Soil	48	50	72	10
Residue Water	-	-	-	-
IFA Soil	5	5	30	14

Average Residue Turnaround Time: 56 days

Average Formulation Turnaround Time: 48 days

Average Hemp Turnaround Time: 7 days

Residue, Other	3	3	17	8
Concentrate	7	16	10	47
Tank Mix	3	10	8	49
Proficiency Test	-	-	-	-
Hemp	24	24	24	7

Totals		
# of Samples	# of Tests	# of Determinations
128	202	728

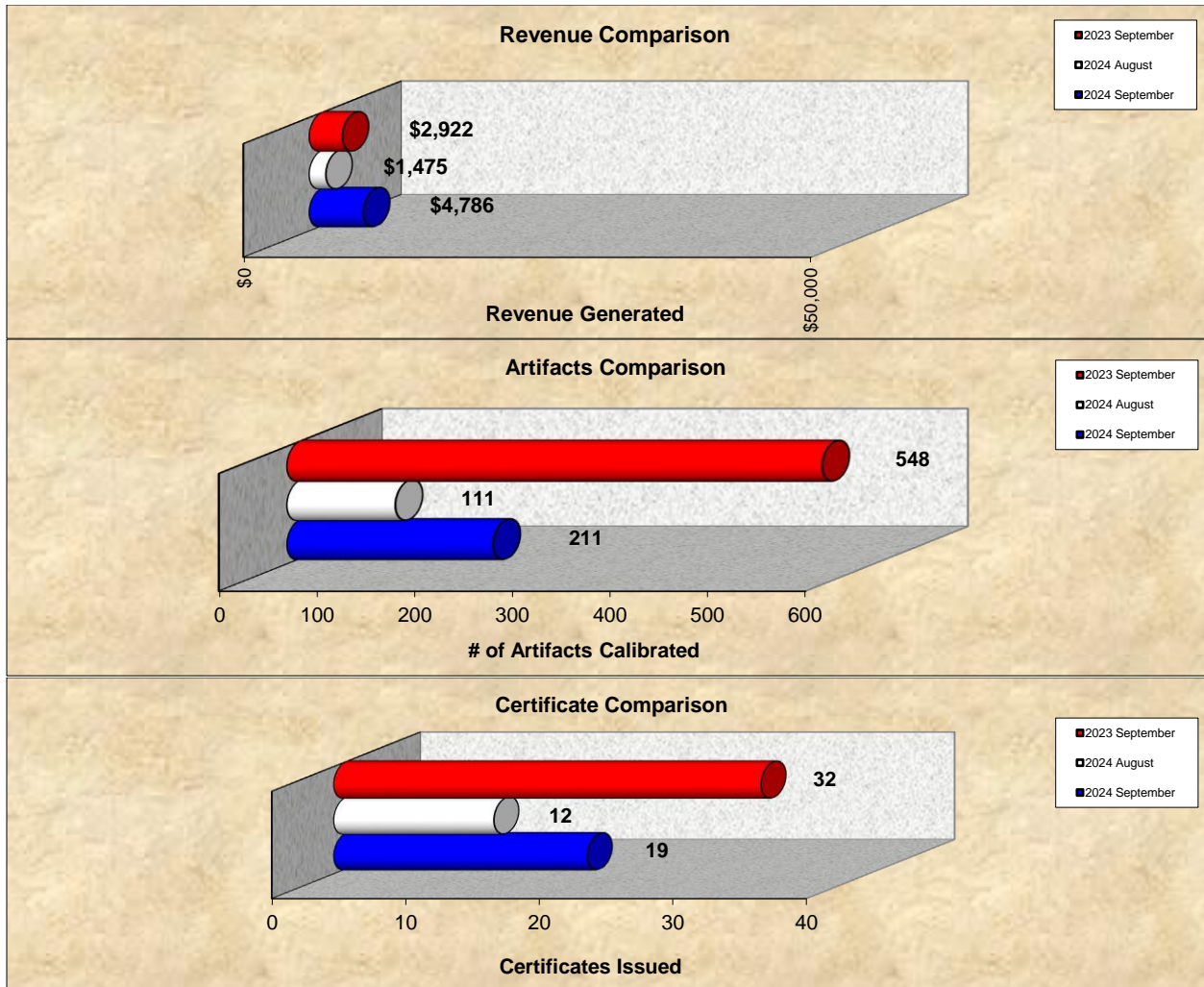
OKLAHOMA BUREAU OF STANDARDS: (William Krivanek, Metrologist II)

The following is a workload summary for the Oklahoma Bureau of Standards from September 1st through September 30st.

The Oklahoma Bureau of Standards generated a revenue of \$4,786.00 during the month of September 2024. Many appointments were held throughout the month. These appointments consisted of weights with various nominals, as well as volumetric artifacts.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$714.00	15.00%	9	4.00%
In-State Customers	8	\$4,072.00	85.00%	202	96.00%
Totals	9	\$4,786.00	100.00%	211	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	\$0.00	0
Volume	\$0.00	0

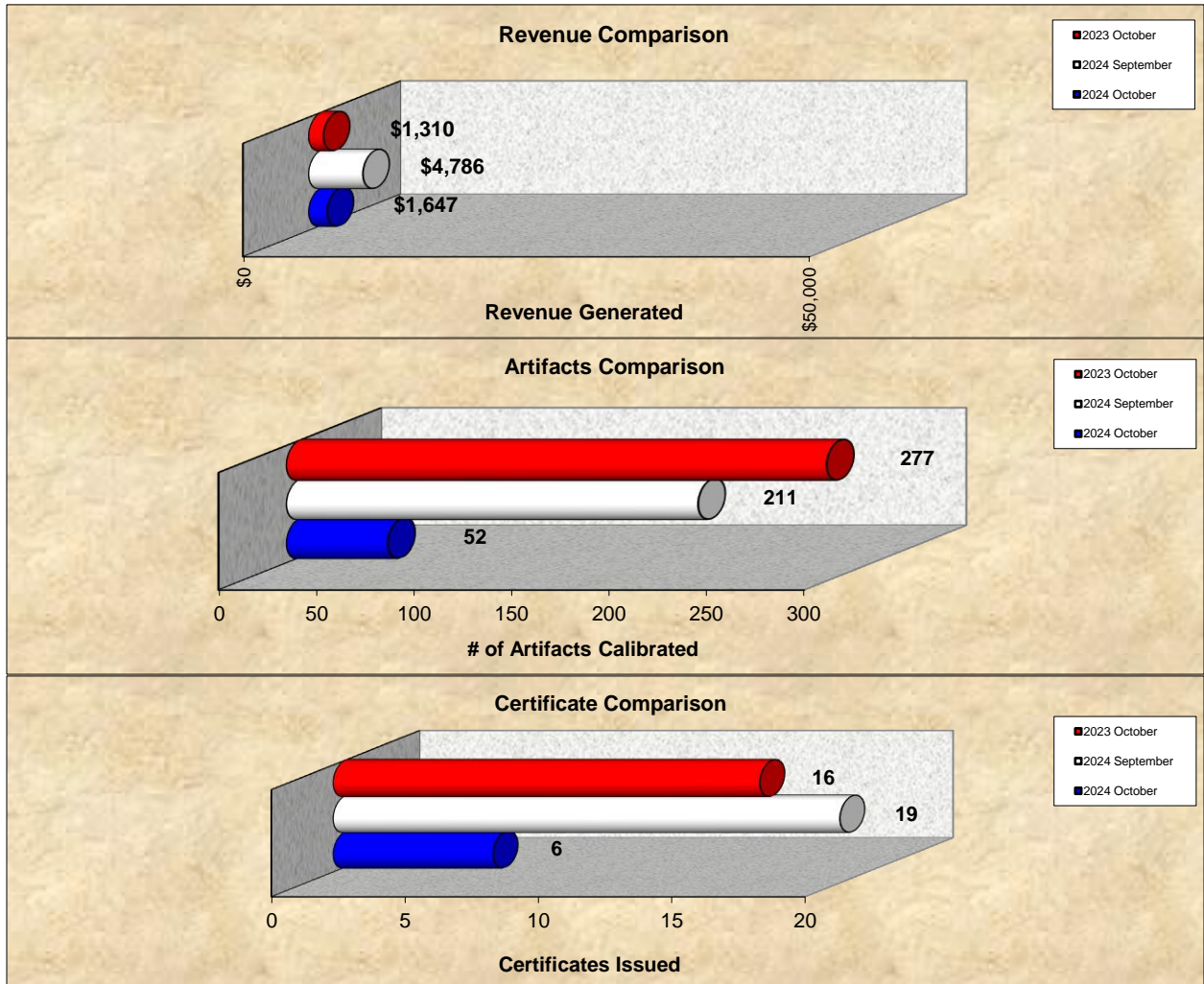


The following is a workload summary for the Oklahoma Bureau of Standards from October 1st through October 31st.

The Oklahoma Bureau of Standards generated a revenue of \$1,647.00 during the month of October 2024. Mass III procedures were used during most of the appointments that the Bureau completed. There was also one volumetric calibration that was performed as well.

Month	#	Fees	% of Fees	# Standards	% of Standards
Out-of-State Customers	1	\$806.00	49.00%	31	60.00%
In-State Customers	4	\$841.00	51.00%	21	40.00%
Totals	5	\$1,647.00	100.00%	52	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	\$0.00	0
Volume	\$0.00	0



Respectfully Submitted,

Brian McDowell
 Laboratory Director
 Laboratory Services Division

**BOARD REPORT
 AGRICULTURAL LABORATORY SERVICES
 SEPTEMBER 2024 ACTIVITIES**

FEED SAMPLES	205
FEED DETERMINATIONS	786
POSSIBLE VIOLATIONS	60
FERTILIZER SAMPLES	30
FERTILIZER DETERMINATIONS	101
POSSIBLE VIOLATIONS	13
LIME SAMPLES	6
LIME DETERMINATIONS	36
POSSIBLE VIOLATIONS	1
PESTICIDE SAMPLES	67
PESTICIDE DETERMINATIONS	97
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	199
DETERMINATIONS	1444
SEED SAMPLES	188
SEED DETERMINATIONS	234
POSSIBLE VIOLATIONS	0
BUREAU OF STANDARDS CERTIFICATES	19
NUMBER OF STANDARDS CALIBRATED	211
FEE CHARGES	\$4,786.00
DAIRY SAMPLES	456
DAIRY DETERMINATIONS	762
POSSIBLE VIOLATIONS	11
TOTAL SAMPLES	1170
TOTAL DETERMINATIONS	3671
TOTAL POSSIBLE VIOLATIONS	85

**BOARD REPORT
 AGRICULTURAL LABORATORY SERVICES
 OCTOBER 2024 ACTIVITIES**

FEED SAMPLES	210
FEED DETERMINATIONS	1224
POSSIBLE VIOLATIONS	107
FERTILIZER SAMPLES	35
FERTILIZER DETERMINATIONS	63
POSSIBLE VIOLATIONS	11
LIME SAMPLES	4
LIME DETERMINATIONS	31
POSSIBLE VIOLATIONS	4
PESTICIDE SAMPLES	128
PESTICIDE DETERMINATIONS	728
POSSIBLE VIOLATIONS	0
MEAT SAMPLES	0
MEAT DETERMINATIONS	0
VIOLATIONS	0
INORGANIC LAB SAMPLES	252
DETERMINATIONS	1994
SEED SAMPLES	154
SEED DETERMINATIONS	216
POSSIBLE VIOLATIONS	1
BUREAU OF STANDARDS CERTIFICATES	6
NUMBER OF STANDARDS CALIBRATED	52
FEE CHARGES	\$1,647.00
DAIRY SAMPLES	340
DAIRY DETERMINATIONS	642
POSSIBLE VIOLATIONS	13
TOTAL SAMPLES	1129
TOTAL DETERMINATIONS	4950
TOTAL POSSIBLE VIOLATIONS	136



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.

Activity from October 1st thru November 15th

FIRE MANAGEMENT

Executive Summary - Wildland Fire Activity and Outlook

Oklahoma Forestry Services responded to or supported 439 wildfires burning 20,880.3 acres this month; the 10-Year average is 73 wildfires burning 2,318 acres. An extended period of above normal temperatures and significantly lagging rainfall totals compounded by high rates of evapotranspiration primed wildland fuels to support anomalous fire behavior and wildfire occurrence. Several key fire environment indicators were pegging all-time records over the last twenty-one years: Keetch-Byram Drought index, Normalized Energy Release Component, Composite Fuel moisture and 1,000-Hr. fuel moisture to identify a few. Observed fire behavior rapidly transitioned from a characterization of 'problematic' to any given wildfire exhibiting extreme fire behavior once fully established.

Large fire (>100 acres timber / >300 acres gras-brush) occurrence increased as resistance to control intensified. While firefighting efforts were still largely successful during initial attack, seventeen (17) fires merited large fire status. OFS mobilized resources strategically across Oklahoma during the periods of highest fire danger supporting rural fire departments and our interagency partners including the US Fish & Wildlife Service and the Bureau of Indian Affairs. Some of the notable wildfires included the Rush Fire on the Wichita Mountains Wildlife Refuge the Euchee Creek Fire in Payne County and North Road Fire in Osage County. Euchee Creek and the North Road Fire both qualified for FEMA Fire Management Assistance Grants. To further support on-the-ground firefighting efforts, OFS mobilized contracted, inter-agency aircraft focused on protecting life and property. In total, Forestry Services coordinated/supported 47 aviation missions which included Large Air Tankers, Single-Engine Air Tankers, Scoopers, Lead Planes, Helicopters, and Air Attack Platforms. Additionally, OFS actively coordinated several timely Fire Warnings with the National Weather Service, Oklahoma Department of Emergency Management, and on-scene incident commanders.



Wildfire Statistics (Reporting Period January 1 through October 31, 2024)

Year-to-Date Wildfires: 1,498 Wildfires Burning 268,648.5 Acres
 Structures Directly Protected: 6,985 Structures saved valued at \$430,743,225.00
 Structures Lost: 87 Structures valued at \$9,753,600.00

Prescribed Fire Statistics

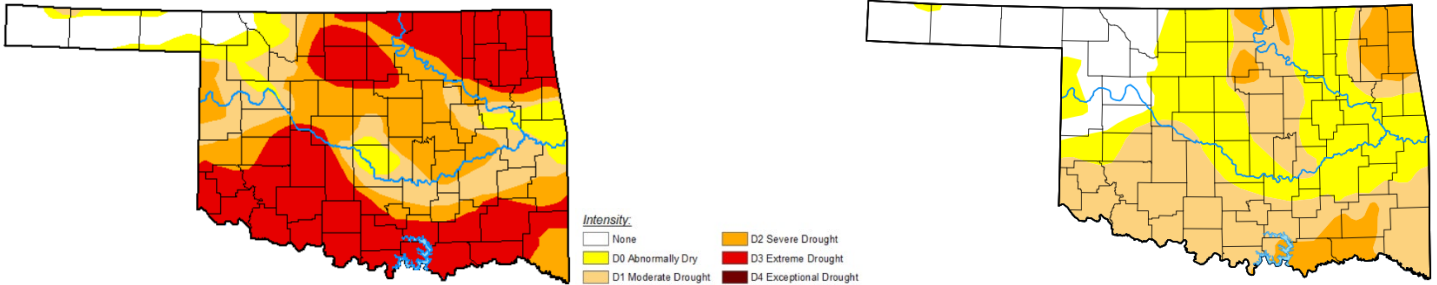
Year-to-Date Prescribed Fires: 55 Prescribed fires that treated 18,072 acres

Outlook

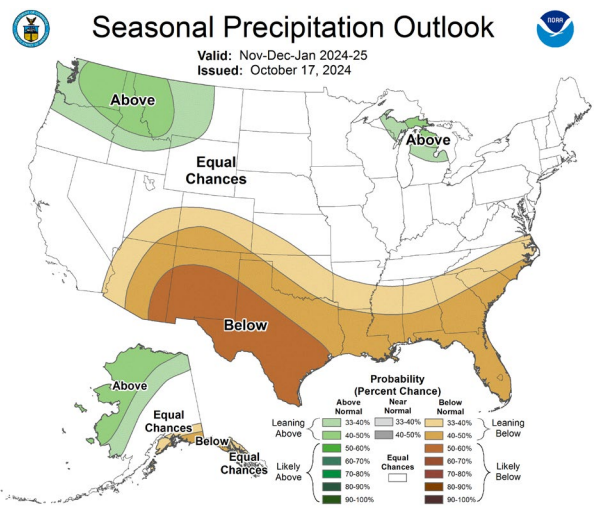
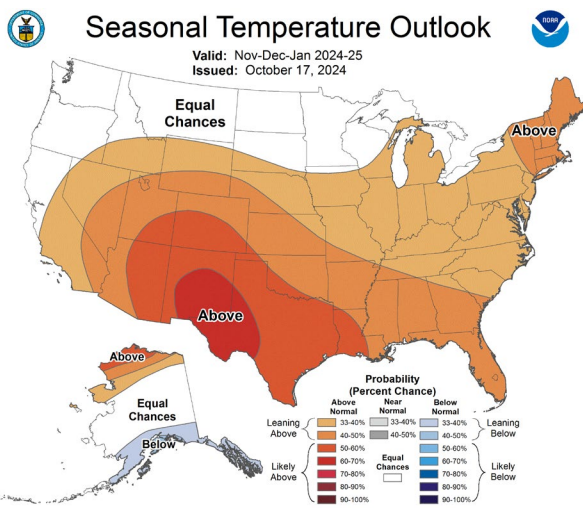
As of the writing of this report, Oklahoma has logged the wettest November in state history back to 1895 halting the very concerning fire occurrence and severity that was stacking up. The expanding Extreme Drought indices have been removed from the current Drought Monitor map replaced now with moderate drought indices in some of the area of previous highest concern. Although not quite as unnerving as it appeared to be at the tail end of October, drought continues to be a concern entering into the dormant season.

October 29, 2024

November 14, 2024



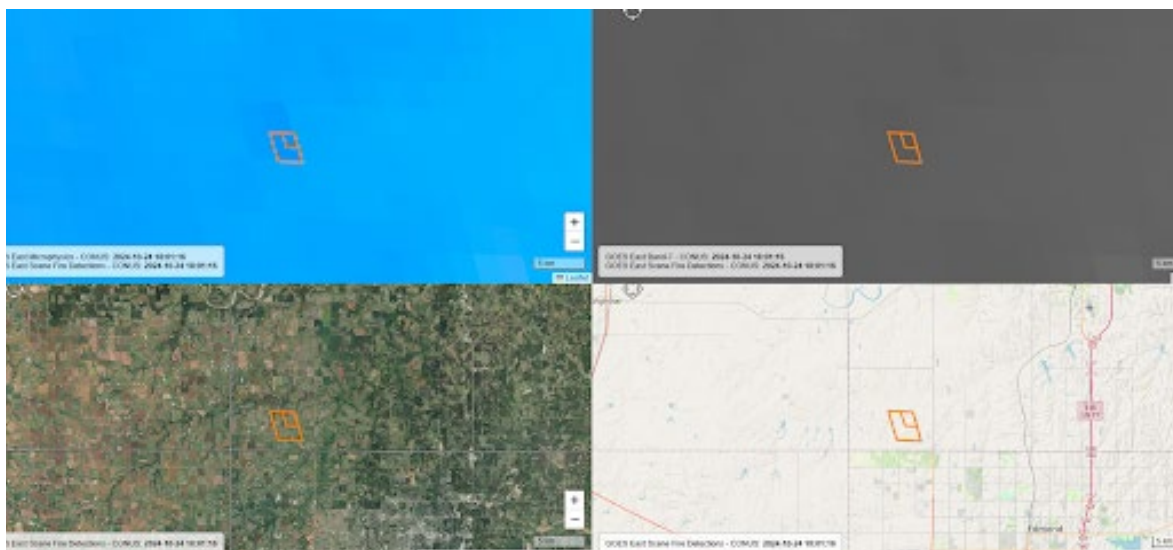
The current ENSO discussion has identified a transition from ENSO-Neutral conditions transitioning to a weak La Niña. While weak La Niña conditions are reasonably expected to persist through the dormant season, it does become more challenging to clearly identify longer range weather trends noting that La Niña normally translates warmer/drier expectations. OFS fire staff actively engage in preparing for the potential of above normal expectations of fire occurrence and acres burned more in line with the activity that occurred in 2016-2018 that peaked in the March/April time frame of each of those years. While we are currently in a wet pattern, the current Seasonal Temperature and Precipitation Outlooks continue to point to the warmer/drier resolution.



NGFS Prototype: Thermal Anomalies

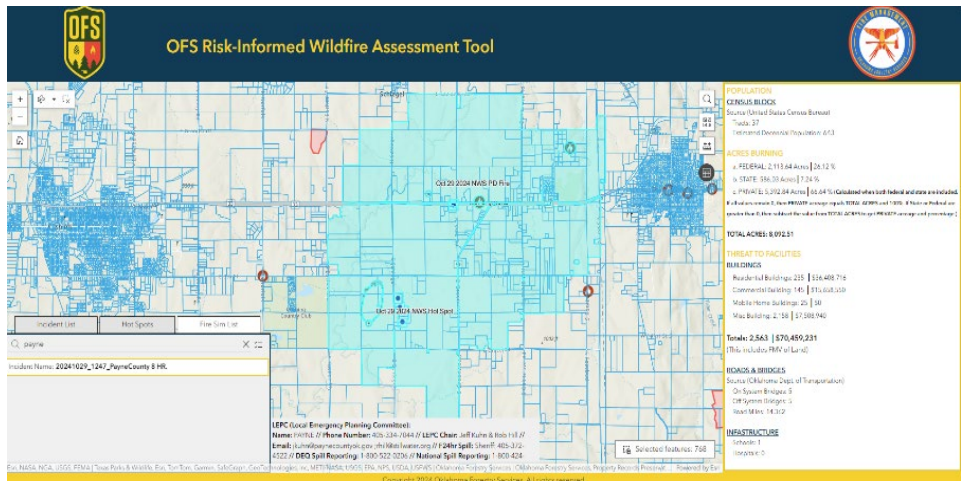
Countries: United States Locations: States: Oklahoma, Texas Rankings: All selected Time Threshold: 3 hours Edit Settings

Location	NWS WFO	Most Recent Alert	Alert Info
McIntosh County, OK	Tulsa, OK	2 minutes ago	Hide
Oklahoma County, OK	Norman, OK	4 minutes ago	Hide
Logan County, OK	Norman, OK	8 minutes ago	Hide
Event Age: 8 minutes ago	Event Type: Elevated SPC Risk and Red Flag Warning (GOES-16 ABI, CONUS)	ERP: 10.39	Alert Detail Satellite Image
Event Age: 11 minutes ago	Event Type: Elevated SPC Risk and Red Flag Warning (GOES-16 ABI, Mesoscale2)	ERP: 34.96	Alert Detail Satellite Image
Event Age: 11 minutes ago	Event Type: Elevated SPC Risk and Red Flag Warning (GOES-16 ABI, Mesoscale1)	ERP: 12.47	Alert Detail Satellite Image
Baylor County, TX	Norman, OK	11 minutes ago	Hide
Sequoyah County, OK	Tulsa, OK	17 minutes ago	Hide
Hunt County, TX	Fort Worth, TX	18 minutes ago	Hide



On the same day, the detection technology was utilized during the response to the Rush Fire occurring on the Wichita Mountains National Wildlife Refuge. The location of the fire and predicted fire behavior posed significant threat to life and property in the vicinity of Meers, Oklahoma. A rapidly issued Fire Warning at the request of Oklahoma Forestry Services served to notify residents in the vicinity of the current wildfire potential and precondition them for the evacuation instruction that soon followed.

OFS has developed what is currently called the 'Risk Informed Wildfire Assessment Tool' which is a dashboard developed in-house, utilizing a wide array of GIS layers of information to rapidly assess the values at risk from an ongoing wildfire based upon fire growth prediction. In real-time, OFS can determine the population, ownership, number and type of structures and infrastructure including the valuation. The example to the left was utilized to support the Fire Management Assistance Grant approval for the Euchee Creek Fire that occurred on October 24th in Payne County while the fire was actively burning on the landscape.



Hazardous Fuels Mitigation

Wildfire Mitigation Crews have completed all mechanical work at Turner Falls and are awaiting to schedule pile burning under acceptable weather conditions. Once pile burning is complete, OFS mitigation work will be complete.

Crews will be reviewing Tulsa's Turkey Mountain for some additional mechanical work with funding tied to our 2022 State Fire Capacity award. Initial work came in under budget and with the grant expiring in June 2025, crews will work on OFS's obligation to close the grant by the June deadline.

Work will begin on the property around Gilcrease Museum in far NW Tulsa once Turkey Mountain is complete. This will be a rather large project including all aspects of mitigation and will carry deep into 2025 to complete. Additionally due to the predicted elevated fire season, crews will be scheduling work at any project around statewide fire assignments.

COMMUNITY OUTREACH AND COMMUNICATIONS

FORESTRY EDUCATION

On October 1, Education Coordinator Tony Pascall led a Project Learning Tree Workshop for the Elementary Science and Methods class at Oklahoma University. 23 future educators in Norman learned best practices for outdoor and environmental education, and now have the tools to teach about forestry in their own classrooms.



On October 2, GIS Specialist Chris Mask and Tony lead a Smokey Bear activity for 25 first graders in Duncan.

On October 4, Tony led a PLT workshop and had a booth at the state conference of master gardeners. Approximately 150 people came by the booth and learned about our programs, and more than 20 nonformal educators now have access to high quality forestry resources to use with their Jr Master Gardener programs.

On October 12, OFS helped lead the annual “Walk in the Forest” event at Oxley Nature Center in Tulsa, along with the Oklahoma chapter of the Society of American Foresters. There were several stations for families to talk with foresters about topics such as fire, habitat, invasive species, ecosystem services, and careers in the forest sector. More than 120 people attended and learned more about the importance of forestry in their lives.



On October 14, Tony led a program at Oakridge Elementary School's ag day in Moore. Approximately 60 second grade students learned about forest management and the importance of prescribed fire to a forest ecosystem.



On October 15 and 24, Tony led a two-part Project Learning Tree (PLT) workshop for pre-service student teachers at Oklahoma Christian University in Edmond. Ten future teachers in the Science Methods class learned about forestry education best practices, and have curricula to teach about Oklahoma's environment with their students.

On October 16, Tony led a PLT information session at Stillwater Public School's full staff professional development day. Fifty educators from the city were exposed to PLT activities and guides, and learned more about our workshops and how to get involved.



On October 17, Tony taught more than 200 students in Grades K-3 at Grove Elementary School's Ag Day in Shawnee. These students learned about various topics including: dendrochronology, invasive species, forest habitat, wildfire prevention, and forest management.

On October 20, Tony taught the "Tree Badge" to 30 Girl Scouts in Norman. This is a conservation and science of trees and forestry badge, and the girls learned how a tree grows, how invasive species are harmful to an ecosystem, and more.

On October 22, Tony led a session virtually for the National PLT Town Hall. Forty-five state coordinators and stakeholders from across the country learned about our "climate science for educators" workshop that we've held for the past two years, as well as our "environmental education for math teachers" workshop. Other states were able to learn through this session about our process and what we learned, so that they can hopefully replicate it our success here in Oklahoma.

On November 2, Tony led a PLT workshop at Martin Nature Park in Oklahoma City in partnership with the Oklahoma Science Teaching Association. Nine science educators learned about best practices for incorporating forestry education into their science classes.

COMMUNICATIONS

Information Representative Keith Merckx has prepared a video giving stakeholders a “sneak preview” of what will be Oklahoma’s First State Forest. Keith accompanied Forest Legacy Program Coordinator Madison Gore to Nashoba to capture photos and video footage on and around Musket Mountain in Pushmataha County. They also networked with Nashoba residents at the daily community luncheon at the Nashoba Community Center. This proactive approach to establishing and maintaining ties with community members has resulted in a decidedly positive relationship between Forestry Services and area residents who are embracing the project as a positive development for the area. Scan the QR Code at the right to view the video.



The aforementioned October wildfires drew elevated media attention and we were able to field requests from news media from around the state including television, radio, and print journalists. We were also able to raise awareness on what OFS does through extended interviews that led to stories on [Air Attack](#) and pioneering [Fire Warning work](#). State Forester Mark Goeller also appeared as an in-studio guest the morning of Monday, October 28 – a date when we correctly anticipated wildfire occurrence in Oklahoma to be highly elevated.



Prep continues leading up to the OFS centennial observation in 2025. Keith is combing various archives for interesting and relevant material and has been finding some treasures such as this old photograph of an “outdoor classroom” at Youth Forestry Camp in 1962.



Work has begun for Keith in his two-year term as the Southern Group of State Foresters Communications Committee [Landscape Scale Restoration Program](#) grant reviewer. The grant committee has completed review of pre-applications for the coming year and met with applicants to advise them on the application process. LSR projects leverage federal and non-federal dollars to restore healthy and resilient landscapes and communities. These projects are developed by state forestry agencies in collaboration with various partners for projects by state agencies, local governments, tribal entities, non-profit organizations, and universities on non-industrial private forest land or state forest land that is also rural. OFS has a long history as a participating agency in these USFS Landscape Scale Restoration Projects.

URBAN AND COMMUNITY FORESTRY

September 30 Urban & Community Partnership Coordinator Elizabeth Bland-Corbishley and Urban Forestry Coordinator Riley Coy visited Eufaula to see the city's main street trees where they will use funding from the IRA Grant to re-plant the main street with more appropriate tree species.



October 1 Elizabeth went to McAlester to meet with their Tree Board to discuss their IRA Grant park revitalization project where they'll be planting trees in William Mullin Park after park splash pad construction work is completed.

October 2 Riley presented at the Rainbow Plant Health Care Workshop in Choctaw to 80 attendees including arborists, extension agents, and others in the tree care industry on pre-selection, provenance, and tree planting.



October 7 – Riley presented at the Atoka High School for the OKC Memorial Journey of Hope Survivor Tree Planting event. 270 students attended the event.



October 9 – Elizabeth and Craig Marquardt visited NSU at Broken Arrow to discuss their IRA Grant tree planting project, advising them on tree species and locations for planting.

October 11 – Riley made a presentation to 130 Mannford High School Students during the OKC Memorial Journey of Hope Survivor Tree Planting event.

October 14 – Riley and Dieter Rudolph presented at Indigenous People’s Day at the First American’s Museum in Oklahoma City. There they educated approximately 700 people on the importance of trees and tree health.

October 15 – Elizabeth, Riley, Dieter, Connie Robinson, Ryan Pope, Craig Longshore, Harris Groeberg, JT Allen, and Caleb Fields conducted a tree risk assessment on Turkey Mountain Wilderness Area in Tulsa. They covered over 21 miles of trails and marked over 600 trees in this single day to identify trees that are could be hazardous to people along the trails.

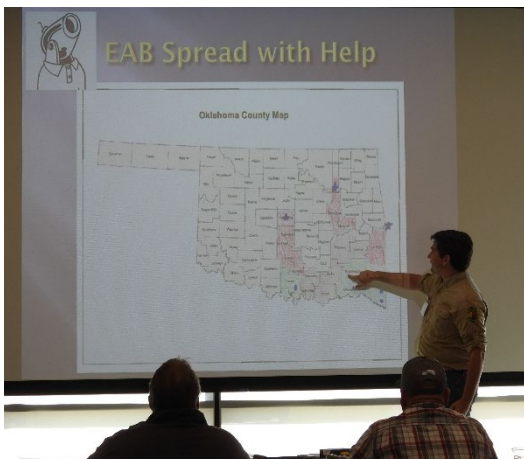


October 17 – Riley made a presentation to 240 students at Washington Irving Middle School in Norman during the OKC Memorial Journey of Hope Survivor Tree Planting event with Norman City Forester Colin Zink.

October 19 – Riley educated 14 people on tree identification at a Fall Tree ID event at Martin Park Nature Center in Oklahoma City.



October 23 – Riley and Elizabeth presented to over 500 students at Lakeview Elementary School’s Ag Wowza Day. Here students learned how to age trees, and why large trees may not be the oldest trees.



October 24 – Riley and Dieter presented to 80 attendees at the Oklahoma Community Forestry Council’s Annual Conference held in Edmond this year. Riley spoke on the Urban Forest Strike Team and the importance of creating a plan for trees before storms hit so communities are prepared to handle the debris and logistics during that chaotic time.

October 25 – Elizabeth and Craig Marquardt presented at the OKC Memorial Journey of Hope Survivor Tree Planting event to 140 students at Pauls Valley Middle School.

October 25th - Riley visited Saint Francis of the Woods, a forest school, to teach proper pruning techniques to the staff and fifteen students.



October 28 – Riley and Elizabeth went to Tatum, OK to discuss their IRA Grant tree planting project.

October 30 – Riley presented to 30 attendees at the Tulsa Garden Center on Champion Trees and native species selections for urban plantings.

November 1 – Riley presented to ten attendees at the Canadian County Retired Educators Association on health and education benefits of trees, proper tree species selection and proper planting.

November 4 – Elizabeth visited Collinsville, OK to assess & advise on their main street trees.

November 5 – Riley and Elizabeth presented to 340 students at Cleveland Middle School in Cleveland, OK during the OKC Memorial Journey of Hope Survivor Tree Planting event.



November 6 – Elizabeth and Craig Marquardt made a presentation to 996 Jenks Middle School students during the OKC Memorial Journey of Hope Survivor Tree rededication event. Arborist Brad Davis with Davis Family Tree Care donated his time and resources to excavate the root collar, de-compact the soil, replace the soil with organic compost, and add mulch.



November 9 – Riley and Elizabeth had a booth at Geekapalooza at Rose State College. There they educated over 1,000 children and adults on tree products and how trees grow.



November 13 – Elizabeth and Taylor Melone, the Chair of the Oklahoma Community Forestry Council, put on a webinar for 29 attendees representing communities, non-profits, and other groups interested in applying for the grants Oklahoma Forestry Services provides to communities.

November 14 – Mark Bays, retired OFS Urban Forester, stood in for OFS in Edmond for the Sequoyah Middle School Journey of Hope Survivor Tree rededication. Arborist Zack Mitchel with Pro Tree Care donates his time pruning the tree for the event.

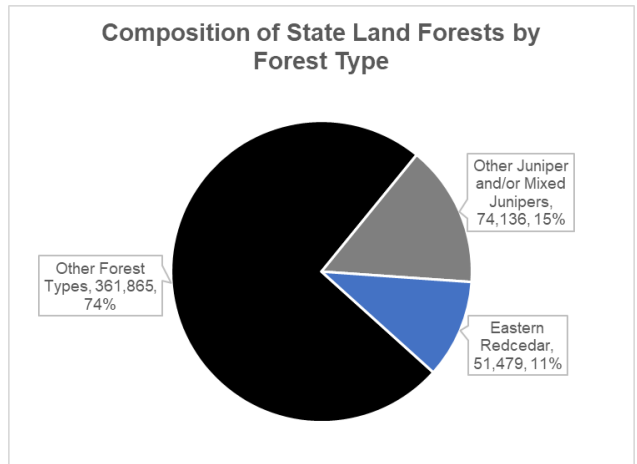


FOREST INVENTORY AND ANALYSIS

The Forest Inventory and Analysis (FIA) crew took advantage of the wet weather to travel west and complete wildfire fuel load assessments in Woodward, Roger Mills, Ellis, Custer, and Blaine counties. Before (and after) the rain week, the FIA crews worked in Comanche, Stephens, Grady, Caddo, Kiowa, Leflore, Adair, Lincoln, Osage, and Tulsa counties. In Leflore County, the data is used to estimate forest volume and commercial potential. Further west, FIA data can be used to measure wildlife habitat availability and fuel loading for wildland fire behavior predictions.



FIA data was used by State Forester Mark Goeller to present trends and status of forests on state land at an Interim Study at the Oklahoma Capitol. FIA data shows that a quarter of all forests on state land are eastern redcedar or other juniper/mixed juniper.



FOREST TREE IMPROVEMENT CENTER/FOREST REGENERATION CENTER

On October 3, the Oklahoma Forestry Association, in conjunction with the Forest Heritage Foundation, held its annual meeting at the Red River Museum in Idabel. Randy Holeman, our Forest Tree Improvement Center Manager in Idabel, serves as this year's current OFA board president and did a great job officiating the annual accomplishments presented for the evening. OFS was well represented as there were several forestry personnel in attendance along with a few being recognized for their accolades. Randy will serve one more year as president of the board, and, without a doubt, next year's meeting will go as smoothly as this year's.



As part of the ongoing effort to collect more sawtooth oak seed from the area, the Idabel FFA team graciously volunteered to assist with collecting on the IHS campus. Students helped collect over 150 pounds of acorns that will be planted this fall at the Forest Regeneration Center in Goldsby. The students also benefitted from interaction with OFS regeneration staff, who educated the students on the field of forestry and all the benefits the regeneration program has to offer.



During the first week of October, the regeneration staff did a lot of hustling in field preparations prior to the chemical contractor applying soil fumigate to the nursery fields that will grow next year's seedling crop. The fumigation is done every fall to neutralize the soil and promote soil health before the planting starts prior to next year's growing season. The fields that receive the application are covered in plastic for a short duration by the contractor and then removed later.

With seed collection wrapping up, the fall planting season will begin shortly. The nursery staff did an excellent job of removing the fumigation plastic which is needed to further cultivate the seedling beds in a timely manner. The efficiency and hard work of the regeneration staff to get this job done will help ensure the tight timeline of planting remains on schedule.

In addition to all the preparations for fall planting, current cultivation practices are continuing for this year's seedling crop. The diligence of the Regeneration staff to perform the task of laterally pruning the roots of our southern pine will allow for the seedlings to be more easily handled when harvesting and processing the seedlings for shipping. The cultivation practice will also allow for the seedlings to be more easily planted in the field by keeping the root zone more manageable at time of planting.



This Halloween, the nursery staff decided to scare some ghouls away, unfortunately, I think a few managed to stick around to participate in the best costume contest. Thankfully, Tree Bear (aka Nursery Tech Cody Beckwith) showed up with his planting bar to scare them off.



Top cutting has recently been performed on both the bareroot and containerized seedling crop. The cultivation practice is done to promote uniformity and increase groundline diameters for overall seedling quality by keeping shoot to root ratios in check at time of planting.



A huge thank you to everyone that has helped in the collection of seed! The Forest Regeneration Program, along with other supporting areas of OFS, has done an amazing job of rounding up seed throughout our great state to meet planting targets for this coming planting season. Without the due diligence and support from OFS personnel, the nursery would have to purchase less adaptive seed sources for Oklahoma landowners.



The nursery's fallow fields have been receiving donated compost to build depleted organic matter. After receiving the compost, the fields will be drilled and seeded with a cover crop of winter wheat and peas to cover the soil and enrich its health. After a long dry summer, the drilled fields have benefited from the latest rainfall and have begun to show germination of the cover crop.

Randy Holeman and Justin Jones recently visited with consulting forester Dan Lewia in SE Oklahoma. The day involved going over several of Dan's planted loblolly pine plantations planted from the beginning of the year and carried good conversation about forestry silvicultural practices and expectations of future needs.

On October 4, Justin Jones attended the McCurtain County Pecan Management Conference. Management principles and new orchard establishment for pecans were some of the items discussed.

November 12, Justin Jones and Randy Holeman attended the FORTE forest management group's workshop where they visited several stops throughout the day to discuss forest management objectives as related to better tree genetics and improving stand dynamics for increased profit.



FOREST LEGACY PROGRAM

10/7/24-11/12/24 – Madison Gore reviewed and scored 27 Forest Legacy project applications from across the US in preparation for her trip to the National Forest Legacy Panel in Washington DC in November. The projects are being considered for funding from the Land and Water Conservation Fund in Federal FY26. Participating in the National Panel is giving Madison firsthand experience and knowledge of how applications are scored and the discussion around application strength, so she can write strong applications for future Oklahoma projects.

10/21/2024 – Madison Gore and Dieter Rudolph met with the State Forest Stewardship Coordinating Committee to provide an update on the state forest acquisition project, Forest Action Plan Review, and an IRA forest landowner assistance grant Dieter applied for.

10/22/24-10/24/24 – Madison Gore attended USFS Region 2's Annual Meeting for the Forest Legacy Program, Forest Stewardship Program, and Community Forest Program in Lawrence, KS. The group consisted of folks with the USFS, Kansas Forest Service, Kansas Land Trust, and Pheasants/Quail Forever (see attendee picture below) . Topics discussed include how to utilize partnerships, working with tribes, and Forest Legacy promotion. The group also toured 3 sites – Kansas' 1st and only completed Forest Legacy project, a landowner's property undergoing timber stand improvement, and a landowner's property where several neighbors collaborate to manage their forests at the landscape level.



10/28/24-10/30/24 – The Oklahoma Forest Legacy Program hosted a representative from the USDA Forest Service, Andrew Fontinos, to conduct it's 5-year program review. Internal policies & procedures, grant accounting, record keeping, document drafting, and program promotion were all discussed. OFS will receive a report containing items to be improved on, so the agency can maintain a strong Forest Legacy Program.

FOREST HERITAGE CENTER

Regular Activities Summary

As the end of the year approaches, the Forest Heritage Center has been bustling with activity, events, and significant improvements. Here's a look back at accomplishments over the past two months:

- Forest Heritage Gallery (September 23 - October 11) We launched the inaugural Folk Festival Heritage Gallery this fall, showcasing a curated collection of paintings, wood carvings, crafts, and textiles from past Folk Festivals. The gallery not only celebrated the heritage of our festival but also engaged the community with pieces from local artisans, including highlights from renowned local woodworker, Pat- Beavers Bend Maintenance Crew. This event was a fantastic lead-up to our November Folk Festival, drawing in visitors and sparking interest in the rich cultural history of McCurtain County.
- Museum Preparations for the Folk Festival October was dedicated to gearing up for the highly anticipated Folk Festival, which was held in early November. We're still finalizing visitor numbers, but we are pleased to report that preliminary estimates indicate over 18,000 attendees this year! Final Count end of November. This was our largest turnout in recent history, showcasing just how much this beloved event continues to grow in popularity.
- Wi-Fi Installation A significant upgrade for the museum: We now have Wi-Fi! This long-awaited improvement was made possible thanks to the dedicated support of our Forest Heritage Center Board of Directors. Having reliable internet access will greatly enhance our operational capabilities, visitor experience, and connectivity for events.
- Natural Resource Conservation Meeting (October 25) On October 25, we attended the Natural Resource Conservation Meeting to discuss critical environmental issues affecting McCurtain County. A major topic of concern was the recent outbreak of Southern Pine Beetles, which have been causing significant damage to local pine forests. We also discussed the SWOT of our Beautiful County.
- Folk Festival Success (November 8-10) Our annual Folk Festival was a resounding success this year, with over 80 vendors participating. The event attracted a diverse array of craftspeople, artists, and food vendors, providing a rich experience for attendees. Local television and radio crews were present to cover the event, further amplifying its reach and visibility.

Unusual Events or Accomplishments

The Forest Heritage Team, volunteers, and partners are a fantastic group of individuals who make these events possible. The momentum from October and November has set us up for a strong finish to the year, and we're excited for the opportunities that 2025 will bring.

- A look into the future at FHC: December- Christmas at the Cabin; Newsletter. January – New Year, First Hike. February- Valentine's Class (sourdough). March- Chuck Wagon First Saturday Program and Artist of the Year Gallery. April- Black Smith First Saturday Program and Women's Woodturning Weekend. A special highlight was the involvement of our forestry partners, who volunteered their time to educate visitors on sustainable forestry practices. They handed out seedlings, demonstrated safe sawing techniques, and engaged young visitors with hands-on learning about the importance of preserving our forests. This outreach was not only educational but also inspiring for future generations interested in forestry.

FOREST HEALTH

On September 28 Forest Health Coordinator Dieter Rudolph and GIS Specialist Chris Mask attended Tinkerfest at the Oklahoma Science Museum. This event focused on careers in STEM by bringing in multiple representatives across numerous fields of science. Oklahoma Forestry Services hosted a booth focusing on invasive insects and their impact on the environment. Attendees included school-age children as well as their parents, allowing for education on multiple levels, promoting natural resources and awareness of potential threats to the landowners' forests. Overall OFS estimated over a thousand people stopped by the booth.

October was National Firewood Awareness Month which focuses on increasing awareness of the forest pests and diseases that can be moved through firewood and other wood products. OFS released multiple social media posts discussing this topic and Dieter Rudolph's primary message at events throughout the month was on invasive species and *Don't Move Firewood*. By having a designated month, states across the country send the same message at once, making it more likely that landowner's country-wide will see the messaging and become more aware of the threat of these threats to our forests.

Urban Forestry Program Manager Riley Coy and Forest Health Coordinator Dieter Rudolph hosted a booth at Indigenous Peoples Day at the First Americans Museum on October 14. OFS presented on the benefits of forest management, the role of fire in the ecosystem, urban wood products, and invasive species threatening Oklahoma's forests. It is estimated that 700 people stopped to talk to Riley and Dieter throughout the day.



Dieter Rudolph participated in the first annual Fall Fest at the Herman and Kate Keiser YMCA in Tulsa on October 19. This YMCA is on the northern boundary of Turkey Mountain Urban Wilderness Area, a public property OFS has partnered with for multiple projects showcasing forest management in the fields of Forest Health, Urban Forestry, and Fire Mitigation. This event showcased the work that was performed on Turkey Mountain as well as discussing the risk of the invasive species present in the immediate area.

Dieter Rudolph and OFS Education Coordinator Tony Pascall have been working to develop a relationship with public libraries across the state. A new invasive species focused program will be in development where OFS will develop and distribute invasive species learning modules, backpacks of educational material, to rural libraries. This program aims to increase awareness of invasive species and provide educational materials to libraries to be checked out by rural Oklahoma families. Initial meetings have resulted in a core group of partners to assist in the development of these backpacks to start a pilot program. Once the pilot is implemented it will be built upon and expanded to be available to all rural libraries willing to participate.

Forest Health Specialist Evan Long performed the annual "bug flights" across southeastern Oklahoma. These flights serve to monitor Oklahoma's forest to assess damaging that occurred throughout the year as well as a method of early detection for any emerging issues. Initially these flights were focused on the threat of the southern pine beetle (SPB), a bark beetle that causes largescale damage on the landscape and can lead to economic loss on industry lands and private pine plantations. While SPB has not been an issue west of the Mississippi River since the early 2000's, states remain vigilant. These flights have also expanded to include monitoring for the impact of native pests as well as abiotic factors such as droughts, flooding, and fire to better understand the issues occurring across the landscape.

Dieter Rudolph and Chris Mask attended "Curiousiday" at the Sam Noble Museum on November 9 to discuss invasive species threatening Oklahoma's Forest. This event focused on nature-based sciences and careers. Participating in this event also works to strengthen OFS's partnership with the Novel Research Institute, a group that provides educational resources to Oklahoma ranchers.

Oklahoma Forestry Services (OFS) is developing the Land Under Active Management (LUAM) application using ArcGIS Web Experience to provide an interactive, map-based platform to streamline yearly and ongoing reporting for properties under forest management. This tool aims to simplify data collection and documentation, making it easier for staff to track and report on activities like fuels mitigation and prescribed burns. By automating parts of the reporting process, LUAM will help OFS enhance transparency and efficiency in land management across Oklahoma.

PROGRAM HIGHLIGHTS FROM THE EASTERN AREA OFFICES

NORTHEAST AREA

Forest Protection Highlights



From September 28th through November 14th, NE Area responded to 78 fires that burned 1223.1 acres. NE Area Rangers Doug Duncan, Barry Caswell, Travis Garrison, and Craig Longshore presented the S-130 Basic Wildland Firefighter and S-190 Introduction to Wildland Fire Behavior at Afton Technology Center, for the Dakota Green Fire Academy, on September 27-29. Craig Longshore attended Adair County FD meeting on 10/10. NE Area held an area meeting on 10/16 to discuss the changes in state policy. NE Area Rangers collected walnut and Bur oak seeds for the Forest Regeneration Center. Isaac Merchant, Roger Wilhite, David Jones, and Harris Groberg assisted with western OK fires near Cushing. Cole Hix, Charles Kimble, and Craig Longshore assisted with a fire near OKC. Chad Bateman and Jake Johnson responded to tornado cleanup assistance in northern Adair County on 11/4.

Smokey Bear Fire Prevention events:

- Stilwell Public Schools 10/3 – 170 kids
- Raising Stars @ Grove 10/7 – 20 kids
- Sallisaw Head Start 10/8 – 51 kids
- Braggs Public Schools 10/9 – 150 kids
- Mazie Public Schools 10/10 – 80 kids
- Cherokee Nation Safety Fair 10/11 – 750 kids
- Mosley Elementary 10/14 – 130 kids
- Westville Public Schools 10/15 – 120 kids
- Keetoowah Band Safety Fair 10/18 – 150 Kids
- Grandview Public Schools 10/24 – 170 kids
- Total of 10 events reaching 1,791 children



Forest Management/Program Highlights

Harris Groberg attended the Mannford High School Journey of Hope ceremony. Harris assisted landowners in Muskogee County with timber harvest information. Harris assisted the Rangers with seed collections. Harris, Connie, Ryan, and Craig assisted with the tree risk assessment at Turkey Mountain. Connie Robinson assisted nine property owners with forestry related questions and issues. Connie presented at the Nowata County Conservation Day and assisted with Journey of Hope ceremony. She reviewed 21 LSR preproposals for grant eligibility. Connie also attended the NE Maple Syrup Production Workshop. Craig Longshore and Kaley Helton attended a job fair held at the Kansas High



School. Ryan visited landowners in area discussing tree health and planting issues. He assisted with Cherokee Nation safety fair. He also assisted with the survivor tree event.



Administration

Kaley Helton participated in a Certified Procurement Officer webinar about “Cooperative Purchasing” on October 17th and earned one credit hour toward her CPO certification. Kaley also attended the OkApp Forum on November 5th-6th in Tulsa. This conference informed the purchasing community of Oklahoma of new laws, rules, and regulations for purchasing in the upcoming year, and counted for 11 CEU’s for Kaley’s CPO certification.

Ongoing Issues & Upcoming Events

Emergency Vehicle Operator Training – January

NE Area Pack Test and Refresher – January

EAST CENTRAL AREA

Forest Protection Highlights

Drought conditions created a noticeable uptick in wildfire activity and response across the state. EC has suppressed 46 fires within the EC Protection Area that burned a total of 1,044.5 acres for an average fire size of 22.7 acres. Twenty-six (26) primary structures were saved at a total value of \$1,805,850. Thirty (30) secondary structures were saved valued at \$540,100.

Since the last report, one ranger served on an incident management team as a task force leader trainee in North Carolina for Hurricane Helene response. Four EC rangers also provided fire response outside the protection area on the Rush Fire near Lawton, the Hwy 33 fire, the Rupe-Market fire, and the Cimarron Bend fire.

Hot spot notifications are proving to be very useful in providing quick response to many of these fires. These notifications use satellite observations, along with advanced spatial and temporal metrics, to detect fires in a manner consistent with human expert analysis of satellite imagery.



Wister Lake Fire

Rush Fire



Hazardous Fuels Mitigation

Forester Eddie Woods completed one (1) prescribed burn plan covering 158 acres.

Foresters JT Allen and Caleb Fields attended a partnership meeting with the U.S. Forest Service at Hochatown to discuss the upcoming season and opportunities for cooperation in meeting hazardous fuels mitigation goals of both agencies.

Forest Management Highlights

Foresters JT Allen, Brandon Faulkenberry, and Caleb Fields assisted with Walk in the Forest at Oxley Nature Center in Tulsa and assisted with tree risk assessment along the recreational trails at Turkey Mountain in Tulsa. Forester Eddie Woods prepared one (1) forest stewardship plan covering 317 acres.

Information / Education

East Central rangers conducted 36 Smokey Bear programs reaching approximately 7,400 kids. Talihina rangers conducted a Green Jobs program to students at Panama school reaching 97 students. Forester Eddie Woods set up and manned an OFS booth at the Kiamichi Career Tech 8th grade Career Fair with approximately 650 area students in attendance.

Foresters JT Allen and Brandon Faulkenberry set up and manned an OFS booth at the Choctaw Nation Career Fair at McAlester with approximately 1,600 students in attendance. Wilburton rangers and Forester Eddie Woods set up and manned an OFS booth at Robber's Cave Fall Festival and handed out loblolly pine seedlings. D1 rangers also participated in the Wilburton Homecoming Parade and the McCurtain Halloween Carnival. Forester Eddie Woods attended the Urban Forestry Conference at Edmond.

A joint news release was generated between OFS and U.S. Forest Service following a wildfire near the community of Page, OK that threatened multiple residences and consisted of a unified response between OFS, USFS, and local and county fire departments. This has been the first joint news release regarding fire suppression between OFS and USFS in quite some time. It was sent out to all Oklahoma media outlets on October 31st. Link to the release <https://leflorecountyjournal.com/fire-near-page-now-contained/>

Personnel Update

East Central currently has a Forest Ranger 1 vacancy posted for the Yanush unit in southern Latimer County. As of this update, OFS has received 38 applications for the position with plans to begin interviews this week and the following week.

Safety / Training Highlights

Planning is already underway for the 2025 Arkansas River Valley Fire Academy with a Teams meeting scheduled for November 7 to discuss registration, courses, and instructors.

Planning is also underway for the S-130/190 course that OFS instructs at Oklahoma State University during the Christmas break and prior to classes reconvening. S-130/190 is an introductory course designed to train entry-level firefighters. Participants gain knowledge of the basic incident management organization, firefighting techniques, suppression equipment, safety, strategy/tactics, and fire behavior. Field exercises are conducted for valuable hands-on-training. This course encompasses both field and classroom units.



Ongoing Issues

With several newer employees, our most pressing issue will continue to be new employee training in preparation for the upcoming winter and spring fire seasons. The much-welcomed rain will provide a respite from the recent flurry of wildfire activity and response. During this time, many rangers will be reducing their comp time balances in anticipation of a busy upcoming fire season.

SOUTHEAST AREA

Forest Protection Highlights

In Protection Fires: 112 fires that burned 2,043.9 acres. To-date, two fires have burned 11.1 acres in November. Steve Painter, Pat Wayman, Bryden Walker, Oley Walker, and Anthony Williams traveled to the Wichita Mountains in SW Oklahoma to assist with the suppression of the Rush Fire on the National Wildlife Refuge. On the following high fire danger days, they traveled to Weatherford, OK for staging. They also assisted with the Indian Creek Fire that occurred close to Seiling, OK. Tony Macon, Derik Gee, and Chris Hutson traveled out of protection to assist with active fires in the North Central area of the state. These fires included the Euchee Creek Fire and the Cimarron Bend Fire.

Brock Hill, Area Forester, attended a cooperators' meeting with USFS and Choctaw Nation Forestry at the Hochatown District office.

Forest Management/Programs Highlights

Will Phifer had 15 landowner assists in October.

Tyler Hyatt had 3 landowner contacts in October.

Jacob Lewis had 4 landowner contacts in October.

Tyler Hyatt and Jacob Lewis assisted Riley Coy with the planting of the survivor tree seedling at the campus of Atoka High School with the Oklahoma City Bombing Memorial Museum in Journey of Hope. This program targets 9th grade students across the state of Oklahoma.

Broken Bow district collected 200+ pounds of White Oak seed for the nursery.

Prescribed Fire Assistance

Broken Bow District conducted two prescribed burns on 125 acres along with two prescribed burn plans completed for these burns. Broken Bow District pushed firelines on two separate tracts – 5,300 feet and 6,000 feet respectively.

Safety/Training Highlights

- Broken Bow district conducted safety meeting
- Pat Wayman facilitated two safety meetings at the Antlers district over correct use of ATV-UTV safety precautions/procedures and the current and expected fire conditions and strategies to use to contain fires in those conditions.
- Bryden Walker attended the S-330 Task Force Leader class in Bastrop, Texas.
- Tama Lester attended the Oklahoma Association of Public Procurement conference in Tulsa, OK.



Recognition/Other:

- Derik Gee, Terron Gee and Calvin Webb conducted an educational program with Smokey at Nashoba Public School.
- Tony Macon, Pat Wayman, and Brock Marble conducted an educational program with Smokey at Tuskahoma Public School and at Clayton Public School.
- Tanner Wilson attended the Choctaw County Fire Chief's association meeting.
- Adam Burleson attended the trunk or treat community event in Atoka. Smokey also assisted with handing out candy and taking pictures.
- Tony Macon had the honor of receiving the Wildland Firefighter of the Year award for the 2024 fire season. This award was presented at the Oklahoma Forestry Association Banquet in Idabel, OK.
- Don Cook and Sonny Johnson attended the McCurtain County Fire Chief's association meeting.
- Foresters and rangers assisted with the Folk Festival at Beaver's Bend State Park/Forest Heritage Center.
- Upcoming Events/Activities:
 - Tama Lester and Bradley Walker will attend the S-320 Intro to Incident Management Teams class in Madison, WI November 18-22.
 - New Radio installation
 - Site Prep - ripping



STATE FORESTER ACTIVITIES from 3 October thru 21 November 2024

- Provided content input for the beta delivery of *S-320 Introduction to Incident Management Teams* course via written contributions and three MS Teams Meetings Goeller serves as the Southern States representative to the course's Steering Committee
- Attended two special meetings of the Oklahoma Incident Management Team Oversight Committee
- Represented Forestry Services at a special meeting of the OSU Fire Service Training Strategic Advisory Board
- Attended the October Board of Agriculture Tour and Meeting
- Attended the Oklahoma Fire Chief's Association October Monthly Meeting
- Attended the Oklahoma State Firefighter's Association October and November Monthly Meetings
- Created a video for the Keep Oklahoma Beautiful Lifetime Achievement Award for Mark Bays
- Attended a meeting with Oklahoma Fire Chief's regarding training standards for Oklahoma Fire Departments
- Attended three weekly ODAFF Director's Meetings
- Participated in the Legislative Interim Study "Invasive Woody Species on State Lands"
- Participated in the Legislative Interim Study "Firefighter Recruitment and Retention"
- In-briefed and provided a Delegation of Authority to the Southern Area Incident Management Team that was ordered to manage the Rush Fire in the Wichita Mountains National Wildlife Refuge
- Conducted six television interviews regarding Oklahoma's wildfire activity during the October 24th thru 30th time frame.
- Presented a wildfire outlook to the Oklahoma Emergency Drought Committee
- Participated in the US Forest Service Review of Oklahoma Forestry Services' Forest Legacy Program
- Attended by MS Teams the Rush Fire Cooperator/Stakeholder Meeting
- Attended a meeting about wood utility poles with the OK House Utility Committee Chair and other parties.
- Presented a "State of State Forestry" welcoming address to the Oklahoma/Arkansas Chapter of the Society of American Foresters

- Attended the Southern Group of State Foresters' Annual Meeting in Nashville, TN
- Participated in a briefing regarding NASA's GeoXO Satellite Program and funding request in preparation for presenting to the US Congress the wildland fire management perspective on the Program's potential benefits
- Met with OMES Construction and Properties to discuss the construction of a new office facility at Goldsby
- Met with Oak Cliff Fire Department leadership to discuss firefighting equipment and response
- Assessed applications and discussed award process of funds for firefighting equipment provided through House Bill 2797
- Attended the Seminole County Fire Chief's Association Monthly Meeting
- Met with OK Representative David Smith to discuss funding for ODAFF and Rural Fire

Respectfully submitted,

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



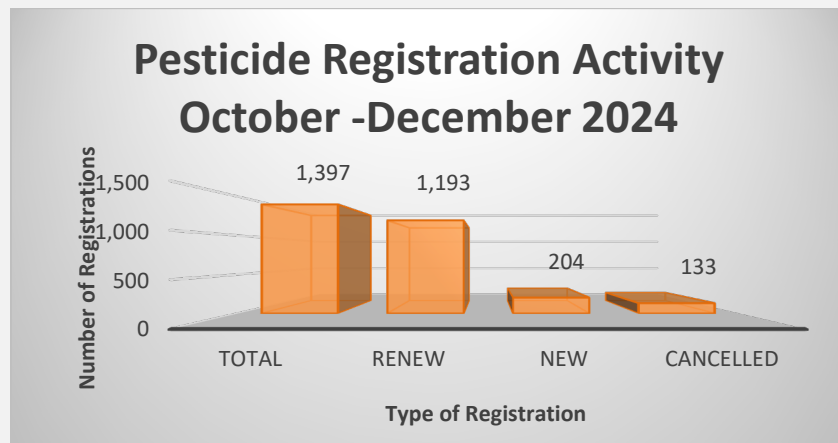
CONSUMER PROTECTION SERVICES DIVISION

DECEMBER 16, 2024, BOARD MEETING REPORT FOR OCTOBER/NOVEMBER 2024

PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for October 1st to December 2nd in 2024 are presented in the following chart. A total of 1397 products were registered, of the products registered 1193 were renewals and 204 were new. There were 133 products cancelled.



Pesticide Samples

Pesticide samples taken FFY 2024 are presented in the following chart. A total of 429 Residue, 13 Tank Mix, 38 Pollution, 96 Documentary, 8 Plant Food, and 81 Concentration samples were taken.

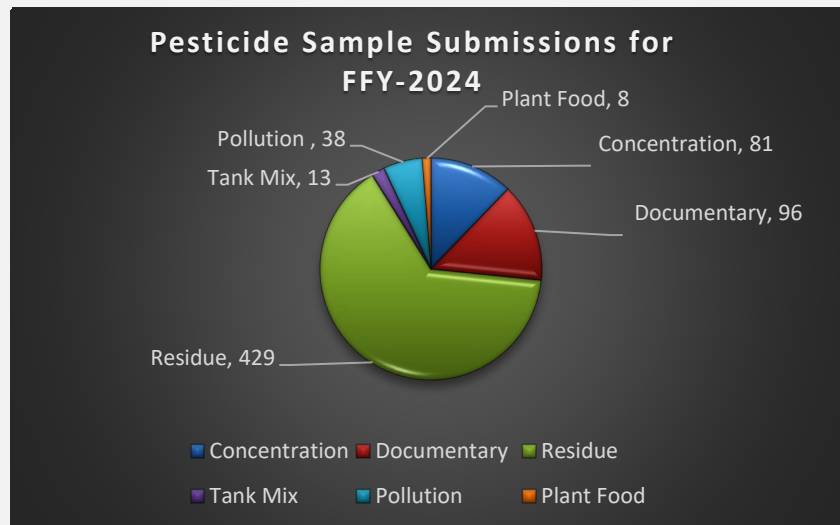


Table 1. Inspection Count for FFY 2024*

Inspection Type	Number of Inspections
	October 2023-September 2024
Experimental Use Permit	0
Marketplace	386
Pesticide Applicator Facility	257
Pesticide Service Inspection	0
Restricted Use Pesticide Dealer	134
Container Containment Inspection	4
Producer Establishment	8
Use	723
Termite	1
Wood	0
Pre-treat	45
Pesticide Label	25,335
Worker Protection	26
Total	26919

Along with the above inspections CPS Field Agents also took 183 agricultural use samples, 88 agricultural use follow up samples, 216 nonagricultural use samples, 56 nonagricultural follow up samples, 35 marketplace samples and 87 producer establishment samples for a total of 665 samples.

Pesticide Testing & Updates

Sent out renewal reminders for pesticide licenses that expire on September 30, 2024. Emails were sent out to 1,246 companies and letters were sent in the mail to the 51 companies without an email.

Pesticide Producer Establishments

Sent out stop work orders to 15 companies due to non-renewal of their pesticide producer establishment permit.

Certified Applicators

Categories expiring 12/31 – Ornamental & Turf (3A), Interiorscape (3B), Nursery/Greenhouse (3C), Right-of-Way (6), and General Pest (7A).

Letters and emails will be sent to all certified applicators with expiring categories at the end of August. Recertification starts September 1st.

Pesticide Complaints

PESTICIDE COMPLAINTS	October 2, 2024 – December 2, 2024			
	RECEIVED	CLOSED	WARNINGS ISSUED	NO ACTION
CONSUMER GENERATED:	5	22	6	22
MUSK THISTLE:	0	0	0	0
PMR CASES:	18	7	0	7
CASES REFERRED TO OGC:	13			

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

2025 Compliance Agreements

These agreements are for 2025 shipping, so most agreements should be completed before the first of the year. Some agreements are being rewritten or are waiting on data to be completed.

Total # of firm’s w/ agreements	# completed	% completed
32	15	47%

Phytosanitary Certificates

Federal

Federal phytosanitary certificates Issued from October 1, 2024 – October 31, 2024

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

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

Federal Phytosanitary Certificates (October 1, 2024 - October 31, 2024)			
Country	Product	Quantity	Phyotos Issued
Chile	Iris Rhizomes	152 Rhizomes	1
Germany	Barrelclover Seed	0.05 Kg	1
Hungary	Barrelclover Seed	0.02 Kg	1
Japan	Agave Plants	3 Plants	1
Japan	Sesame Seed	44,514 Lbs	3
Japan	Flax & Rice Seed	2,750 Lbs	1
Mexico	Pine Bundles	8 Bundles	1
Republic of Korea	Mung Beans	260 MT	2
Thailand	Miscanthus Seed	40 Totes	2
United Kingdom	Barrelclover Seed	0.02 Kg	2
Total:			15

Companies applying for federal phytosanitary certificates:

Bluebonnett Feeds	1
International Ingredient	2
Jlee	2
OSU Bioscience	4
Tobin Newcomb	1
Sesaco	3
Stout	1
UFP – Timberbase	1

State

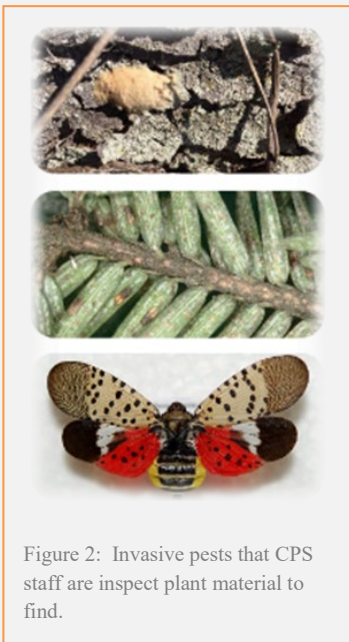
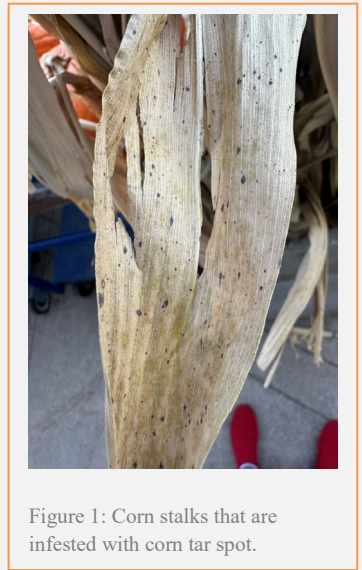
State phytosanitary certificates Issued from October 1, 2024 – October 31, 2024
 58 phytosanitary certificates for 2,217 plants



Tar Spot on Dried Corn Stalks

In October, plant pathologists at Oklahoma State University alerted ODAFF of possible Tar Spot on dried corn stalks in big box nurseries and garden centers around the state. Tar Spot is a disease of corn caused by the fungus *Phyllachora maydis* and causes small, black, circular spots on corn leaves, stalks, and husks and has never been detected in Oklahoma. Even though this pathogen was found on dried corn stalks meant for decoration, the pathogen can still produce fruiting structures and can still act as inoculum that could infect live corn fields.

CPS Field Agents inspected their territories for these corn stalks and if found, issued stop sales along with destruction orders for this plant material. Many other states also received infected corn stalks as well.



Holiday Inspections

CPS Field Agents are checking holiday items while they are inspecting their local nurseries. Many holiday/seasonal 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 for pests and diseases.

Hemp

There are currently 103 hemp growers, 61 hemp processors/handlers, 217,190 licensed sq ft, and 8133 licensed acres.

Largest Reported Hemp Fiber Harvest

Triple S Farms reported a harvest of 282,484lbs on a 60-acre property. Located in Blaine County.

AGRICULTURE RESOURCE SECTION

Feed Program

Program Performance

There was a total of 223 official feed samples analyzed, with 1180 feed determinations made from these samples. These determinations resulted in the issuance of 59 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Calcium, Potassium, Vitamin A, Salt, Phosphorus, Copper, Crude Fat, Zinc, Crude Fiber, and Manganese. Thirty-one stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Twelve stop sales were issued for products deficient in Vitamin

A. Seven stop sales were issued for products deficient in Salt. Four stop sales were issued for products deficient in Crude Fat. Three stop sales were issued for products deficient in Copper. Two stop sales were issued for products deficient in Crude Protein. One stop sale was issued for a product deficient in Magnesium. One stop sale was issued for a products deficient in Calcium. One stop sale was issued for a product with excess Crude Fiber

The following tables show a two-month comparison of label violations and stop sale orders issued by the Department for feed products that did not meet their guaranteed analysis.

Table 1. Feed Notice of Label Violation Summary September 2024 – October 2024

Nutritional Guarantee	Number of Label Violations		
	October ¹	September ²	Two Month Total
Crude Protein	14	15	29
Non-protein Nitrogen	0	0	0
Crude Fat	3	6	9
Crude Fiber	2	1	3
Calcium	11	4	15
Phosphorus	4	3	7
Salt	4	2	6
Magnesium	0	2	2
Potassium	8	1	9
Copper	3	1	4
Manganese	1	2	3
Zinc	2	2	4
Vitamin A	7	7	14
Methionine	0	0	0
Total	59	46	105

¹ 223 feed samples analyzed with 1180 determinations; ² 174 feed samples analyzed with 782 determinations

Table 2. Feed Stop Sale Summary September 2024 – October 2024

Nutritional Guarantee	Number of Stop Sales		
	October ¹	September ²	Two Month Total
Crude Protein	2	5	7
Non-protein Nitrogen	0	0	0
Crude Fat	4	3	7
Crude Fiber	1	0	1
Calcium	1	2	3
Phosphorus	0	0	0
Salt	7	3	10
Magnesium	1	0	1
Potassium	0	0	0
Copper	3	1	4
Zinc	0	0	0
Vitamin A	12	16	28
Medicated Feed	0	0	0
Total	31	30	61

¹ 223 feed samples analyzed with 1180 determinations; ² 174 feed samples analyzed with 782 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 1st through October 31st, 2024.

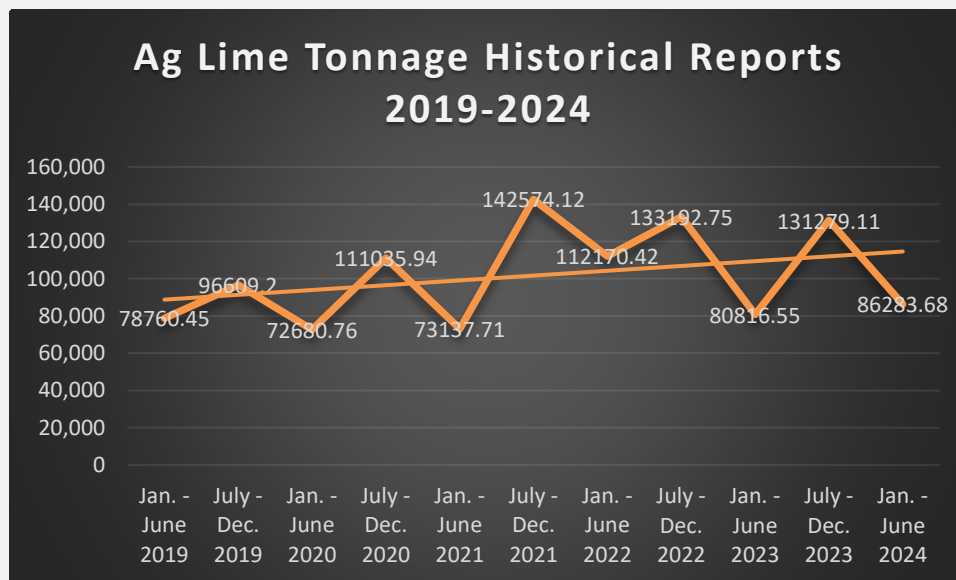
Sample Type	Number	Deficiency Penalty/SS
Fertilizer	65	9
Lime	10	0

Investigation Type	Number
Facility Pre-Site Inspections	2
Dry Bulk Fertilizer Storage Facility	53
Liquid Bulk Fertilizer Storage Facility	39
NH ₃ Nurse Tank Inspections	0
NH ₃ Storage Tank Inspections	0

Ag Lime Newsletter

Twice a year, each registrant distributing agricultural liming materials and/or products files a semiannual inspection fee report that sets forth, under oath, the number of tons sold or distributed during these semiannual periods and pays an inspection fee per ton of product reported. The purpose of this is to help defray the expenses of inspection, administering, and carrying out the provisions of the Oklahoma Agricultural Liming Materials Act and Rules. Since at least 1991, the current inspection fees are \$0.10 per ton of product distributed.

The following is a graph showing historical data of the reported tonnage of agricultural liming materials/products distributed and/or sold in the state of Oklahoma.



Weights & Measures Program

The large capacity scale technicians tested 221 Vehicle scales and 1 Ranch Scale. 18 of the scales were rejected.

CPS Field Agents checked a total of 1214 small scales and 90 platform scales, 26 of the scales were rejected. There were 32 random pack inspections and 57 standard pack inspections conducted that resulted in 5 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 144 price verification inspections were conducted at various retailers that resulted in two companies receiving a letter of warning.

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

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 16, 2024
Activities September 28, 2024 – November 22, 2024

Animal Disease Traceability:

From September 26 – October 6 our field staff and some office staff were at the Tulsa State Fair to check the livestock to verify that they had proper testing, ID, and CVIs to enter the fairgrounds.

On November 5, the implementation date for transition to EID for cattle became effective. Prior to this date, we have assisted each of the market veterinarians to ensure they have a wand and understand how to use it with the software they currently use to record official ID. When requested, we have provided demonstrations with them to ensure they were ready for November 5th. We hosted two separate calls to educate market veterinarians and market owners about the EID transition. The first call was on September 24 and focused on the EID transition at the market and the role of the veterinarian and then again on November 26.

During this time, we have had multiple incidents of EID tags being found removed at livestock markets prior to the sale. Our LSIs are educating market owners and barn crews on recognizing these tags as official and the unlawful nature of removing them.

Dr. Gorczyca continues to work with Gina Becker, Datawise Up, LLC, modifying the livestock market software program that Datawise developed for the Kansas Department of Agriculture.

Dr. Gorczyca is working with Acclaims to develop a more streamlined process to upload the market data that is received. Currently, multiple formats are received, and it is time consuming to format each file type for it to be uploaded into USAHerds.

We have been assisting Investigative Services with cattle theft investigations by reviewing official identification records in USAHerds to determine if movement has occurred.

During this time, we sent 33,400 orange calfhood vaccination EID tags to veterinarians, and 19,700 official EID tags to 49 veterinarians and 18 producers. 66,200 official EID tags were distributed for use in livestock markets for a total of 119,300 EID tags distributed. In addition to the EID tags, 4,000 silver metal tags were distributed before the cutoff date of November 5th.

Nine EID tag readers were distributed to market veterinarians.
24 new accounts were opened for the no-cost electronic CVI we offer to Oklahoma veterinarians.

Marissa is working with a representative from DataMars to do some training with our staff to help them be more able to help veterinarians with the transition.

Aquaculture:

All licensees due for inspections have had those inspections completed with one exception.

We will be starting the process to send out renewal license applications for the 18 licensed aquaculture facilities beginning in early December.

Biologics:

Two new biologic products registered during this time.

Cattle Programs:

OSU Extension, OSUCVM, and OADDL are making plans to do some surveillance to try to learn if Asian Long Horned Ticks are spread over a wider area than we're aware of currently.

The outbreak of Highly Pathogenic Avian Influenza in dairy cattle is continuing. It has now affected over 690 herds in 16 states. California has had 474 infected herds identified.

We had approximately 100 cows tested to show at county and state fairs. So far all of them have been negative.

We have received results for the seventh round of bulk tank samples from dairies that are within 20 km of commercial poultry farms and so far, they are all negative as well. If positive farms are found, we will increase efforts to encourage enhance biosecurity to hopefully prevent farms from becoming infected.

Brucellosis:

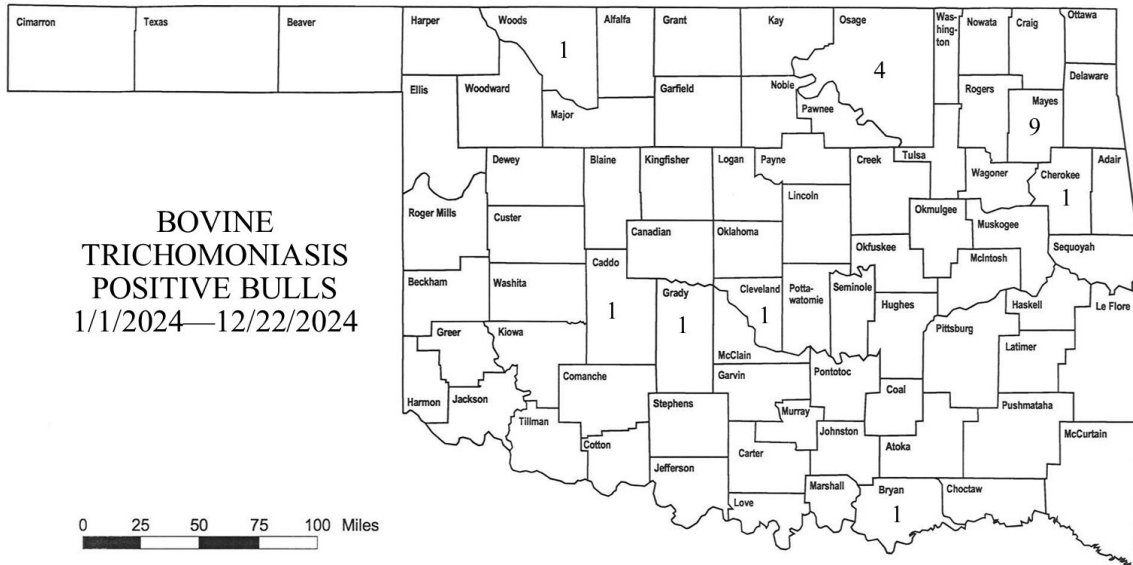
Two of our Certified Brucellosis Free herds are in the process of getting their testing information to Marissa so she can verify and send their certificates.

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area.

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.

Trichomoniasis:

During this period there were 2,382 Oklahoma bulls tested for Trichomoniasis with one bull cow found to be positive.



14,421 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, 0.3% in 2022, and 0.22% in 2023.

Tuberculosis:

On October 28 USDA Epidemiologist Jill Duel and Dr. Stone lectured and demonstrated proper TB testing for veterinary students at OSU CVM. They also gave instruction on Scrapie, CWD and other prion disease as well as Johne’s disease test. On October 29 and November 1, the students participated in a wet lab for tuberculosis testing.

Johne’s Disease:

A large seed stock producer, after years of dealing with Johne’s disease has decided that his livelihood is threatened by the disease. The herd has a cow valued at \$400,000 that has been confirmed infected with the disease and he has several recipient cows pregnant with her calves.

Dr. Stone met with the owner, looked over the ranch and identified risk factors the ranch needed to change to reduce the spread within the herd. Test strategies were developed. A large group of recipient cows that tested positive will be calving and plans were put into place to control the spread to this next generation. Many of the calves born to last year’s recipient cows now testing positive are being sent thru slaughter channels for harvest before they are affected. Although valuable, this group of animals are not worth the expenditures or risk.

The positive high value cow has been sent to a collection facility that is willing to take the extra care needed for an animal that is shedding organism. They will collect as many quality eggs as possible as the eggs do not pose a risk of being infected. This owner is trying to purchase recipient cows with multiple years whole herd negative test.

For this reporting period we received 17 positive reports, 14 for new premises. Our YTD positive reports are 85 with 35 repeat testing premises and 50 new premises. This is the lowest new premises reports we have had in 10 years of record keeping.

Emergency Management:

AIS submitted two National Animal Disease Preparedness and Response Program (NADPRP) grant proposals for the 2025- 2027 funding period. We plan to expand on previously funded projects as they pertain to education, outreach and training for a multi-agency, multi-jurisdiction and tribal nation response to a foreign animal disease outbreak. On October 9, AIS and USDA representatives met with the Inter-Tribal Emergency Management Coalition (ITEMC). Dana Call presented a summary of the grant proposal describing the intended objectives and activities associated with a significant disease outbreak. To contain and protect livestock and bison herds on tribal land, a collaborative animal disease response framework would include state, federal and tribal authorities. Dana also attended the November 6th ITEMC meeting and will continue to collaborate with this important sector of the emergency management community.

November 20-22, Austyn Fuss attended Ohio ICS Training Summit in Columbus, OH for All Hazards Position-Specific Liaison Officer Course. The course elaborates the functions and responsibilities of a Liaison Officer during an incident and provided opportunity for application of Liaison Officer's expectations.

On October 7, McKenna Gay from Redlands Community College successfully completed her internship of assisting a producer in the development of an operation specific Secure Food Supply Plan. Secure Food Supply Interns Ally Taylor and Kori Jenkins are on track to complete their internships the first week of December.

Animal mortality can occur anytime, natural disasters, supply chain disruptions such as occurred during covid, or animal disease that limits movement and thus backup within the supply chain. Dr. Stone attended the Missouri Animal Mortality and Depopulation demonstration November 13-14. CO2 gas, Foam, Nitrogen foam small bubble and Nitrogen large bubble were presented. All have advantages and disadvantages. Acceptance of these methods is under review by the AVMA.

Equine Programs:

There are no reported cases or quarantines for CEM or Piroplasmosis in Oklahoma. We have had eleven West Nile Virus positive cases in horses since the end of July 2024.

The suspect EIA case in Cherokee County has undergone two retests at 30-day intervals. The first retest returned another suspect result, but the second confirmed the horse is negative for EIA. Consequently, the horse and its premises have been released from quarantine.

On October 2, 2024, we were alerted to an emerging EIA situation affecting multiple states, which identified seven horses traced back to Oklahoma. These horses, all Quarter Horse racehorses, had been trained by the same trainer and participated in a sanctioned

race series in New Mexico. Of the seven horses, four were located in other states, while three were found, quarantined, and tested in Oklahoma. All three tested negative and were subsequently released from quarantine.

On October 5, 2024, we became aware of five equines transported by their owner from Oregon into Oklahoma without the required documentation. A formal letter of warning was subsequently issued to the owner for violating regulations governing the transportation of equines into Oklahoma without proper paperwork.

During the week of November 4, 2024, we were informed of a horse transported from a kill pen in Louisiana to a rescue facility in Oklahoma. This horse was purchased by an individual in New York. On November 13, 2024, we issued formal letters of warning to the kill pen owner in Louisiana, the private transporter, the rescue facility owner in Oklahoma, and the horse's new owner in New York for noncompliance with regulations regarding the transport of equines into Oklahoma without the necessary documentation.

Farmed Cervidae Programs:

On October 31, 2024, the Oklahoma Department of Wildlife Conservation announced it has expanded their selective surveillance area in Cimmaron County after confirming that a mule deer tested positive for CWD in Felt, Oklahoma. On November 1, Dana Call sent an e-mail communication to all the farmed cervidae producers for their information. No Oklahoma farmed cervidae producers are affected.

The Quapaw nation has received a federal grant for sampling hunter harvest deer in that area. The primary and only trained sampler died in a home accident leaving the nation without properly trained samplers. On November 5 Dr. Stone held a wet lab for CWD samplers for the Quapaw Nation November 5, training local law enforcement in CWD sampling. The Quapaw nation has received a federal grant for this sampling. The area now has 6 samplers.

On November 7, Dr. Gorczyca-Southerland and Dana Call met with the transition team for Ag Enterprise to discuss aspects of the farmed cervidae program that will be migrating from USA Herds to Ag Enterprise.

On November 13, Dana Call and I met with Dr. Jenna Bjork and Dr. Cheryl Eia, from Iowa State University College of Veterinary Medicine, to discuss a NADPRP grant they received to assist Oklahoma and other states with web-based content specifically targeting information about chronic wasting disease. They will be working to incorporate regulations and information specific to Oklahoma in updated training and information materials that will be available in a user-friendly electronic format

Dr. Gorczyca-Southerland and Dana Call have been organizing all aspects of the recently awarded USDA grant for the whitetail deer predictive genetics cooperative agreement. On November 21, they had a meeting with the North American Deer Registry Executive Director Gary Cook to discuss the logistics for participant testing and establishing an account for disbursement of funds.

On October 29, Dr. Gorczyca attended a meeting with ODWC to discuss the recent detection of CWD in a native mule deer in Cimarron County.

Feral Swine:

On November 12, Dana Call met with the transition team for Ag Enterprise to discuss licensing and other aspects of the Feral Swine management program data that will be migrating from USA Herds and Kelly Registration Services. There have been no complaints regarding feral swine facilities during this reporting period.

Foreign Animal Disease:

We had no FAD investigations during this time.

Livestock Market Audits:

During this period, staff learned that Eric Smith of Braman, Oklahoma has leased the shuttered livestock auction market at Overbrook. Mr. Smith and his son have started making improvements to the barn and plan to start holding auctions in January. As the former owner/operator of the Mountain View Sale Barn, Mr. Smith has experience in the field and is eager to get started.

In addition to this new sale activity, staff was able to get 2025 livestock market renewals to the state's current licensed market. Also, packets were sent to a couple of individuals interested in sale barn ownership. This period also allowed for a number of custodial account reviews.

Livestock Auction Market Activities

Auction market licenses issued	0
Auction market licenses pending	1
Market custodial audits completed	6
Auction market complaints investigated	0
Fines collected	0
Livestock Markets with Legal Action	0
Special Audits (Market Development)	0

Outreach:

On September 30, Dr. Gorczyca-Southerland and I met with Forestry Services and representatives of OMES to discuss utilizing one-time funds to build a building at Goldsby to store AIS emergency and disease response equipment.

On October 7, AIS Field Staff was in for their quarterly meeting.

On October 9, Alexander Westfall from the Ag Youth Council spent part of the day with me learning about regulatory veterinary medicine in preparation for his AYC presentation.

October 11 – 17 Drs. Gorczyca-Southerland, Parrott, and I attended the United States Animal Health Association Conference in Nashville, TN. In addition to attending a full

day of meetings with other state veterinarians and their staff, we participated in committee meetings appropriate to the programs we work with, networked with USDA personnel, industry leaders, and other animal health officials. I gave a presentation in the Farmed Cervidae Committee on the CWD Genetic Improvement Program that we are starting this year.

On October 17, Austyn Fuss and Marissa McLaughlin submitted a grant proposal *Strengthening Food Security: An Educational Excursion on Enhancing Biosecurity* that aims to increase awareness of voluntary Secure Food Supply Planning. Part 1 of the proposal focuses on meeting producers on a face-to-face basis at stakeholder conferences, meetings, and conventions, where AIS staff and interns can educate and discuss voluntary Secure Food Supply Plans with producers in attendance. Part 2 of the proposal expands on previously funded NADPRP projects with an established partnership with Oklahoma State University Extension resulting in SBS trainer, Dr. Rosslyn Biggs, to host Secure Beef Supply workshops for accredited veterinarians, producers, and extension personnel.

On October 18, along with other ODAFF personnel, I met with FDA officials in our FDA District. There have been some changes to their personnel and District geography, and this was an opportunity to become familiar with the people we will be working with.

On October 22, Dr. Gorczyca-Southerland, and I, along with some of our office staff and ODAFF/OMES IT staff, met with Acclaim Systems software developers to make clear the path forward to modify the AgEnterprise management software for AIS.

On October 24, our office staff catered lunch for Drs. Gorczyca-Southerland, Parrott, and me to celebrate Bosses Day.

On October 28 I, along with other ODAFF Directors, visited with Dr. Derrell Peel's Ag Economics class about our divisions' roles.

Also on October 28, we hosted the monthly meeting with USDA and ODAFF AIS veterinarians to discuss cases, disease alerts, etc.

On November 12 I submitted Oklahoma's seven nominations for the Veterinary Medicine Loan Repayment Program. I appreciate the assistance of NASS Director Troy Shelby in helping me gather statistics for the areas to better demonstrate the shortage of food animal veterinarians in the nominated areas.

On November 15 I was interviewed by Joslynn Gonzales about the USDA rule change for official cattle identification to both visually and electronically readable ear tags. The purpose of the interview was to help Joslynn complete a class project.

On November 19, Dr. Parrott, Austyn Fuss, and I met with one of three Ag Youth Council member groups to discuss their plans for their group project titled "Animal Industry Services' role in biosecurity.

On November 20 I traveled to Cameron University where I was keynote speaker at their annual Beef Cattle Improvement Conference. My topic was “The Importance of Traceability and Biosecurity in the Beef Industry”.

Poultry Programs

There have been 29 sick or dead birds submitted for our sick bird/dead bird program since last report and a total of 113 since January 1st.

On November 20th, 2024, we were alerted to a non-negative HPAI back yard flock in Roger Mills County. HPAI was confirmed positive by NVSL on November 21st, 2024. The flock is a non-poultry flock by WOA standards and depopulation has occurred. We have issued a 120-day quarantine/fallow time.

We continue to respond to sick bird calls with testing of suspect birds. Furthermore, we are actively engaged in HPAI surveillance, which includes testing of avian populations at live bird markets, auctions, and feedstores.

The ongoing 2022 incursion of Highly Pathogenic Avian Influenza has affected domestic flocks in 49 states with the death or depopulation of over 80 million birds and 1238 confirmed premises. There have been 953 control areas/surveillance zones released. 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. With the fall waterfowl migration beginning, there is potential to see more cases this fall.

Dr. Parrott attended the HPAI Impact and Insights Forum in Arlington, VA the week of October 28th. This meeting was organized by the US Poultry & Egg Association. It brought together the poultry and dairy industries to assess the current domestic and international situation with HPAI.

Dr. Parrott attended the Poultry Health Advisory Committee (PHAC) meeting on November 8, 2024, in Fayetteville, Arkansas. This quarterly meeting fosters collaboration among commercial poultry veterinarians from Missouri, Arkansas, and Oklahoma, along with regulatory veterinarians from these states and USDA personnel. The committee focuses on discussing current and relevant health issues impacting the poultry industry. I attended the meeting virtually.

Public Health

On October 1, Drs. Gorczyca-Southerland, Parrott, and I met with State Public Health Veterinarian Dr. LeMac’ Morris, to discuss how our agencies would work together to respond to a dairy with active cases of H5N1 avian influenza.

Rabies in Livestock:

In early November 2024, two cases of rabies were confirmed, one in Choctaw County and the other in Payne County. Both cases involved a single cow testing positive for the

disease. To mitigate the risk of further spread, quarantine protocols have been implemented for each affected herd.

Sheep and Goat Programs:

There were no significant activities in this program during this time.

Swine Programs:

From October 8 – 12 our field staff was on the grounds in Duncan at the Fall Classic swine show/sale to verify that swine met the requirements of the show/sale.

October 22 marked the first of several meetings specific to swine health, that occurred during this reporting period. Topics included secure food supply planning for swine facilities, swine production health plans, traceability, records protection and licensing. On November 1, Dana Call participated in an AgEnterprise training and demonstration for animal traceability, licensing, and inspections. On November 14, AgView hosted a training webinar demonstrating their capabilities for data management for commercial swine facilities.

Miscellaneous:

During its September meeting, the American Veterinary Medical Association Council on Education (AVMA-COE) conducted an accreditation review of OSU's College of Veterinary Medicine. This review led to the college being placed on Probationary Accreditation. The deficiencies were mostly due to needed repairs to the physical plant. A serious deficiency involves the number of cases the students see. According to the CVM, that is due to an error in the way cases are recorded. The next accreditation visit is scheduled for 2030. I'm confident with additional funding through the OSU Veterinary Medicine Authority these deficiencies will be rectified.

Dr. Carlos Risco, Dean of OSU CVM since 2018, has resigned and Dr. Jerry Ritchey has been named interim Dean.

On Oct 28-Nov 1, Taron Mills, a 4th year veterinarian student and a USDA Saul T. Wilson scholar spent a week with AIS job shadowing our staff to learn more about the state animal health regulatory role in veterinary medicine.

Respectfully,



Rod Hall, DVM

Animal Industry Services – December 2024 Board Purchases and Contracts

Acclaim Systems, Inc. - \$160,000.00 – AgEnterprise is a modernization of USAHERDS and the upgrade path for USAHERDS states. The modernization focuses on increased IT security, and updated IT Framework into the newest tech stack to support the State Vet’s Office requirements. AgEnterprise provides a robust platform for all functionality within animal health including Animal Traceability, Premises, Inspections, License Management, Testing, and other features. AgEnterprise will comprise of the functionality and the data elements needed by states to manage and monitor animal health within their jurisdiction, report test results to USDA’s Veterinary Services and prevent, control, eradicate and recover from disease and all hazard incidents at the local level.

Farmed Cervid CWD Cooperative Agreement - \$130,717.00 –This cooperative agreement addresses the funding priority to conduct novel research on, or implement, whole genome predictive genetics in farmed cervids. \$90,000 of this cooperative agreement will be used to pay for genetic testing in white tail deer. By identifying WTD within HCP and non-HCP herds that have poor predictive genetics scores will assist with breeding decisions to remove those genetics from the breeding herd and ultimately will reduce the number of CWD highly susceptible animals on the landscape and provides states with a herd management tool. In turn, this approach reduces CWD environmental contamination and the probability of a herd becoming CWD positive in the future.

Oklahoma Cattlemen’s Association Agreement - \$118,000.00 – One time funding- Oklahoma Cattlemen’s Association will purchase software and hardware that will be implemented at livestock markets across the State of Oklahoma to facilitate data entry by veterinarians and then transfer the data to the ODAFF storage and submission to the USAHerds database. ODAFF will reimburse Oklahoma Cattlemen’s Association upon receipt of properly submitted invoices not to exceed \$118,000.00. Due to the USDA Law that becomes effective November 5, 2024, we need to give Livestock Market Veterinarians the ability to accurately and efficiently transfer identification from the animals to the software program that documents traceability of cattle through the Livestock Auction Market and allows that data to be easily transmitted to our animal disease traceability database.

Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for October 2024 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 516 properties with an estimated 931,557 acres of land under agreement. Additionally, WS helped 192 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 \$396,724 during this period. Beaver damages accounted for losses totaling \$62,327. Predation, primarily coyotes were responsible for a number of damage requests, largely to livestock, with losses totaling \$14,856. Feral swine damages accounted for losses totaling \$293,975, while other species of wildlife were responsible for \$25,566 in damages to property, agriculture, and livestock.

Providing Wildlife Services

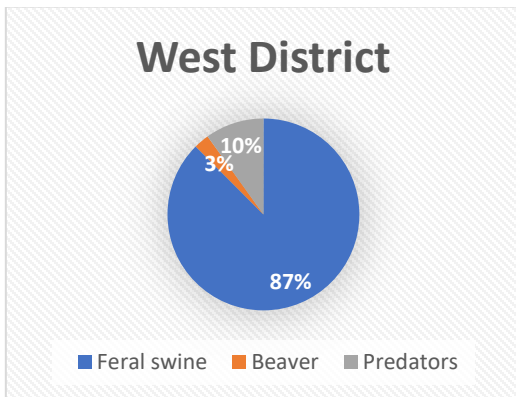


Figure 1: Species Removed in West District by percentage during October 2024

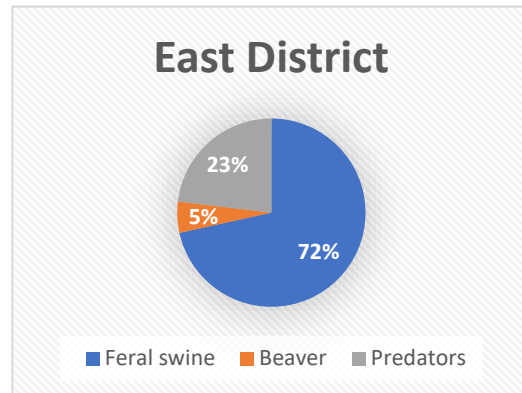


Figure 2: Species Removed in the East District by percentage during October 2024

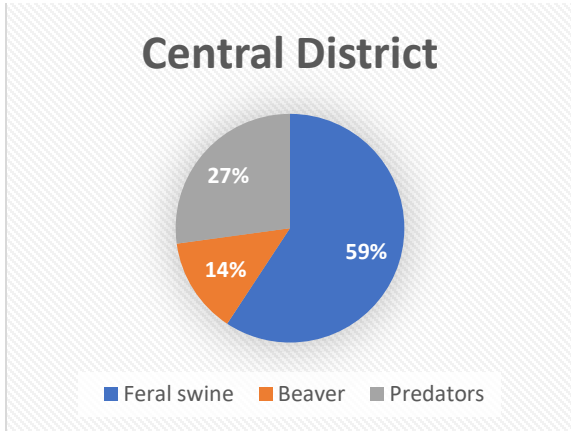


Figure 3: Species Removed in the Central District by percentage during October 2024

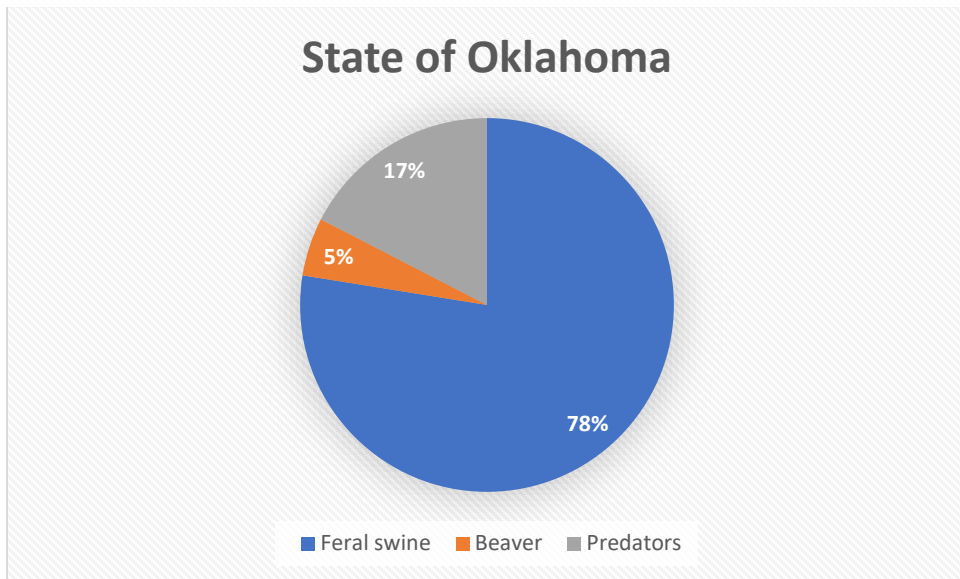


Figure 4: Species Removed in the State by percentage during October 2024

Predator Damage Management

Garvin County rancher contacted WS and reported that coyotes were killing his calves. WS determined coyotes were responsible for the losses estimated at \$1000. Foothold traps were set, and two coyotes were removed with no further damage reported.

Kingfisher County landowner contacted WS with reports of coyotes running cattle in a calving pasture. A WS Specialist met with the landowner and verified coyotes were responsible for

the loss. Traps were set on the property and six coyotes were removed with work ongoing. The estimated cost of vet bills was \$500 from cattle running through fence.

Logan County landowner contacted WS with reports of coyotes killing goats. A WS Specialist met with the landowner and verified coyotes were causing the losses valued at \$500. Traps were set on the property and three coyotes were removed with no additional losses.

Custer County livestock producer requested assistance with coyotes depredating on his calves. The producer reported coyotes had killed one calf valued at \$881. The Wildlife Specialist assigned to Custer County conducted a site visit and determined coyotes were responsible for the loss. Damage management efforts were successful in removing five coyotes from the property. No further losses have occurred, and work is ongoing currently to prevent additional losses.

Kiowa County producer requested assistance with coyotes depredating on his calves. The producer reported that coyotes were responsible for the loss of one calf valued \$881. The Wildlife Specialist assigned to Kiowa County examined the carcasses and verified coyotes were responsible for the loss. Damage management efforts were successful in removing four coyotes from the property. Control efforts continue to help further reduce the threat to the producer's calves.

Harper County livestock producer requested assistance with coyotes depredating on his calves. The producer reported coyotes had killed two calves valued at \$1,700. 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 calf valued at \$881. The Specialist used leg hold traps, snares, and calling/shooting to remove eight coyotes. Control efforts continue to prevent additional losses.

Feral Swine Damage Management

Garvin County rancher contract WS and reported feral swine were rooting in his wheat field. WS responded to the call and verified the damage of around \$2000. A feral swine coral trap was set, and thirty-four feral swine were removed with no further damage reported.

Carter County landowner contacted WS with reports of with feral swine rooting up a wheatfield. WS responded and verified the damage estimated at \$2500 with an excess of five acres of wheat damaged. A feral swine coral trap was set, and twenty feral swine were removed from the property.

Oklahoma County landowner contacted WS with reports of fresh feral swine damage. Upon arrival, the WS Specialist found damage to the owner's backyard and possible damage to the aerobic septic system. Damage cost could be as much as \$10,000. Cameras and bait were placed out to establish the number of feral swine causing the damage. After three days of baiting, a trap was placed out and two nights later, four adult feral swine were caught. Monitoring will continue until no additional damage is found.

Jackson County landowner contacted WS needing assistance with feral swine rooting in his wheat pastures. The landowner estimated feral swine rooted up twelve acres in two pastures valued at \$1,500 in damages. The Wildlife Specialist assigned to Jackson County responded to the request and verified the damage. A live trap was used to remove fifty-six feral swine from the property. No

additional damage has occurred and the population in the area is being monitored to determine if additional management is needed.

Greer County landowner contacted WS needing assistance with feral swine damaging his wheat fields. The landowner estimated the damage the fields to be \$2,500. The Wildlife Specialist assigned to Greer County responded to the request and verified the damage. A live trap was set, and thirty-nine feral swine were removed from the property. No additional damage has occurred, and the population in the area is being monitored to determine if additional management is needed.

Woodward County landowner contacted WS needing assistance with feral swine damaging his alfalfa fields. The landowner estimated that feral swine damage the fields to be \$1,000. The Wildlife Specialist assigned to Woodward County responded to the request and verified the damage. A live trap was utilized to remove eighty-one feral swine from the property. No additional damage has occurred, and feral swine population in the area is being monitored to determine if additional management is needed.



Figure 5: Feral swine in a trap in Choctaw County.

Choctaw County cooperators called WS for assistance with feral swine causing rooting damage to their pastures. The damage was verified and estimated at \$4,500. After several weeks of pre-baiting, a remote camera trap was placed, and twenty-six feral swine were removed to alleviate the damage. Fifteen of the captured feral swine were sampled for disease and genetics.

Craig County rancher contacted WS reporting a loss of two acres of his cattle pasture to feral swine rooting. The damage was verified and estimated at \$3,000. After pre-baiting, a remote camera trap was placed on the property. Twenty-two feral swine have been removed by a combination of trapping and thermal night shooting. This project has concluded, and the owner was advised about fencing and environmental changes that could assist in deterring future feral swine concerns.

Okmulgee County producer called WS for assistance, reporting rooting damage to his cattle pastures. The damage was verified and estimated at \$1,000. After pre-baiting, a remote camera trap was placed on the property. Seventeen feral swine have been removed and this project is still being monitored.

Wagoner County producer called WS for assistance with feral swine that were damaging his hayfields. The damage was verified and estimated at \$4,000. While pre-baiting, the WS Specialist noticed that a large boar was keeping the sounder from entering the remote camera trap. Eventually the Specialist was able to capture the large boar on a neighbor's property and the large boar was caught on the first property. Twenty-nine feral swine have been removed and this project is still being monitored.

Pittsburg County producer called WS reporting feral swine damage to his cattle pastures. The damage was confirmed and estimated at \$7,500. After pre-baiting, a remote camera trap was placed on the property. Sixty-nine feral swine have been removed with this project still being monitored.

Aerial Operations

Aerial operations were conducted in **Dewey County** in response to several farmers requesting assistance for feral swine damage to wheat fields and pastures estimated at \$7,500. To reduce feral swine damage in this area, the helicopter was utilized for 6.2 flying hours to remove seventy-six feral swine. This area will be closely monitored to determine if additional aerial operations are needed.

Beaver Damage Management

Canadian County landowner contacted WS with reports of beavers damming a spillway on a pond causing failing trees. with damages estimated around \$5,000. Traps were set and five beavers were removed with this project concluded.

Pontotoc County landowner contacted WS regarding beavers chewing trees down around a pond on the property. A WS Specialist met with the landowner and confirmed beavers were causing the damage estimated at \$1,000. Traps were placed and two beavers were removed from the property with work ongoing.

Woodward County landowner contacted WS for assistance with beavers responsible for burrowing into his pond dam on his property. The landowner estimated the damage to the dam to be valued at \$1,000. The Specialist for Woodward County responded and verified the damage. Control measures employed by the Specialist were successful in removing four beavers from the pond to help reduce any additional damage to the pond dam structure.

Stephens County landowner contacted WS for assistance with beavers responsible for burrowing into his pond dam. The landowner estimated the damage to the dam to be valued at \$3,500. The Specialist for Stephens County responded and verified beaver were responsible for damage. Control measures employed by the Specialist were successful in removing four beavers from the pond to help reduce any additional damage to the pond dam structure.

McCurtain County property owner called WS for assistance with beavers reporting flooding damage to his property due to the beavers damming-up the drainage on the property. The flooding damage was verified, and damages were estimated at \$2,500. Night shooting was selected as the best method to remove two beavers to conclude this project. No further damage has been reported.

Muskogee County landowner called WS for assistance with beavers in his pond burrowing into the pond dam. Damage was verified and estimated at \$1,000. Conibear traps were placed, and two beavers were removed to conclude this project. The owners were advised about environmental changes that could deter future beaver problems.

Mayer County Commissioners' office contacted WS for assistance with beavers, reporting flooding damage to the county road from beaver activity. The damage and beaver activity were

confirmed, and the damage was estimated at \$2,000. Conibear traps were placed, and three beavers were removed with this project still being monitored.

Adair County Commissioners’ office called WS for assistance with beavers, reporting flooding damage along a county road. The beaver damage was verified and estimated at \$1,000. The adjoining landowner was contacted and willing to allow WS access to the property to remove the beavers. The beaver dam was removed by hand to alleviate the flooding. Using a spotlight during a night-shoot, the WS specialist was able to remove four beavers. With no further damage being reported, this project has concluded.

Special Projects

Wildlife Services was contacted by the Bertrand Cemetery in **Cimarron County** with Prairie dog damage the cemetery grounds. Prairie dogs were on the cemetery property and surrounding property owned by the US forest Service. To address the problem long term the US Forest Service contracted with WS to treat the one hundred acres adjacent to the cemetery. WS treated the Forest Service property and cemetery property to reduce the Prairie Dog population in the area. The area is being closely monitored to determine if additional treatments are necessary.

Wildlife Disease Sampling; Thirty-seven feral swine samples were taken in four counties. Included in these samples were four CONUS ASF surveillance swabs taken along the Tulsa County border in coordination with the National Feral Swine Program’s African Swine Fever Surveillance plan.

Table 1: Beaver, Predator, and Feral Swine removal in Oklahoma by WS October 2024

County	Beaver	Predators	Feral swine	District
Adair	6		1	E
Alfalfa				C
Atoka	9	26	37	E
Beaver				W
Beckham			9	W
Blaine			12	W
Bryan	6	44	14	E
Caddo			42	W
Canadian				C
Carter	2	2	28	C
Cherokee	2		4	E
Choctaw	4		48	E
Cimarron				W
Cleveland		2	10	C
Coal				C
Comanche	12		11	W

Cotton				W
Craig			22	E
Creek			12	E
Custer		42	124	W
Delaware		85	1	E
Dewey		8	81	W
Ellis		2	25	W
Garfield	7	5		C
Garvin		2		C
Grady	1			W
Grant				C
Greer			147	W
Harmon				W
Harper		2		W
Haskell				E
Hughes			111	E
Jackson		8	58	W
Jefferson			28	C
Johnston				C
Kay				C
Kingfisher	2	11		C
Kiowa				W
Latimer	2			E
Leflore			30	E
Lincoln			7	C
Logan		7	1	C
Love				C
Major			20	W
Marshall				C
Mayes				E
McClain				C
McCurtain				E
McIntosh	1		28	E
Murray	6	1	18	C
Muskogee			15	E
Noble				C
Nowata			12	E
Okfuskee			21	E
Oklahoma	5	14	4	C
Okmulgee	2		33	E
Osage				E

Ottawa				E
Pawnee				C
Payne				C
Pittsburg			47	E
Pontotoc				C
Pottawatomie				C
Pushmataha	3	1		E
Roger Mills		5		W
Rogers			12	E
Seminole	1			E
Sequoyah				E
Stephens				W
Texas				W
Tillman				W
Tulsa				E
Wagoner			35	E
Washington				E
Washita		5		W
Woods				W
Woodward	8	1	107	W
TOTAL	79	273	1215	

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

Respectfully submitted,

Justin Cooper
Division Director
Wildlife Services Division

**November 2024 Activity Report
for
December 2024 Board Meeting

Agricultural Statistics Division**

General

Rainfall totals during the **first week of November** in Oklahoma averaged 3.83 inches. According to the October 29th US Drought Monitor Report, drought conditions were rated 92 percent abnormally dry to exceptional drought, up 42 points from previous year. Additionally, 84 percent of the state was in the moderate drought to exceptional drought categories, up 48 points from last year. Statewide, temperatures averaged in the lower to upper 60's. Topsoil and subsoil moisture conditions were rated short to very short.

Rainfall totals during the **second week of November** in Oklahoma averaged 4.96 inches. According to the November 5th US Drought Monitor Report, drought conditions were rated 92 percent abnormally dry to exceptional drought, up 42 points from previous year. Additionally, 68 percent of the state was in the moderate drought to exceptional drought categories, up 32 points from last year. Statewide, temperatures averaged in the upper 40's to lower 60's. Topsoil and subsoil moisture conditions were rated short to adequate.

Rainfall totals during the **third week of November** in Oklahoma averaged 0.29 inches. According to the November 12th US Drought Monitor Report, drought conditions were rated 82 percent abnormally dry to exceptional drought, up 26 points from previous year. Additionally, 47 percent of the state was in the moderate drought to exceptional drought categories, up 11 points from last year. Statewide, temperatures averaged in the lower to upper 50's. Topsoil moisture conditions were rated adequate to surplus and subsoil moisture conditions were rated short to adequate.

Rainfall totals during the **fourth week of November** in Oklahoma averaged 1.38 inches. According to the November 19th US Drought Monitor Report, drought conditions were rated 53 percent abnormally dry to exceptional drought, down 2 points from previous year. Additionally, 18 percent of the state was in the moderate drought to exceptional drought categories, down 18 points from last year. Statewide, temperatures averaged in the upper 40's to lower 50's. Topsoil moisture conditions were rated adequate to surplus and subsoil moisture conditions were rated adequate to short.

Small Grains: In the Central district, wheat acres planted later in the planting season were in much better condition with stronger stands than acres planted earlier. Winter wheat planted reached 95 percent, up 5 points from last week but down 2 points from normal. Winter wheat emerged reached 80 percent, up 5 points from the previous week but down 13 points from normal. Oats planted reached 7 percent, up 2 points from the previous week.

Row Crops: Sorghum harvested reached 93 points, up 5 points from the previous week but down 2 points from normal. Soybeans harvested reached 76 percent, up 6 points from the previous week but down 4 points from normal. Peanuts harvested reached 95 percent, up 10

points from the previous week and unchanged from normal. Upland Cotton harvested reached 65 percent, up 8 points from the previous week but down 12 points from normal.

Hay: The fifth cutting of alfalfa hay reached 65 percent, up 5 points from the previous week and up 18 points from normal. The fourth cutting of other hay reached 35 percent, up 5 points from the previous week but down 13 points from normal.

Pasture and Livestock: Pasture and range condition was rated at 59 percent fair to poor. Livestock condition was rated at 84 percent good to fair.

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

Survey	Enumerated by:	Survey Dates
OSU Land Rental Rates Survey	DCC	11/7 – 11/15
Dry Bean Inquiry	DCC	11/27 – 12/19
December Crops APS	DCC	11/29 – 12/18
Oilseed AP	DCC	11/30 – 12/19
Grain Stocks	DCC	12/1 – 12/14
Cotton Ginnings	DCC	12/2 – 12/4
Cattle on Feed	DCC	12/2 – 12/9
Grain Prices	DCC	12/6 – 12/13
Cotton Ginnings	DCC	12/13 – 12/16
Crops CE	DCC	12/18 – 1/22
Trout Survey	DCC	12/30 – 2/14
Cattle Survey	DCC	12/31 – 1/15
Sheep and Goat	DCC	12/31 - 1/15

Statistics: On November 8, 2024, the November Crop Production Report was released. Highlights for Oklahoma include:

Oklahoma Upland cotton production is forecast at 300 thousand bales, 43 percent higher than 2023. Yield averaged 457 pounds per acre, compared with 560 pounds last year. Acreage harvested, at 315 thousand acres, is up 75 percent from last year.

Oklahoma corn production is forecast at 50.7 million bushels, up slightly from the previous year. Statewide yields averaged 130 bushels per acre, 19.0 bushels lower than 2023. Acres harvested for grain, at 390 thousand, is up 15 percent from last year.

Oklahoma sorghum production is forecast at 10.5 million bushels, down 36 percent from last year. Yield averaged 37.0 bushels per acre, down 10.0 bushels from the previous year. Acres harvested, at 285 thousand acres, is 19 percent lower than 2023.

Oklahoma soybean production is forecast at 9.10 million bushels, down 13 percent from last year. Yield is expected to average 20.0 bushels per acre, compared with 26.0 bushels in 2023. Harvested acreage, at 455 thousand acres, is 14 percent higher than last year.

Oklahoma peanut production is forecast 8 percent higher than last year, at 62.9 million pounds. Yield is forecast at 3,700 pounds per acre, down 180 pounds from 2023. Harvested acres are up 13 percent from last year to 17.0 thousand acres.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 44.

Releases for November:

Crop Production
Farm Labor
Cattle on Feed
Agricultural Prices

Relating Dates:

November 1, 2024
October 6-12, 2024
November 1, 2024
November 15, 2024

Release Dates

November 8, 2024
November 20, 2024
November 22, 2024
November 29, 2024

Releases for December:

Crop Production
Cattle on Feed
Hogs and Pigs
Agricultural Prices

Relating Dates:

December 1, 2024
December 1, 2024
December 1, 2024
December 15, 2024

Release Dates

December 10, 2024
December 20, 2024
December 23, 2024
December 31, 2024

Meetings and Events:

CEAP NASDA Training
OSU Rental Rates Survey Training
OBHRP Inc Conference
AYC Session 3
Oklahoma Wheat Commission
Lincoln County CCD
AYC Session 3
Oklahoma Oilseed Meeting
IAC Annual Conference
OLAC Advisory Board

Date:

October 30-November 1
November 7, 2024
November 8, 2024
November 19, 2024
November 20, 2024
December 2, 2024
December 4, 2024
December 6, 2024
December 9-12, 2024
December 10, 2024

Location:

Norman, OK
OKC, OK
OKC, OK
OKC, OK
OKC, OK
Chandler, OK
OKC, OK
OKC, OK
Las Vegas, NV
Virtual

Respectfully Submitted,

Troy Marshall

MARKET DEVELOPMENT SERVICES

December 16, 2024

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 135
- Total Number of Pre-service Teachers Impacted: 29
- Total Number of Extension Educators Impacted: 0
- Total Number of Students Directly Impacted by Coordinators: 2,025
- Total Number of Resources Given: 8,303
- Total Number of Teachers/PreService Teachers Resources Given to: 128
- Total Number of PreK-12th Grade Students Resources Given to: 4,707

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

- The AITC monthly email is delivered to 17, 468 accounts.
- The AITC Facebook page now has 10,116 followers.
- The AITC Twitter page now has 577 followers.
- Oklahoma AITC Instagram account now has 878 followers.
- Oklahoma AITC Pinterest account now has 155 followers.
- The AITC YouTube channel now has 9,980 views.

Ag in the Classroom- Professional Development Workshops

Number of Educators & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
17 Mid-Del Schools Librarians (Elem - High School)	Mid-Del Public School Administration Building	Temple Grandin Pictionary; Pumpkin Pie in a Bag; Oklahoma AITC website and resources; Farm Boots book activity; Upper level books and activities - Hero for the Hungry with Wheat tear sheets	Barn full of resources
19 teachers from all over Oklahoma	Putnam City School Administration Building	New Specialty Crop Bilingual resources - taste testing, various activities	All new bilingual specialty crop resources: 25 Super Crop coloring books; 25 upper level specialty crop activity books; 4 books (Zora's Zucchini and Sylvia's Spinach in English and Spanish); 25 bookmarks; 25 Zora's zucchini readers; 25 Sylvia's spinach readers
17 Pre-service teachers	Northwestern OSU in Alva, OK	Flat books and resources; Bilingual Specialty Crop resources	Barn Full of resources
12 Early Childhood Pre-service teachers	Oklahoma State University	Bees/honey; NAITCO Bee Pollinator activity	Barn full of resources

12 Librarians across school district	Bixby Public Schools	Thinking in Pictures; many OKAITC resources and activities for librarians	Barn full of resources
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Ag in the Classroom- Student Events

Number of Participants & Grade Level(s)	Location	Lessons/Activities Used	Resources Given
1 teacher and 25 3rd Grade Students	Big Pasture Elementary School	2024 Read an Accurate Ag Book Week Bushel of Books Prize Presentation	Bushel of Books (25 accurate ag books)
75 Preschool to 12th grade students	OERB STEM Night at Bridge Creek Public Schools	Floating Pumpkins	N/A
180 Elementary students	Maysville Elementary Ag Day	Pumpkin Pie in a Bag	Pumpkin Tear Sheets
450 7th grade students	Lawton FFA Ag Day (Nov. 14)	Christmas Tree Facts; Christmas Tree Cup Tower	N/A
350 7th grade students	Lawton FFA Ag Day (Nov. 15)	Christmas Tree Facts; Christmas Tree Cup Tower	N/A
120 6th grade students	Oakridge Elementary (Moore) Ag Day	Shake It, Mix It, Squeeze it (Butter, honey, & jam)	N/A (resources brought week prior and given out by teachers)
525 kids and adults	Geekapalooza	pumpkin catapults/ soybean activities	Soybean and Pumpkin Tear sheets
300 Kindergarten students	Weatherford Farm to School Event	Pollinators and Plants	Each student planted wildflowers in a pot and learned about bees and pollination

Ag in the Classroom- Resources Mailed or Delivered

Locations where Resources are Mailed or Delivered	
Oklahoma State University College of Agriculture	Dove Science Academy Elementary - War Acres
Willard 5th & 6th grade Center - Ada	Clayton Public Schools
Stillwater Christian School	Grove Early Childhood Center
Hillcrest Elementary - OKC	Larkin Bailey Elementary - Owasso
Central Elementary - Haskell	Mckinley Elementary - Enid
Kids Incorporated Childcare - Pryor	Kiefer Elementary School
Fort Cobb-Broxton Elementary	Bill Wallace Early Childhood Center - Chickasha
Shiloh Christian Academy - Newcastle	Jeff O Mills Elementary - Owasso
Mills Elementary - Owasso	Eastlake Elementary - OKC
Navajo Elementary - Altus	Highland Park Elementary - Stillwater

Skyline Elementary - Stillwater	Westwood Elementary - Stillwater
Sangre Elementary - Stillwater	White Rock Public School - McLoud
Dunbar School - Okmulgee	Vici Elementary School
Oakridge Elementary - Moore	

Ag in the Classroom- Other Events

Event	Highlights
Emily participates in the Oklahoma Agricultural Leadership Program	Emily Ague participated in 2 seminars, one in October to Southeastern Oklahoma, and one in November to Northeastern Oklahoma.
Oklahoma AITC Coordinators judge AFR speech contests	Oklahoma AITC Coordinators help judge AFR speech contests throughout Oklahoma.

Read an Accurate Ag Book Week Bushel of Books Winners

Davenport 4-H Club

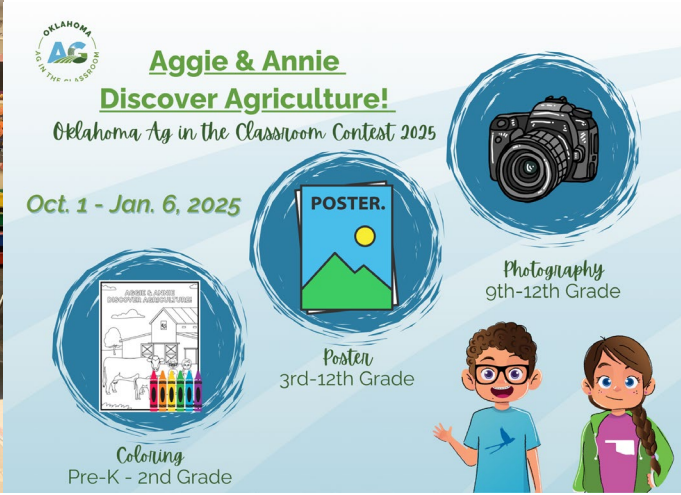
Big Pasture Elementary



Vinita Elementary



2025 Contest Postcard



AGRITOURISM

Agritourism - Site Visits

Producer	Location	Category	Highlights
The Twelves	Stillwater	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Oh My Gourd Pumpkin Patch	Glencoe	Pumpkin Picking, Petting Farm, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Pumpkin Town	Tulsa	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Sweet Pickens Pumpkin Patch	Altus	Pumpkin Picking, Petting Farm, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Jahn Pumpkin Hill	Cyril	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Sunshine Shelly's Pumpkin Patch	Shawnee	Pumpkin Picking, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
The Patch at Spring Creek	Gracemont	Pumpkin Picking, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Bigfoot Ranch Pumpkin Patch	Apache	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Walnut Woods	Edmond	Pumpkin Picking, Petting Farm,	Delivered new agritourism sign, visited for fall season,

		Mazes, Teachable Moments	
Annabelle's Fun Farm	Welch	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Oklahoma Heritage Farm	Ramona	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Bradt's Menagerie	Alva	Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, , visited for fall season,
Red Bird Farm	Enid	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Rustic Roots	Lamont	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Okie Grown	Bixby	Country Stay, Petting Farm	Delivered new agritourism sign
Carmichael's Pumpkin Patch	Bixby	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Orr Family Farm	Oklahoma City	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Chester's Party Barn & Farm	Piedmont	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season, created Instagram reel
Parkhurst Ranch	Arcadia	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Shepherd's Cross	Claremore	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Delivered new agritourism sign, visited for fall season,
Hoffman Pecan Farm	Stillwater	Farm-to-Table	Visited for fall season, created an Intagram reel
Brown Ranch Hay Maze	Ardmore	Maze	Visited for fall season, delivered new agritourism sign
Dogwood Blooms	Ardmore	u-pick, pumpkin patch	Visited for fall season, delivered new agritourism sign, created reel for Instagram

Agritourism - New Producers or Potential Producers

Producer	Location	Category	Highlights
Acadian Family Farm	Fort Cobb		Created Simple Snacks grant video and interviewed owner, Rod Acadian

Salt Creek Alpacas	Amber	Fiber, Teachable Moments	Went on two site visits, added into the program, delivered new agritourism sign
Okie Grown Farm stay 2 & 3	Bixby	Country Stay	Site visit for potentially adding to program, will return in a few months
Bridging Vines	Yukon	Winery/Vineyard	Site visit with Madi for vineyards/winery category
Red Hill Ranch	Minco	Country Stays	Site visit for potentially adding to program, will return in a few weeks
Bit by Bit Therapeutic Riding Center	Oologah	Pumpkin Picking, Petting Farm, Mazes, Teachable Moments	Site visit, added into the program Delivered new agritourism sign
Bougee Acres	Asher	Petting Farm	Site visit, added into the program, delivered new agritourism sign
Little Red Barn	Sulphur	Pumpkin Patch	Site visit, added into the program, delivered new agritourism sign

Social media

Facebook

- 23,013 likes
- 25,743 followers

Instagram

- 2,763 followers

Agritourism - Other Activities

- Phone consult/conversations with: Country Bumpkin Pumpkin Patch, Parkhurst Ranch, The Twelves, Sunshine Shelly's, Thunderbird Berries, Rustic Roots, Charles Crawford – farm hub, Zac Allen – farm hub, Arnetta Cotton – farm hub, James Hill – hunting lodge, Donnie Brown – mini highlands, Carol Jones – honey at farm to table dinner, Joey Rodriguez – microgreens at farm to table dinner and farm hub, Carolyn Piguet – farm to table dinner, Valley View Pecans, Justin McConaghy, Keith Scott – ok grown bags, Lauren Szmuto – marketing campaigns, Slaughterville farmers market, Annabelle's Fun Farm, Jenna Moore – OKLAS,
- Email conversations: Wells Christmas Tree Farm, Crisp Tree Farm, Sorghum Mill Christmas Tree Farm, Pioneer Homestead Christmas Tree Farm, All Pine Christmas Tree Farm, Silver Bells Tree Farm
- Zoom consults/meetings: Wallace Center – potential OKLAS keynote, Mpack about farmer market/hub website, Oklahoma Arts Council – grants for farmers markets and future collaboration, EPOS – camp collaboration,
- Coordinated OK Grown bags/stickers picked up from office/warehouse: Lawton FM, Cleveland Co. FM
- Send out newsletter to consumers about fall season, 3,400 views
- OKLAS Planning
- Speak about agritourism to two OSU Ag Comm writing classes
- Attend Western Oklahoma OLAC as a vendor and participant
- Speak to NE Tech adult business class
- Coordinate AYC group visit with All Pine
- Host booth at Adventures in Agriculture high school career fair at The Cowboy Museum
- Presented to Wayne FFA about Oklahoma Agritourism

- Presented at Rt 66 Showcase about Oklahoma Agritourism
- Presented to Nowata County OSU Extension student leadership group
- Meeting with EPOS about ag camp collaboration

ECONOMIC DEVELOPMENT

Activity	Action
Agriculture Enhancement & Diversification Program	The Ag Enhancement & Diversification Program was paused in March of 2024 due to lack of available funding. The program received additional funds and ODAFF was able to restart it late October. A list of 60 producers were contacted who had signed up on ODAFF's website to be notified when the program became active. The deadline to submit applications for consideration is January 2 nd .
2024 SCBG application	USDA-AMS approved ODAFF's State Plan that was submitted for 2024 Specialty Crop Block Grant. The total award was for \$542,948.82 and will be used to fund 6 projects to promote the specialty crop industry in Oklahoma.
Healthy Food Financing Program	The selection committee for the Healthy Food Financing Program met November 12 th via Zoom to conduct their quarterly meeting. The committee voted in favor of approving the following projects for approval: The FARMacy Barn to Table Market LLC (Bridgette Nichols) \$9,492.38 and Sunny Creek Trading Post LLC (Elizabeth Threlkeld) \$8,917.34.
SCBG Annual and Final reports	Recipients of 2021, 2022 and 2023 Specialty Crop Block Grants were notified by email that their annual and final reports are due to ODAFF by December 1 st . ODAFF will compile the various reports into a single document for each years grant and submit to USDA by the end of December.

FARM TO SCHOOL

F2S Contact Meetings and Events	Highlights
Unity Learning Academy Check Presentation, Tulsa	Presented check for winning the Best Harvest School Garden.
Meeting with Than Tran	Met to discuss the Farm to School Summit.
Farm to School Summit Planning Meetings	Met to discuss and finalize logistics for the Farm to School Summit.
Farm to ECE Meeting with Leo Perez Program Coordinator for the High Obesity Program (HOP) Department of Nutritional Sciences, EHS	Leo works with HOP and is creating a Farm to ECE working group to help propel this program. Our first meeting was an overview of the program and a small discussion on how we can utilize this group to help expand Farm to ECE.
Custer County 4-H Ag Day	Annie and I taught a pollinator workshop session at the Custer County 4-H Fall Ag Day. Participants learned about pollinators' important role in agriculture and how honey is made. They also planted wildflower

	seeds and learned the three elements' plants need to grow to help attract pollinators. Pre-K Students reached: 160
Ag Day for Oakridge Elementary School	Taught the Story of Milk to four 1 st grade classes. Students Reached: 60
The Nest Check Presentation, Lawton	Presented check for winning the Best Startup School Garden.
Farm to School Summit	Potlikker Capital kicked off the Farm to School Summit Friday night with a welcome dinner for all planning committee and special guests. The Farm to School Summit was a success with 57 participants including school personnel and local producers.
Tulsa Public Schools Farm to Market Event	Taught the Cycle of a Chicken Clinton West 4-5 grade students Robertson 4-5 grade students Students Reached: 120 links from channel 6 news and Tulsa talk radio that covered the story. https://www.publicradiotulsa.org/local-regional/2024-10-28/from-farm-to-fork-tulsa-students-discover-the-journey-of-their-food https://www.newson6.com/story/672025156fdb793fd1f4071e/tulsa-elementary-students-learn-importance-of-farming-healthy-eating-

School Visits:


- Unity Learning Academy, Tulsa
- Webster High School, Tulsa
- The Nest Early Child Care, Lawton
- Oakridge Elementary School, Edmond



F2S Social Media



FB Followers	Total: 2,148 New Followers: 328
FB Post Reach: This metric counts reach from the distribution of your post.	5,139
FB Impressions: The number of times your content was on screen.	5,205
FB Engagement: Post reactions, comments and shares	318

The Great Oklahoma Lunch Crunch National Farm to School Month Celebration:

- Registered Organizations/Schools: 7
- Total Reached: 289 students

School/Organization	Event Info	Pictures
Chickasha Homeschool Co-Op Date of Event: 10/28/24	Participants: 55 Crunched into: Beef taco, corn salad, salsa Purchased from: Local farmers market and donations from group members who raise beef	

<p>Lift Head Start/ Pre School</p> <p>Date of Event: 10/17/24</p>	<p>Participants: 15</p> <p>Crunched into: Fresh veggies and produce. Local raised beef and poultry</p> <p>Purchased from: Farmers Market</p>	
<p>Mayes County HOPE - Digging in the Dirt After-School Program</p> <p>Date of Event: 10/17/24</p>	<p>Participants: 15</p> <p>Crunched into: Fresh veggies and produce. Local raised beef and poultry</p> <p>Purchased from: Grandma Yang's Farm</p>	
<p>Madison Middle School- Student Council</p> <p>Date of Event: 10/24/24</p>	<p>Participants: 45</p> <p>Crunched into: Eggs, Sausage, Milk, Onions, Potatoes and Pumpkins</p> <p>Purchased from: Schmitt Livestock and Oklahoma Heritage Farm</p>	
<p>Little Cherokee Seeds – AIRC</p> <p>Date of Event: 10/15/24</p>	<p>Participants: 15</p> <p>Crunched into: Georgia Candy Roaster Squash</p> <p>Purchased from: Mizzfit Produce and Little Cherokee Seeds Garden</p>	<p>https://www.facebook.com/reel/902070471875298</p>

<p>Will Rogers Elementary Stillwater OK</p> <p>Date of Event: 10/11/24</p>	<p>Participants: 64</p> <p>Crunched into: Carrots and celery</p> <p>Purchased from: NA</p>	
<p>Oklahoma School for the Blind</p> <p>Date of Event: 10/28/24</p>	<p>Participants: 80</p> <p>Crunched into: Lettuce</p> <p>Purchased from: School greenhouse</p>	

INTERNATIONAL

Activity	Action
Certificate of Free Sale	<ul style="list-style-type: none"> • BZT Additions • Lopez

Food Export	<ul style="list-style-type: none"> Fall Meeting in Chicago <p>International updates from In Market representatives</p> <ul style="list-style-type: none"> Raul Caballero, Mexico Hisao Fukuda, Japan Tatiana Quiros, Central America Deborah Seegar, Canada Thomas Wee, Southeast Asia <p>Updates from staff on internal processes and changes, Farm & Trade Policy Update, FAS Updates, We had an all day strategy session with Food Export consultants to look at the future of Food Export.</p> <ul style="list-style-type: none"> Recruitment and coordination for Focused Trade Mission to Caribbean in February
USLGE	<ul style="list-style-type: none"> Met with USLGE Consultants on the 2025 RAPP application process Met with Langston University to help them understand the potential for RAPP with small ruminants. We have a follow up to discuss potential projects for 2025 and beyond.
Misc Meetings	<ul style="list-style-type: none"> OKIE Board Meeting

MADE IN OKLAHOMA COALITION

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.	September – Mayo Hotel, Tulsa October – Classen Grill, OKC November – Chalk Sports Bar and Grill, OKC
MIO Broadcast Campaign	Campaign Flight - 3 months (Nov, Dec, April) Member Cost = \$1,750	Broadcast in OKC & Tulsa KWTW (News 9), KOTV (News 6) , KFOR (News 4) MEMBER ROI/MEDIA VALUE = \$23,333
MIO Fall Recipe Guide	Members were able to participate in this guide for \$250. This is the third of	Call to action: Download our Recipe Book! Total of 337 clicks

	three installments (winter, fall and spring). This guide will run from mid- October- December.	Link to guide
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 5700+ 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.	September: - Chicken Bacon Ranch Sheet Pan Dinner - Breakfast Pizza - Kitchen Sink Cookies - Strawberry Oatmeal Pretzel Bars October - Green Chile Pork Tostadas - Cowboy Queso - Caramel Apple Pie - Pumpkin Roll - Popcorn Cupcakes November: - Sheet Pan Sweet Potato Casserole - Glazed Smoked Turkey Legs - Green Bean Casserole
September Retailer of the Month	Super C Mart	Statewide Locations
October Retailer of the Month	Jumbo Foods	3 Enid Locations
November Retailer of the Month	Homeland	Statewide locations

Made in Oklahoma Coalition – Other Activities

Activity	Information
Associated Wholesale Grocers Food Show - September 5 th	11 MIO members participated in the MIO booth at the show. Many positive interactions were reported from this show. MIO members had the opportunity to speak with significant statewide retail partners.
Reasor's Broken Arrow: 6 week grand opening - Began August 10 th - Broken Arrow, OK	Reasor's and Brookshire Grocery Company staff asked MIO to participate in their grand opening of the Broken Arrow store by participating in giveaways and member sampling events for a 6-week period. Results reported by Reasor's staff and MIO members were very positive. Sales numbers were high across the board.
Super C Mart: Member sampling event & hot dog lunch - September 13 th - Noble, OK	7 MIO member companies participated in the MIO sampling event at Super C Mart. Additionally, MIO hosted a free hot dog lunch sponsored by Bar-S Foods for the community.
MIO Recipe Photoshoot & Videoshoot - October 9 th - Jenks, OK	Winter and Spring MIO recipes were shot for use in MIO marketing activities including our digital recipe guides, social media, and the MIO newsletter. MIO recipes are shared on TV by Natalie Mikels and David Brooks

MIO Membership Meeting - October 18 th - Regional Foodbank of OK	MIO members gathered at the Regional Food Bank of Oklahoma for our October membership meeting. 15 members attended in-person and about 20 attended via zoom.
Jumbo Foods: Free pork lunch, shopper sweepstakes and sampling event - October 22 nd - Enid, OK	This event was a fantastic partnership with MIO and the OK Pork Council. 10 MIO members participated in the in-store sampling event and reported great sales from the event. Over 450 pulled pork sandwiches were given away and the shopper sweepstakes winner received over \$700 in free groceries.
MIO Member Photoshoot - October 18 th - Krush Digital, OKC	This photoshoot was the first cost-share photography opportunity offered to members to participate in for this fiscal year. 5 companies participated in the shoot. Companies were able to get high-resolution headshots and product shots of their product lines. Cost for members was \$200.
MIO Court Cart with OKC Thunder - October-April - Paycom Center: OKC, OK	MIO is entering its 4 th season with the OKC Thunder where we have partnered with Levy Restaurants on local themed concession cart. We pivoted concepts this year to a “cantina” theme with Mexican inspired dishes utilizing MIO products. So far sales are up 80% from last year. The cart is well advertised throughout the concourse and stadium.
MIO Retail Ad with Homeland Foods	MIO companies cost-shared a month-long ad in Homeland’s “Bring Home the Savings” ad booklet. 15 companies participated by purchasing ad space. Link to ad
MIO Retail Ad with Associated Wholesale Grocers	MIO ad running from 10/23/24 -11/23/24 See Ad 1 & Ad 2 10 MIO companies participated
MIO membership meeting - November 8 th	The November MIO meeting was held via zoom. All committees gave reports as to the upcoming events and projects they are working on.

MADE IN OKLAHOMA PROGRAM

Events	Date	Location	Details
Tulsa State Fair, Vendor Area	Sept. 26-Oct. 6	Exchange Building, Tulsa State Fairgrounds	We contracted out 48 booths to companies of the Made in Oklahoma Program.
Tulsa State Fair, OK Cafe	Sept. 26-Oct. 6	Lower Ford Truck Arena, Tulsa State Fairgrounds	Daily duties include cooking/preparing food, serving, managing cash registers, coordinating volunteers and more.
Stockyards Stampede	Oct. 19	OKC	20 companies participated in Made in Oklahoma Market at Stockyards Stampede.
NRHA Cowgirl Gathering	Oct. 24	OKC	Networking event at NRHA
Oklahoma Arts Council	Oct. 25	Virtual	Met with Oklahoma Arts Council to learn about their grant opportunities/how our programs can support each other.

Fall Home Expo	Nov. 1-3	Tulsa	3 companies participated in a Made in Oklahoma area for this Home show.
Ag Insights	Nov. 7	OKC	Gave presentation over Made in Oklahoma Program for legislative members and staff. Joined by two program members: Cottage Goods and Ortons House Seasonings
MIO Coalition	Nov. 8	Virtual	Monthly Coalition meeting
Site Visit	Nov. 15	Tulsa	Visited with Expressly Gifts for social media content to promote them
Site Visit	Nov. 15	Tulsa	Visited with Barbee Cookies for social media 'Meet the Maker' series
Site Visit	Nov. 15	Collinsville	Visited with Bee Farmee for social media 'Meet the Maker' series
Site Visit	Nov. 15	Collinsville	Visited with Farm Hippie for social media content to promote them

New Producers:

RPX Technologies, Inc.	Taylor-Speck & Co. Silver	Edges, Skins & Timbers	Gumballols
Kind Collections	7 Mile Processing and Cattle Co.	Day 3 Creations, LLC	405 Freeze Shop
Wheeler Farms Meat & Market	Canned Gifts, LLC	Maya's Artbeat	Swinging E Leather
Burks Best MFG. LLC	Julianne's Joyful Jewelry	Wax Lamp Candle Co.	Distinct Customs
Taylor Ranch Beef	Prairie Wind Soap	Cactus Treats	BeezCoCustoms
KatieDidIt, LLC	Rainbow Road Alpacas	Herbal Rose Apothecary	Bespoke Leather Goods
Cosmic Candy	Crazyfists dba The Native Gypsy	Blue Moon Foods	

- Created and sent form for Gift Basket page to producers – to add them to Gift Basket page of website, if they offer a holiday themed gift basket/set.
 - Uploaded new producer gift offerings to website
- Worked with social media intern weekly to develop schedule and content for Facebook and Instagram pages

VITICULTURE & ENOLOGY

Viticulture & Enology - Site Visits

Producer	Location	Category	Highlights
Bridging Vines	Yukon	Winery/Vineyard	Added to program. Trying to establish a vineyard in addition to their winery with the goal of using Oklahoma fruit in the future.
Backroad Vineyard	Okay	Vineyard	Attended Backroad's annual Falliday festival to take photos and videos for future posts and reels.

Viticulture & Enology - Other Activities

- Oklahoma Grape Growers and Winemakers Conference. The bulk of planning has fallen into this Board Report's time frame. Speaker planning, program design, signs and other printing, venue hunting, meal planning, etc.
- Gave an Eno-Tourism lecture at OSU for a Travel and Tourism Course. Talked about the wine trails and the thoughts behind their set up and layout.
- Met with Taste Advisor to discuss changes to the App to hybridize the passport program between paper and digital.
- Reviewed the returned rule proposal change from legal regarding the opening of the V&E grant funds to individuals.

MARKET NEWS SERVICES

- **Grain Report:**

	September 27, 2024,	November 14, 2024,	DIFFERENCE	
WHEAT: (bu)	\$4.58-\$5.08	\$4.38-\$4.88	\$0.20 to \$0.20	Lower
MILO: (bu)	\$3.58-\$3.88	\$3.64-\$4.04	\$0.06 to \$0.16	Higher
SOYBEANS: (bu)	\$8.91-\$9.71	\$8.72-\$9.12	\$0.19 to \$0.59	Lower
CORN: (bu)	\$3.83-\$4.73	\$4.04-\$4.69	\$0.21 to \$0.04	Higher/Lower
COTTON: (lb)	60.04 cents	63.07 cents	3.03 cents	Lower

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

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
11-14-2023	STEERS	Number 1	\$255.00-\$319.00	\$287.00
11-12-2024	STEERS	Number 1	\$275.00-\$329.00	\$302.00

Year	Gender	Muscle Thickness	Prices	500-600 lb. Weighted Average
11-14-2023	HEIFERS	Number 1	\$208.00-\$259.00	\$233.50
11-12-2024	HEIFERS	Number 1	\$227.00-\$283.00	\$255.00

- **Weekly Report:**
 - Six weekly Oklahoma Market Reports were sent to 11,749 subscribers September 27, 2024-November 14, 2024 (**up from 58 subscribers last report**).

- **Voice Messaging System:**
 - Monthly Total: September 27, 2024, November 14, 2024, **6,893 Accessed Times**
 - Last Report August 12, 2024, September 27, 2024, **6,789 Accessed Times**
 - Compared to Last Month: **Accessed Times-is UP 104 on Accessed times**

- **Oklahoma Agriculture Market News**
 - **Facebook Page**
 - Likes/Followers 639
 - **Likes/Followers UP 17**
 - People reached through pasted report: 862 people

- **Oklahoma Hay Directory**
 - Hay Directory
 - **100 people are on the Oklahoma Hay Directory.**

- **Hay Report**
 - **Hay Remarks – From our Producers (Each statement or comment is from a different hay producer)**
 - Supply has picked up but not enough to say I have been steady.
 - Receiving much needed rain to fill ponds and retain cattle a little longer will allow me to sale few more bales to customers.
 - Not much has changed, continuing to sell to long time customers.
 - This has been the most interesting year yet that I have had in the hay business. I have been in the business for 20 plus years too. From having less cattle in the country to having more hay bales than we have cattle.

This Month: September 27, 2024, November 14, 2024, Hay Traded 14,051
Last Year September 29, 2023, November 11, 2023, Hay Traded 16,408
DOWN 2,357 Bales Reported

**OKLAHOMA HAY MARKET REPORT
11-8-24**

Receipts: 4,635 Last Reported: 3,316 Year Ago: 3,915

Compared to the last report, the hay trade is slow, not enough trade to say it is slow to steady. Rain has moved across Oklahoma and will continue to move through for most of November. This will help the drought, ponding, and crops that are in need of moisture. Movement of the trades are still mainly long-time customers and contracted hay. Even with new customers we still have an abundance of hay here in Oklahoma.

Type	Size	Shape	Trend Price Range	Bale/ Per Ton	2024/2023/Rough
Alfalfa	Large	Square	130.00-150.00	Per Ton	2024 Hay
Alfalfa	Large	Round	130.00-150.00	Per Ton	2024 Hay
Grinding Hay	Large	Ground	80.00-90.00	Per Ton	N/A
Bermuda	Large	Round	70.00-90.00	Per Bale	2024 Hay
Bermuda	Large	Round	50.00-55.00	Per Bale	2023 Hay

Bermuda	Large	Square	No Trend	N/A	N/A
Wheat	Large	Round	80.00-90.00	Per Ton	2024 Hay
Wheat	Large	Square	80.00-90.00	Per Ton	2024 Hay
Grass	Large	Round	No Trend	N/A	N/A
Grass	4x5-4x6	Round	45.00-55.00	Per Bale	2024 Hay
Grass	4x5-4x6	Round	25.00-35.00	Per Bale	2024 Hay Unfertilized Hay
Grass	Any Size	Round	25.00	Per Bale	2023/Rough Hay

The Oklahoma Mesonet Drought Monitor shows we are at 0 percent in exceptional drought, 0 percent in an extreme drought, 41.55 percent in severe drought, 67.84 percent in moderate, and 92.26 percent in abnormally dry conditions, and 7.74 percent that has no drought conditions

*** The next report release will be on November 22nd ***

Central

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good	Trade	Per Ton	Large	Square	640	150.00	150.00	F.O.B
Alfalfa	Fair/Good	Trade	Per Ton	Large	Square	135	135.00	135.00	F.O.B.
Bermuda	Good	Ask	Per Bale	Medium	Round	0	70.00		F.O.B.

North Central

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Bermuda	Premium/Supreme	Trade	Per Bale	Large	Round	125	90.00	90.00	F.O.B
Bermuda	Premium/Supreme	Trade	Per Bale	Small	Square	90	11.00	11.00	F.O.B
Bermuda	Good/Premium	Ask	Per Bale	Large	Round	0	80.00		F.O.B
Bermuda	Good	Trade	Per Bale	Large	Round	400	70.00	70.00	F.O.B

Northeastern

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Good	Ask	Per Ton	Large	Round		150.00		F.O.B
Bermuda	Fair/Good	Trade	Per Bale	Large	Round	160	50.00	500.00	F.O.B
Prairie/Meadow	Premium	Ask	Per Bale	Medium	Round	0	55.00		F.O.B
Prairie/Meadow	Good/Premium	Trade	Per Bale	Medium	Round	500	50.00	50.00	F.O.B
Prairie/Meadow	Good	Trade	Per Bale	Medium	Round	440	45.00	45.00	F.O.B

Northwestern

Type	Quality	Ask or Trade	Bale/Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
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Alfalfa	Premium	Trade	Per Ton	Large	Round	200	230.00	230.00	Delivered
Alfalfa	Good/Premium	Trade	Per Ton	Large	Round	340	200.00	200.00	Delivered
Alfalfa	Good	Ask	Per Ton	Large	Square	0	150.00	150.00	F.O.B
Alfalfa	Fair/Good	Ask	Per Ton	Large	Square	0	130.00	130.00	F.O.B
Alfalfa	Fair/Good	Trade	Per Ton	Ground	Ground	120	85.00	85.00	F.O.B
Bermuda	Good/Premium	Trade	Per Ton	Large	Round	380	150.00	150.00	F.O.B.
Bermuda	Good	Ask	Per Ton	Large	Round	0	80.00		F.O.B.
Wheat	Good	Trade	Per Ton	Large	Round	1000	80.00	80.00	F.O.B

South Central

Type	Quality	Ask or Trade	Bale/ Per Ton	Size	Shape	Qty	Price Range	Wtd. Avg.	Freight/Used
Alfalfa	Premium	Ask	Per Ton	Large	Round	0	200.00		Delivered
Alfalfa	Premium	Ask	Per Ton	Medium	Square	0	175.00		Delivered
Bermuda	Supreme	Ask	Per Bale	Large	Square	0	150.00		Delivered
Bermuda	Supreme	Ask	Per Bale	Medium	Square	0	110.00		Delivered



Agricultural Environmental Management Services (AEMS)
Division Activities

General Activities

- AEMS Staff attended the Arkansas-Oklahoma Arkansas River Compact Commission meeting held September 25-26 in Tahlequah, OK.
- AEMS Staff attended the Kansas-Oklahoma Arkansas River Compact Commission meeting held October 1-2 in Wichita, KS.
- AEMS Staff attended the Round 4 Regional State Water Plan Meetings held across the state: October 24 (Claremore), October 25 (OKC), October 28 (Woodward), October 29 (Lone Wolf), October 30 (Durant), and November 5 (Virtual).
- AEMS Staff attended the 10/26/2024 Pet Breeder Association Meeting.

Complaints

	Received	Closed*
This Reporting Period	14	12
Total FY25	29	40

**These numbers include closing of older complaints.*

Complaint Breakdown for this Reporting Period

Cattle:	0
Swine:	1
Poultry:	2
Misc Animal:	5
Other:	1
Animal Shelter:	1
Pet Breeder:	4

Program Activities

A summary of the inspections, compliance and technical assistance conducted by the ODAFF AEMS Staff for this reporting period.

CAFO & LMFO ACTIVITIES

	Aug 1 - Nov 15	FY 25 Total
Complaint or Compliance Follow-ups	12	21
Annual Inspections	107	227
Technical Assistance with Contacts	22	48
Site Visit/Review – No contact made	22	41

POULTRY ACTIVITIES

	Aug 1 - Nov 15	FY 25 Total
Complaint or Compliance Follow-ups	8	14
Annual Inspections	170	209
Technical Assistance with Contacts	257	602
Site Visit/Review – No contact made	109	312
OSU Poultry Education Classes Attended	3	3
Eucha-Spavinaw CNMP Written	13	28

PET BREEDER & SHELTER ACTIVITIES

	Aug 1 - Nov 15	FY 25 Total
Complaint or Compliance Follow-ups	7	23
Annual Inspections	97	158
Technical Assistance with Contacts	24	39
Close Outs	9	18

AGPDES ACTIVITIES

	Aug 1 - Nov 15	FY 25 Total
Complaint or Compliance Follow-ups	1	5
Site Inspections	0	4
Technical Assistance with Contacts	6	17

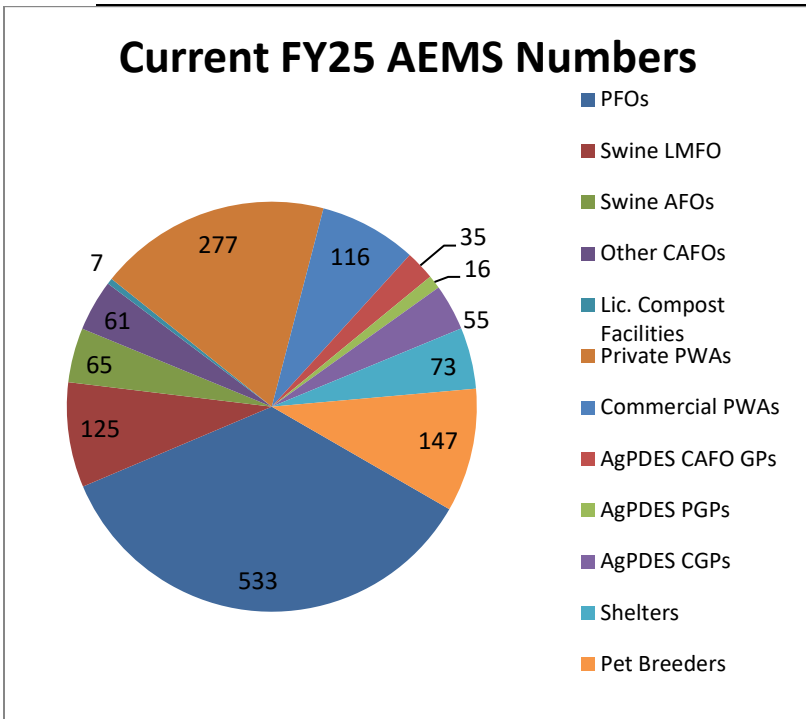
COMPOSTING ACTIVITIES

	Aug 1 - Nov 15	FY 25 Total
Complaint or Compliance Follow-ups	0	0
Site Inspections (all)	7	11
Technical Assistance with Contacts	6	16

AgPDES Permitting Activities

-
- Number of AgPDES CAFO Authorizations this reporting period: 0
 - Number of AgPDES PGP Authorizations this reporting period: 0
 - Number of AgPDES CGP Authorizations this reporting period: 0

Active Licenses/Registrations/Certifications/Permits



Respectively,

 Teena G. Gunter
 AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
 OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
 DECEMBER 2024 BOARD REPORT
 REGARDING SEPTEMBER 28, 2024 THROUGH DECEMBER 1, 2024
 ACTIVITIES OF THE OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

Amount to Date (2024)	Amount of Fines for this Board Meeting
\$119,680	\$116,550
\$372,095	2023
\$207,400	2022

CONTRACTS REVIEWED OR DRAFTED (54):

Marketing: 5
Admin: 2
Animal Industry: 3
Forestry: 38
Food Safety: 5
CPS: 1

ADMINISTRATIVE HEARING PROCEEDINGS:

Total Number of Open Cases: 57
Total Number of New Cases: 19
Total Number of Cases Closed: 9
NOVs Sent: 18

OTHER ACTIONS AND PROCEEDINGS:

<p>Aldridge v Bayer et al., Oklahoma County Case Number CJ-2024-4667: Governmental Tort Claims lawsuit by citizens for alleged injuries sustained through use of Roundup or Glyphosate. ODAFF Forestry is included as a defendant due to allegation that an Oklahoma Forest Stewardship Plan in 2008 advised, directed, instructed, or supervised use of Roundup on plaintiffs’ property in Oklahoma County. The Attorney General’s Office is handling this claim for ODAFF.</p>
<p>Stitt v Drummond, Oklahoma County Case Number CV-2024-606: Lawsuit by Governor and certain Cabinet Secretaries against the Attorney General’s Office regarding AG Opinion 2024-5. Oral arguments on Motion for Summary Judgment occurred May 9, 2024. Judge Ogden ruled for the Attorney General. Motion for</p>

Reconsideration was denied in part with a slight alteration to the original order. The case will now be appealed to the Oklahoma Supreme Court.
<i>Spring Creek Coalition v. ODAFF and Trong, Cherokee County Case Number CJ-2021-29:</i> Petition seeking declaratory and injunctive relief. Answer filed.
<i>Spring Creek Coalition v. ODAFF and Phan, et al., Delaware County Case Number CJ-2021-33:</i> Petition Seeking Declaratory and Injunctive Relief. Order Granting Partial Summary Judgement entered June 28 th , 2024. Motion to Reconsider overruled. Petition in Error filed in Supreme Court September 25, 2024.

MEETINGS:

Date	Activity
September 30, 2024	AEMS Legal
October 1, 2024	OBA GALPS
October 2, 2024	EPA AAWQ Subcommittee Ad Hoc Workgroup
October 7, 2024	AEMS Legal
October 8, 2024	Director's Meeting
October 10, 2024	ALJ Docket
October 14, 2024	Board Retreat
October 14, 2024	Board of Agriculture
October 14, 2024	AEMS Legal
October 15, 2024	Ag Law Webinar
October 15, 2024	Board Retreat
October 16, 2024	Equine Activity & Agritourism Statutes: Strategies for Risk Management
October 17, 2024	Safety committee
October 17, 2024	Choctaw Nation Water Discussion
October 21, 2024	AEMS Legal
October 21, 2024	Director's Meeting
October 23, 2024	OCWP SWP Collaborative Meeting
October 23, 2024	Risk Management Seminar
October 24, 2024	Risk Management Seminar
October 24, 2024	General Counsel's Meeting
October 24, 2024	Flood and Drought Task Force
October 25, 2024	OBA ELS Annual
October 28, 2024	AEMS Legal
October 28, 2024	Emergency Drought Commission
October 29, 2024	Director's Meeting
October 30, 2024	Commissioners of Land Office
October 30, 2024	EPA AAWQ Subcommittee Ad Hoc Workgroup
October 31, 2024	OGC Staff
October 31, 2024	AgPDES

November 1, 2024	The Death of Chevron: Implications of the Loper Bright Decision
November 4, 2024	AEMS Legal
November 4, 2024	Case update
November 4, 2024	Ag Youth Council Job Shadow
November 5, 2024	OBA GALPS
November 7, 2024	AALA Symposium – Memphis
November 8, 2024	AALA Symposium – Memphis
November 9, 2024	AALA Symposium - Memphis
November 12, 2024	Director’s Meeting
November 13, 2024	EPA AAWQ Subcommittee Ad Hoc Workgroup
November 14, 2024	ALJ Docket
November 15, 2024	Pesticide Advisory Committee
November 20, 2024	FSD land
November 20, 2024	OMES teleconference e-discovery
November 21, 2024	ODAFF Agency-wide call
November 21, 2024	State Seed Program
November 22, 2024	OMES HCM Rules
November 25, 2024	AEMS Legal
December 3, 2024	Public Hearing on FY2025 Proposed Rules

RULE ACTIVITIES:

<p>Chapter 10. Agricultural Products (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024.</p>
<p>Chapter 15. Animal Industry (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024.</p>
<p>Chapter 17. Water Quality (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 2, 2024. A public hearing took place on December 3, 2024.</p>

<p>Chapter 30. Consumer Protection (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 1, 2024. A public hearing will take place on December 2, 2024.</p>
<p>Chapter 37. Food Safety (Permanent FY 2025): On October 8, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 1, 2024. Public comment was open from November 1, 2024, through December 1, 2024. A public hearing will take place on December 2, 2024. On November 11, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 15, 2024. Public comment was open from November 15, 2024, through December 16, 2024. A public hearing will take place on December 16, 2024.</p>
<p>Chapter 40. Market Development (Permanent FY 2025): On November 11, 2024, the Notice of Rulemaking Intent was submitted and accepted by the Office of Administrative Rules. Publication will occur on November 15, 2024. Public comment was open from November 15, 2024, through December 16, 2024. A public hearing will take place on December 16, 2024.</p>

OPEN RECORDS REQUESTS (41):

AEMS: 7
CPS: 11
AIS: 9
Pet Breeders: 4
Market Development: 2
Food Safety: 3
Forestry: 5

OTHER ACTIVITIES:

Phone calls or emails with the public: 80
Assistance to industry: 1
Assistance to AEMS: 3
Assistance to CPS: 9
Assistance to Wildlife Services: 1
Assistance to Forestry: 7
Assistance to AIS: 9
Assistance to Admin: 11
Assistance to Market Development: 3
Assistance to other state agencies: 3
Assistance to federal agencies: 0
Assistance to Food Safety: 11

Assistance to NASS: 0
Assistance to Executive Office: 7
Assistance to Lab: 1
Assistance to Investigative Services: 0
Assistance to Legislature: 1
Assistance to Attorney General: 5
Assistance to Public Information: 5
Assistance to Governor: 0

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY BOARD REPORT

DECEMBER 2024

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 5,356,492 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts and ground meat. ODAFF inspectors provided USDA shell egg grading on 92,065 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. Routine egg quality inspections under the Oklahoma egg law were conducted.

ORGANIC FOODS SECTION

Organic inspectors completed compliance and certification inspections at:

- Nine organic crop producers
- One organic livestock producer
- Five organic processors
- Fourteen 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.

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

- Visited 8 farms providing outreach and education to producers and to verify inventory
- Visited 20 farmers markets/market hubs providing outreach and education to producers and to collect farm inventory
- Conducted 1 farm inspection
- Conducted outreach about the Produce Safety Rule at the Oklahoma Local Agriculture Collaborative Central Workshop in Lawton
- Educational presentation on the Produce Safety Rule at the New Beginnings Homestead Expo in Nowata
- OSU hosted 2 Produce Safety Alliance grower trainings, one class was online and the other in Stillwater
- Assisted 2 farms with on-site technical assistance
- Working on learning and preparing to teach the new water rule
- Completed mid-year grant report to FDA
- Meeting with FDA state liaison
- Regular conference calls with TX, LA, AR, NM, MO, MS

- Received 9 complaints on Homemade Food Freedom Act businesses.
- Meat compliance assisted with 3 complaints.
- 2 complaints we did not find any evidence or could not enforce
- Sent 2 warning letters and made 2 verbal warnings
- Outreach at the Oklahoma Local Agriculture Collaborative workshop in Lawton

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

Planned Compliance Reviews	07
Random Compliance Reviews	216
Person-to-Person Contacts	21
Special Investigations and/or Projects	18
Reports of Apparent Violations	0
Detentions	0
Consumer Complaints	06
Verbal Warnings Issued	12
Letters of Warning Issued	0
Samples Submitted to Lab for Analysis	0
Accident Investigations	01
Administrative Procedures Act (Pending)	01

(The Forum Group LLC)

The Oklahoma Highway Patrol notified Meat Inspection Compliance with zero (0) truck accidents in the month of July 2024.

See details below:

ACCIDENT LOCATION	ANIMAL PRODUCT	DISPOSITION
• Weatherford East I-40	• 40,020 lbs. Frozen Chicken Leg Quarters	• All product was taken to RSP Landfill

Highlighted Activities

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

Leave: Ron- 72 hours

Wayne- 24 hours

Brad- 59 hours

OKLAHOMA MEAT INSPECTION SERVICES INVESTIGATIONS AND COMPLIANCE ACTIVITIES

SLAUGHTER MEAT INSPECTION

Number of Cattle	3,600
Total Beef Condemned	21,126 lbs
(Beef heads & livers)	(avg. H wt 20 lbs, avg. L wt 10 lbs)
Number of Swine	552
Total Pork Condemned	4,326 lbs
(Pork heads & livers)	(avg. H wt 10 lbs, avg. L wt 2 lbs)
Number of Sheep & Goats	10,452
Total Condemned	0 lbs
Number of Chickens	1,442
Number of Rabbits	61
Total Condemns	0 lbs
Number of Buffalo	29
Total Condemns	540 lbs
TOTAL MEAT INSPECTED	3,759,303 lbs

<u>AVG. CARCASS WT</u> Beef 700 lbs, Pork 250 lbs, Sheep/Goat 100 lbs	<u>AVG. SWINE HEAD/LIVER</u> Head 10 lbs / Liver 2 lbs
<u>AVG. BEEF HEAD/LIVER</u> Head 20 lbs / Liver 10 lbs	<u>AVG. LAMB/GOAT HEAD</u> Head 2 lbs

PROCESSED BOXED MEAT INSPECTED

Processed Red Meat	3,606,785 lbs
Condemned on Reinspection	0 lbs
Poultry (Portions)	693,419 lbs
Condemned on Reinspection	0 lbs
Rabbit Meat	0
Condemned on Reinspection	0 lbs
Exotic Deer Meat	0
Condemned on Reinspection	0 lbs
TOTAL PROCESSED MEAT INSPECTED	4,300,204 lbs

MEAT SAMPLE ACTIVITY

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

Oct. 9-12 Scott Yates and Tommy Stephens attended the ASMID State Directors meeting in Nashville.

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.

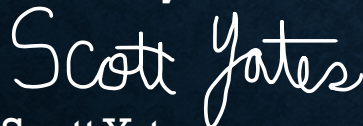
Additionally, Dairy Services conducted plant surveys at O-I Glass (40-127) in Muskogee and Parker Plastics Inc. (40-119) in Sand Springs. Dairy Services also conducted a dairy farm survey for DFA SE Council 100 (BTU 40-100) in northwestern Oklahoma. These facilities received passing scores and information regarding these surveys are available on FDA's Interstate Milk Shippers List website.

Under the direction of the State Veterinarian, Dairy staff has implemented additional bio-security protocols when visiting dairy farms throughout the state. This information is being shared with our producers and they are encouraged to contact the State Veterinarian if their herd show symptoms related to HPAI. It should be noted that milk from sick cows is routinely separated and discarded. Also, pasteurization deactivates viruses and pathogens. Milk from affected herds does not pose a health risk to the public if it has been pasteurized. Consuming pasteurized dairy products is always recommended.

In November, Dairy services participated in additional HPAI sampling study for FDA on dairy plant raw milk supplies. These samples were double blinded and shipped to an approved laboratory. ODAFF was reimbursed \$350 through AFDO for this sampling.

Also, under the direction of the State Veterinarian, Dairy services has been collecting milk samples from dairy farms that are within 20 kilometers from poultry facilities. These milk samples are tested for HPAI at the Oklahoma Animal Disease Diagnostic Laboratory in Stillwater. To date, milk from these facilities have tested negative for HPAI.

Sincerely,



Scott Yates

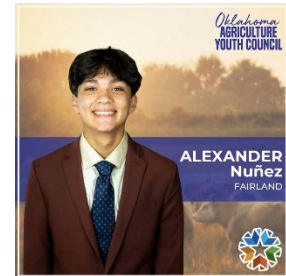
Director of Food Safety

Communications

Compiled 12/3/24

Social Media Highlights

Ag Youth Council Spotlights – Oct-Dec | Posts on Facebook and Instagram highlighting current Agriculture Youth Council students got plenty of attention since the last board meeting. Instagram posts garnered 38.4k impressions, while Facebook post impressions reached 21k.



FFA Kids Reach Public Speaking Finals – Oct. 24 | Coy Davidson of Elgin, Cierra Collins of Frederick, and Cooper Kline of North Rock Creek advanced to the finals in their respective public speaking categories at the National FFA Convention in Indianapolis. The posts received a combined 19.6k impressions on Facebook and Instagram. Davidson went on to win in Prepared Public Speaking.

Podcast Ep. 21 Gets Massive Attention – Nov. 12 | The post promoting Episode 21 of “Young Ag Achievers” received 28.8k impressions on Facebook. The episode featured OSU students Chyann Emerson and Brett Hoffman talking about being a part of the 2024 Pork Industry Group. This was the second highest performing post during this timeframe.



Animal Disease Alert Seen By 160k+ – Nov. 22 | Our announcement of a backyard flock in Roger Mills County testing positive for HPAI garnered 93k impressions and had a reach of 87k. In all, the post was viewed 167k times.

Social Media Impact

Facebook

23,561 followers (up 292 since last period)

Since October 14, 2024 (date of last Board Meeting):

-Posts and content reached 155,132 users (up 52.7 percent from last period)

-6,143 interactions on content (up 9.9 percent from last period)

Instagram

4,017 followers

Since October 14, 2024:

-Posts and content reached 22,328 users (up 21.3 percent from last period)

-98 new Instagram users have followed the account

DECEMBER 16, 2024 BOARD MEETING

PURCHASES/CONTRACTS

ADMINISTRATIVE SERVICES

\$13,100.00 - FY25 – Convergent – Updated Camera warranty and storage. This would provide the agency with a turnkey solution for any camera issues. **Justification:** If this is not done this will leave us open to any potential threats from within and without. This helps keep our staff from all agencies and divisions within the building safe.

\$120,000.00 – FY25 – Investigative Services Vehicle Purchase - Purchase of new Investigative Services vehicles. These vehicles are needed to replace aging fleet vehicles. **Justification:** Replacement of these vehicles are critical to the agency's mission and if not replaced may put the employee and public at greater risk.

ANIMAL INDUSTRY SERVICES

Acclaim Systems, Inc. - \$160,000.00 – AgEnterprise is a modernization of USAHERDS and the upgrade path for USAHERDS states. The modernization focuses on increased IT security, and updated IT Framework into the newest tech stack to support the State Vet’s Office requirements. AgEnterprise provides a robust platform for all functionality within animal health including Animal Traceability, Premises, Inspections, License Management, Testing, and other features. AgEnterprise will comprise of the functionality and the data elements needed by states to manage and monitor animal health within their jurisdiction, report test results to USDA’s Veterinary Services and prevent, control, eradicate and recover from disease and all hazard incidents at the local level.

Farmed Cervid CWD Cooperative Agreement - \$130,717.00 –This cooperative agreement addresses the funding priority to conduct novel research on, or implement, whole genome predictive genetics in farmed cervids. \$90,000 of this cooperative agreement will be used to pay for genetic testing in white tail deer. By identifying WTD within HCP and non-HCP herds that have poor predictive genetics scores will assist with breeding decisions to remove those genetics from the breeding herd and ultimately will reduce the number of CWD highly susceptible animals on the landscape and provides states with a herd management tool. In turn, this approach reduces CWD environmental contamination and the probability of a herd becoming CWD positive in the future.

Oklahoma Cattlemen’s Association Agreement - \$118,000.00 – One time funding- Oklahoma Cattlemen’s Association will purchase software and hardware that will be implemented at livestock markets across the State of Oklahoma to facilitate data entry by veterinarians and then transfer the data to the ODAFF storage and submission to the USAHerds database. ODAFF will reimburse Oklahoma Cattlemen’s Association upon receipt of properly submitted invoices not to exceed \$118,000.00. Due to the USDA Law that becomes effective November 5, 2024, we need to give Livestock Market Veterinarians the ability to accurately and efficiently transfer identification from the animals to the software program that documents traceability of cattle through the Livestock Auction Market and allows that data to be easily transmitted to our animal disease traceability database.

FORESTRY SERVICES

FY25 \$20,000

River Parks Authority Invasive Species Project, \$20,000. This project's funding will be reimbursed by the United States Forest Service.

Justification: This project will create an invasive species demonstration area primarily focusing on privet management as well other invasive species, including eastern redcedar. This project will demonstrate the importance of active land management as well as the danger of invasive species onto our ecosystems and the importance of invasive species control.

FY25 \$280,000

Purchase one John Deere 650P firefighting bulldozer that will be used for state-wide wildfire response, suppression, and mitigation activities.

Justification: This bulldozer is specifically outfitted for wildland firefighting with a higher horsepower engine and hydrostatic transmission suited for the rigors of fighting wildfire in the diverse wildland fuels and terrain present across 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 will come from the OFS Fund 245.

FY25 \$200,000

For use of P-Cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on firefighting units. These purchases will be for repairs more than \$5,000 when a piece of equipment has significant issues and requires Board approval.

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

FY25 \$280,000

Purchase of a 135P John Deere Excavator that will be used for mitigating hazardous wildland fuels. This is a mission critical piece of equipment that will remove surface and aerial fuels from around designated Communities-at-Risk throughout all of Oklahoma.

Justification: By eliminating these fuels, responders will have a much safer work environment and have conditions in place that will enhance suppression operations limiting impacts to communities, structures, and infrastructure.

FY25 \$80,000

Purchase a 4X4 Pickup truck for Forest Health Monitoring Specialist.

Justification: The truck will be used for the Forest Health Monitoring position. It will allow for them to conduct statewide monitoring for forest pests and diseases, work with landowners to promote healthy resilient forests, and participate in outreach events to promote forestry and the importance of natural resources. Funding for this purchase will come from the Federal funding and be 100% reimbursed.

FY 25 \$101,000

Purchase one Kubota M6-111DTC-F-1 Cab 4wd Tractor w/24 SPD intelli-shift trans with creep speed kit and front loader with standard LDR valve/LA 1955EPNF with a two lever 96" quick coupler bucket for the Forest Regeneration Center. The 4-cylinder EPA tier 4 final compliant common rail electronic fuel injection engine is turbo charged with wastegate and is intercooled for ~100hp engine rating. Tractors are critical for field cultivation, seed bed preparation, seedling cultural practices during the growing season, harvesting seedlings, transporting seedlings to processing and storage facilities, loading seedlings for distribution to planting sites; and will serve the nursery ensuring safety of regeneration program personnel while providing efficiency in production and delivery of quality forest tree seedlings for reforestation projects. This purchase will be reimbursed by the SFAP—Stewardship grant 24-DG-11083140-430.

Justification: The equipment purchase is necessary to improve efficiency, safety, and delivery of forest tree seed and seedlings for the regeneration program. These seedlings greatly influence the Oklahoma landscape and provide multiple conservation benefits to landowners across all of Oklahoma.

FY 25 \$30,000

Purchase metal siding, purlin, posts and overhead equipment doors for existing three-sided pole barn at the Forest Regeneration Center. This will secure the building and the container filling equipment that will be housed inside. This purchase will be reimbursed by the Revegetation/National Seed Strategy Funding Grant.

Justification: Numerous landowners are requesting seedlings grown in containers for their harsher sites and we are unable to meet the demand now due to the lack of infrastructure for the equipment. Once the container filling equipment is assembled, it must be housed in a secure building, away from weather that would affect its operation of filling containers for landowners.

FY25 Talihina office above-ground fuel storage tank removal \$5,400

Contract with Oklahoma Corporation Commission (OCC)-licensed tank remover and environmental consultant to perform the following work for removal of above-ground fuel storage tank: *Purge vapors and remove (1) empty above-ground fuel tank, piping, and dispenser(s). Collect minimum confirmatory native soil samples required by the OCC. Prepare a closure report with all attachments as required by OCC.* Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY25 Wilburton office above-ground fuel storage tanks removal \$7,200

Contract with Oklahoma Corporation Commission (OCC)-licensed tank remover and environmental consultant to perform the following work for removal of above-ground fuel storage tanks: *Purge vapors and remove (2) empty above-ground fuel tanks, piping, and dispensers. Collect minimum confirmatory native soil samples required by the OCC. Prepare a closure report with all attachments as required by OCC.* Funding for this purchase comes from the Oklahoma Legislative Session, FY25 Forestry budget appropriations.

FY25 \$140,000

Purchase firefighting personal protective equipment for OFS employees. This includes clothing, fire shelters, gloves and other related supplies/equipment.

Justification: Required to supply OFS firefighters with mandatory personal protective equipment (PPE) and other supplies/equipment. Funding for this purchase will come from the FY22 US Forest Service, State Fire Assistance – Response Grant, 2020 VFA, 2021 VFA, & 2023 SFA Response. 100% of this purchase will be reimbursed.

FY25 \$6,890,000

Purchase of replacement equipment, cab and chassis, PPE, slip on pumper units, etc. for Rural Fire Department’s from the funds appropriated to the Oklahoma Department of Agriculture, Food, and Forestry in Enrolled House Bill No. 1004 of the 1st Extraordinary Session of the 59th Oklahoma Legislature.

MARKET DEVELOPMENT

FY2025 – Oklahoma State University - Oklahoma Viticulture and Enology Grants - These funds will be used as grant funds for the purpose of increasing the positive economic impact of the wine industry in Oklahoma. Eligible applicants are institutions in Oklahoma, a state agency or governmental subdivision of Oklahoma, or a trade group promoting grape or wine production industries. Eligible projects shall be limited to scientific research, education, product development, or marketing projects. - \$100,000.00

Justification: This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This grant project with Oklahoma State University will promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns along with increasing the positive economic impact of the wine industry in Oklahoma. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.
FY2025 – Made in Oklahoma bags – provided to companies on a cost share basis - \$10,000.00

FY2025 – Healthy Food Finance Grant – Bridgette Nichols - \$9,492.38

FY2025 – Healthy Food Finance Grant – Elizabeth Threlkeld - \$8,917.34

FY2025 – TasteAdvisor App – funded entirely by the Viticulture and Enology Revolving Grant - \$20,000.00

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

APPROVAL OF CASES

ON THIS 16th day of December 2024, 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 16th day of December 2024.

Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
December 16, 2024**

Cases Resolved by Stipulation:

Agricultural Environmental Management Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Martin Mitchell	OGC-24-419	AEMS	\$200.00

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
American Plains Coop. Aline	OGC-24-347	CPS	\$2,000.00
Family Dollar	OGC-24-592	CPS	\$2,100.00
Jerry Jahn	OGC-24-405	CPS	\$750.00
Standlee Premium Products, LLC	OGC-24-431	CPS	\$1,750.00
Standlee Premium Products, LLC	OGC-24-339	CPS	\$1,750.00

Cases Resolved by Consent Order

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Mood Product Group, LLC	OGC-24-230	CPS	\$100,000.00
Newkirk Public Schools	OGC-23-685	CPS	\$2,500.00

Cases Resolved by Proposed Final Order:

Consumer Protection Services

<u>Name</u>	<u>File No.</u>	<u>Division</u>	<u>Amount</u>
Pure Green Turf Mgmt., LLC	OGC-23-638	CPS	\$5,000.00
Texoma Sprayers, LLC	OGC-24-598	CPS	\$500.00

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. MARTIN MITCHELL

Case File No. OGC-24-419

**MARTIN MITCHELL
102025 HWY 72
COUNCIL HILL, OKLAHOMA 74428**

Summary of Facts: The Agriculture Environmental Management Services (AEMS) Division of the Department sent the Respondent a reminder email to renew their Nutrient Management Plan (NMP) for their Poultry Feeding Operation (PFO). The Respondent's NMP expired on or about April 27, 2024. A Letter of Warning was sent regarding the expired NMP. The Respondent failed to submit all necessary paperwork to a NMP plan writer or submit a completed NMP.

Statute or Rule Violation: Respondent violated 2 O.S. § 10-9.7(C), 10-9.7(E)(1) and O.A.C 35:17-5-3(b)(4) by failing to submit all necessary paperwork to a NMP plan writer or submit a completed NMP.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Dollars (\$200.00). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

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

RECEIVED

NOV 17 2024

COMPLAINANT,

OFFICE OF GENERAL COUNSEL
OKLA DEPT OF AGRICULTURE

v.

Case No. OGC-24-419

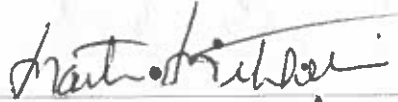
MARTIN MITCHELL
102025 HWY 72
COUNCIL HILL, OKLAHOMA 74428
RESPONDENT.

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

MARTIN MITCHELL (OWNER)

Printed Name and Title:

Date: 11-6-24

**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.)

MARTIN MITCHELL)
102025 HWY 72)
COUNCIL HILL, OKLAHOMA 74428)

RESPONDENT.)

FILED
AUG 28 2024
STATE BOARD OF AGRICULTURE

Case No: OGC-24-419

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. November 14, 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, § 31 and Okla. Stat. Tit. 2 § 2-4(16); accordingly, this is the proper forum to hear this matter.

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

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

16. Pursuant to the Oklahoma Registered Poultry Feeding Operations Act ("The Act"), Okla. Stat. Tit. 2 § 10-9 *et seq.*, ODAFF has authority to regulate persons who are poultry feeding operations.

17. That Act at Okla. Stat. Tit. 2 § 10-9.7(C) states: "*Every poultry feeding operation shall have a Nutrient Management Plan. . .*"

18. That 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.*"

19. The Okla. Admin. Code § 35: 17-5-3(b)(4) states: "*Plans shall be reviewed and updated at least every six (6) years from the date the NMP was obtained.*"

ALLEGATIONS OF FACT

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

21. On or about April 1, 2024, the Agricultural Environmental Management Services (AEMS) Division of the Department sent Respondent a reminder email to renew their Nutrient Management Plan (NMP).

22. On or about April 27, 2024, the Respondent's NMP expired.

23. On or about July 11, 2024, the AEMS Division sent the Respondent a Letter of Warning regarding the expiration of their NMP, with a due date of the 15th of August, 2024, to submit all necessary paperwork to their plan writer.

24. Respondent failed to submit all necessary paperwork to a NMP plan writer or turn in a completed NMP.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated Okla. Stat. Tit. 2 § 10-9.7(C), 2 § 10-9.7(E)(1), and O.A.C 35:17-5-3(b)(4) by failing to submit their completed NMP or in the alternative turn in all necessary paperwork to a NMP plan writer.

ATTORNEY CONFERENCES

26. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.

27. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

ENFORCEMENT PROCEEDINGS

29. 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.

30. 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.

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

PRAYER FOR RELIEF

32. 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 § 2-18(A). In this case we are seeking a Two Hundred Dollars (\$200.00) administrative penalty and submittal of a completed NMP or acknowledgement from a NMP plan writer all necessary documents to complete the plan have been submitted.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

33. The Oklahoma Small Business Regulatory Flexibility Act, Okla. Stat. Tit. 75 § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

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

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

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

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

37. 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

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

39. 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 your certification renewal 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 28TH day of August, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571

Kiersten Hamill, OBA #33187

Abigail Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-6104

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 28 day of Aug, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

**MARTIN MITCHELL
102025 HWY 72
COUNCIL HILL, OKLAHOMA 74428**

JB

GINA BLAYLOCK

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-419

**MARTIN MITCHELL)
102025 HWY 72)
COUNCIL HILL, OKLAHOMA 74428)
RESPONDENT.)**

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. AMERICAN PLAINS COOP, ALINE

Case File No. OGC-24-347

**AMERICAN PLAINS COOP, ALINE, OK
112 E. MAIN
CARMEN, OK 73726**

Summary of Facts: In June of 2024, an investigation was conducted into American Plains Coop in Aline, OK. During this investigation, the Department found that Respondent's facility had two application rigs that were unmarked. Additionally, Respondent's application records were missing the restricted entry interval as stated on the pesticide product label, the start and stop time of the application, the name of the person making the application, and the target pest of the application.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-17-15 and O.A.C. 35:30-17-21 by operating improperly marked application vehicles, and not keeping complete application records.

Proposed Administrative Penalty: The proposed penalty for this case was Two Thousand Dollars (\$2000.00). Respondent stipulated and paid.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

**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 Nos: OGC-24-347

**AMERICAN PLAINS COOP, ALINE)
112 E. MAIN)
CARMEN, OK 73726)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Dollars (\$2000.00)** 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:

Marvin Rose
Signature

MARVIN ROSE VP Agronomy
Printed Name and Title:

Date: 9-26-24

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 17 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-347

AMERICAN PLAINS COOP, ALINE)
112 E. MAIN)
CARMEN, OK 73726)

RESPONDENT.)

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 10th day of October 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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 use of pesticide.

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 March 11, 2024, you were notified to properly mark your application vehicles at all your company locations.

19. On June 18, 2024, a complaint investigation was conducted by the Consumer Protection Division at your facility.

20. During this investigation, our inspector conducted a restricted use dealer, pesticide use and pesticide applicator facility inspections.

21. Our inspector found that your facility had two application rigs that were unmarked. Additionally, your application records were missing the restricted entry interval as stated on the pesticide product label, the start and stop time of the application, the name of the person making the application, and the target pest of the application.

22. ODAFF requires commercial application equipment be marked on both sides with the company name and license number in letters 2 inches or larger, and that application records be complete with all required information.

23. Operating improperly marked application vehicles, and not keeping complete application records are violations of the Oklahoma Combined Pesticide Law & Rules, specifically O.A.C. 35:30-17-15 and O.A.C. 35:30-17-21.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-17-15 and O.A.C. 35:30-17-21 which are listed below.

- O.A.C. 35:30-17-15: “All vehicles, including nurse tanks and self-propelled ground applicators, used by a commercial applicator during the conduct of business shall be identified by displaying the name and license number of the licensee. The display shall be on both sides of the vehicle in letters not less than two (2) inches in height.”
- O.A.C. 35:30-17-21:
 - (a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:
 - (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the commercial or non-commercial company.
 - (4) Name and certification number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Name and address of person for whom applied.
 - (6) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (7) Date of application.
 - (8) Application rate.
 - (9) Dilution rate for mixing.
 - (10) Total quantity tank mix used.
 - (11) Complete trade name of pesticide product used.

- (12) EPA registration number of pesticide product used.
 - (13) Name of adjuvants used when the label requires specific adjuvants.
 - (14) Name of drifting agents used when the label requires specific drifting agents.
 - (15) Target pest for the application.
 - (16) Site where the pesticide was applied.
 - (17) Size of the area treated.
 - (18) Restricted Entry Interval as stated on the product label.
 - (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (20) Copies of any contracts issued.
 - (21) Copies of any wood infestation reports issued.
 - (22) Other information as required by the Board.
- (b) Private applicators of restricted use pesticides shall keep accurate records pertaining to applications, which, at a minimum, show:
- (1) Start and stop time of application.
 - (2) Total amount of pesticide used.
 - (3) Name and address of the private applicator.
 - (4) Name and certification number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
 - (5) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
 - (6) Date of application.
 - (7) Application rate.
 - (8) Dilution rate for mixing.
 - (9) Total quantity tank mix used.
 - (10) Complete trade name of pesticide product used.
 - (11) EPA registration number of pesticide product used.
 - (12) Name of adjuvants used when the label requires specific adjuvants.
 - (13) Name of drifting agents used when the label requires specific drifting agents.
 - (14) Target pest for the application.
 - (15) Site where the pesticide was applied.
 - (16) Size of the area treated.
 - (17) Restricted Entry Interval as stated on the product label.
 - (18) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (19) Other information as required by the Board.
- (c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:
- (1) Complete brand name of the pesticide.
 - (2) EPA registration number of the pesticide.
 - (3) Date the pesticide was sold.
 - (4) Total amount of restricted use pesticide sold.

- (5) Name and address of the residence or principal place of business of any person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
 - (6) Name, address, license or certification number or copy of the applicator's card of a certified or private applicator.
 - (7) Other information as required by the Board.
- (d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.
- (e) Records retained pursuant to this section shall be easily accessible for inspection by authorized agents of the Board during reasonable business hours.
- (f) Commercial and non-commercial applicators shall maintain records retained pursuant to this section at their principle place of business. A commercial or non-commercial applicator's principle place of business shall not be located in a closed gated community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.

PRAYER FOR RELIEF

25. The Department is seeking an administrative penalty in the amount of **Two Thousand Dollars (\$2000.00)**.

ATTORNEY CONFERENCES

26. 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 405-522-5803 or by email at Kiersten.hamill@ag.ok.gov.
27. 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.
28. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

29. 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.

30. 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.

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

32. 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

33. 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

34. 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

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

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

37. 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

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand Dollars (\$2000.00)**.

39. 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 17th day of September, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Hamill, OBA #33187
Abbie Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 17th day of September, 2024, a true and correct copy of the forgoing instrument was emailed, as follows:

Vance T. Nye
Attorney for American Plains COOP, Aline
323 W Broadway Ave.
Enid, OK 73701
Nve@GungollJackson.com

Kiersten Wormus

Kiersten Wormus

**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 Nos: OGC-24-347

**AMERICAN PLAINS COOP, ALINE)
112 E. MAIN)
CARMEN, OK 73726)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand Dollars (\$2000.00)** 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. FAMILY DOLLAR

Case File No. OGC-24-592

**FAMILY DOLLAR
911 E BROADWAY
ENID, OKLAHOMA 73701**

Summary of Facts: An investigator conducted a price verification inspection at the Family Dollar in Enid, Oklahoma. The purpose was to ensure that products were being sold at the price listed in the store. This location failed to accurately price 95% of the sampled items. This is the 5th violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(2); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was Two Thousand One Hundred Dollars (\$2,100.00)(6 violations at \$350.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

FILED

OCT 17 2024

STATE BOARD OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

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

COMPLAINANT,

v.

FAMILY DOLLAR # 25804
911 E BROADWAY
ENID, OK 73701

RESPONDENT.

Case No: OGC 24-592

RECEIVED

OCT 14 2024

ODAFF FINANCE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Thousand One Hundred Dollars (\$2,100.00) for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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:

Lynne Wright
Signature

Lynne Wright
Printed Name

District Manager
Job Title

10-9-24
Date



2024 OCT 14 A 6:54

REC'D OPS

**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.)

**FAMILY DOLLAR
911 E BROADWAY
ENID, OK 73701**)

RESPONDENT.)

Case No: OGC 24-592

FILED
OCT 01 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on November 14, 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16); 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 selling consumer items under the business name of Family Dollar, located at 911 E Broadway Ave, Enid, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A fifth violation discovered within any twelve-month period will be assessed a penalty of Three Hundred Fifty Dollars (\$350.00) per consumer item which results in an overcharge or potential overcharge.

ALLEGATIONS OF FACT

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

20. On or about October 12, 2023, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that ten (10) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent.

22. On or about January 3, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that thirteen (13) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent.

24. On or about April 5, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that fifteen (15) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

25. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a third violation of 2 O.S. § 14-38(J). A letter of warning was sent.

26. On or about June 17, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The

inspection revealed that eleven (11) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

27. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a fourth violation of 2 O.S. § 14-38(J). A letter of warning was sent.

28. On or about August 23, 2024, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Family Dollar in Enid, Oklahoma. The inspection revealed that eleven (6) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

29. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a fifth violation of 2 O.S. § 14-38(J). A letter of warning was sent.

ALLEGED CONCLUSIONS OF LAW

30. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

ATTORNEY CONFERENCES

31. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6104 or by email at Abigail.wilburn@ag.ok.gov.

32. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

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

ENFORCEMENT PROCEEDINGS

34. 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.
35. Pursuant to 2 O.S. § 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.
36. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

ENFORCEMENT OF JUDGMENTS

37. 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

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

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

40. 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

41. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Thousand One Hundred Dollars (\$2,100.00). (6 violations at \$350.00 per violation).**

42. 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 27TH day of September, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 1 day of OCT, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FAMILY DOLLAR CORPORATION
ATTN: LEGALDEPARTMENT
500 VOLVO PARKWAY
CHESAPEAKE, VA 23320**



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC 24-592

**FAMILY DOLLAR)
911 E BROADWAY)
ENID, OK 73701)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Thousand One Hundred Dollars (\$2,100.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it 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 the right to a full administrative 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

Job Title

Date



**OKLAHOMA DEPARTMENT OF AGRICULTURE
FOOD, AND FORESTRY
PRICE VERIFICATION REPORT**

CPS 152 Rev 5/19

INSPECTOR NUMBE 24-JCB-0045 DATE* 8/23/2024 COUNTY Garfield
 LOCATION* _____ CORPORATE _____
 AGN NUMBER AGN0062619 AGN NUMBER _____
 Family Dollar _____
911 E Broadway Ave _____
 Enid _____ OK 73701- _____
 MANAGER Deonn Barton INSPECTION TYP Followup Original Insp# 24-JCB-0038
 TELEPHONE* (580) 242-4244 Other Store Type _____ ITEM STATUS NON-SALE
 TYPE OF STORE MASS MERCHANDISER

PRODUCT	UPC CODE	OFFERED PRICE	PRICE CHARGED	PRICE ERROR
<u>value towel FS Wht 2RL</u>	<u>032251318979</u>	<u>\$1.50</u>	<u>\$1.75</u>	<u>(\$0.25)</u>
<u>fmly wellness pads ultimate long 27</u>	<u>032251911903</u>	<u>\$10.50</u>	<u>\$11.00</u>	<u>(\$0.50)</u>
<u>vicks sinex severe nasal spray 0.5</u>	<u>323900012523</u>	<u>\$6.50</u>	<u>\$6.85</u>	<u>(\$0.35)</u>
<u>Purina Beneful dry dog food origina</u>	<u>017800184391</u>	<u>\$15.95</u>	<u>\$16.25</u>	<u>(\$0.30)</u>
<u>maybeline NY lasting drama gel</u>	<u>041554220186</u>	<u>\$8.50</u>	<u>\$9.50</u>	<u>(\$1.00)</u>
<u>betty crocker supr moist strbry cak</u>	<u>016000207776</u>	<u>\$1.75</u>	<u>\$2.00</u>	<u>(\$0.25)</u>

RECD CBS
 2024 AUG 29 P 2:56

Total Number Checked 100 Total Number Of Violation: 6 Accuracy 94 % Inspection Result Notice of Violation

REMARKS

On 8/23/2024, I (Joseph Baker) stopped at Family Dollar located at 911 E Broadway Ave. Enid, OK 73701 to perform a follow up price verification. This inspection is a follow up inspection due to failed inspection 24-JCB-0038 on 06/17/2024. I met with Ms. Deonn Barton (store manager) and let her know the reason for me stopping was for a price verification inspection. This inspection is a failed inspection and a notice of violation was issued. This inspection failed at 94% accuracy. I explained that 95% accuracy or higher is required for an inspection to be approved. I checked a total of 100 items and observed 6 violations. Ms. Barton took over as the store manager in the early part of June 2024 and stated that she is currently working on getting the whole store reset.

WITNESS Deonn Barton (manager) INSPECTOR* Joseph Baker 8-23-2024

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. JERRY JAHN FARMS

Case File No. OGC-24-405

**JERRY JAHN
JERRY JAHN FARMS
46154 CS 2710
CYRIL, OK 73029**

Summary of Facts: In June of 2024, an investigation was conducted into Jerry Jahn Farms. During this investigation, the Department found that Respondent's company is not on file with ODAFF as being a commercial pesticide applicator. ODAFF's records show that Respondent's private applicator license expired December 31, 2018, and Respondent's ornamental and turf certification expired December 31, 2019. Respondent signed a statement that he was making commercial applications without a license.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16) by operating without a commercial pesticide applicator license and certification.

Proposed Administrative Penalty: The proposed penalty for this case was Seven Hundred Fifty Dollars (\$750.00). Respondent stipulated and paid.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
OCT 10 2024
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-24-405

JERRY JAHN)
JERRY JAHN FARMS)
46154 CS 2710)
CYRIL, OK 73029)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred Fifty Dollars (\$750.00)** 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

Jerry Jahn, Jerry Jahn Farms
Printed Name and Title:

Date: 10/8/24

**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.)

**JERRY JAHN)
JERRY JAHN FARMS)
46154 CS 2710)
CYRIL, OK 73029)**

RESPONDENT.)

**AUG 14 2024
STATE BOARD OF AGRICULTURE**

Case No: OGC-24-405

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 10th day of October 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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.

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. June 14, 2024, the Consumer Protection Services Division of the Department conducted a use inspection.

19. During this inspection, our inspector found that your company is not on file with ODAFF as being a commercial pesticide applicator.

20. ODAFF's records show that your private applicator license expired December 31, 2018, and your ornamental and turf certification expired December 31, 2019.

21. Our inspector met with you concerning your commercial pesticide applications. You signed a statement informing our inspector that you have recently been making commercial pesticide applications without a license.

22. Operating without a commercial pesticide applicator license and certification is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16).

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-82(A)(1), 2 O.S. § 3-86(A)(15), and 2 O.S. § 3-86(A)(16) which are all stated 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.”

- 2 O.S. §3-86(A)(16): “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: (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.”

PRAYER FOR RELIEF

24. The Department is seeking an administrative penalty in the amount of **Seven Hundred Fifty Dollars (\$750.00)**.

ATTORNEY CONFERENCES

25. 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 405-522-5803 or by email at Kiersten.wormus@ag.ok.gov.

26. 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.

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

ENFORCEMENT PROCEEDINGS

28. 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.

29. 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.

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

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 **Seven Hundred Fifty Dollars (\$750.00)**.

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 7th day of August, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Wormus, OBA #33187
Abbie Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of Aug., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

JERRY JAHN
JERRY JAHN FARMS
46154 CS 2710
CYRIL, OK 73029



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-405

**JERRY JAHN)
JERRY JAHN FARMS)
46154 CS 2710)
CYRIL, OK 73029)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Seven Hundred Fifty Dollars (\$750.00)** 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. STANDLEE PREMIUM PRODUCTS, LLC

Case File No. OGC-24-431

**STANDLEE PREMIUM PRODUCTS, LLC
AKA STANDLEE HAY COMPANY
22349 KIMBERLY ROAD, SUITE E
EDEN, ID 83325**

Summary of Facts: An investigator conducted a standard package inspection at Atwoods in Madill, Oklahoma. The inspection revealed that consumer products weighed less than the marked net weight, and the number of inaccurately marked products was over the allowable percentage of error. This is the 5th violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(1)(a); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Seven Hundred Fifty Dollars (\$1,750.00) (5 violations at \$350.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

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.)

STANDLEE PREMIUM PRODUCTS, LLC)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)

RESPONDENT.)

Case Nos: OGC-24-431

FILED
OCT 07 2024
STATE BOARD OF AGRICULTURE

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Seven Hundred Fifty Dollars (\$1,750.00)** 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

John O. Fitzgerald, II, Vice President & General Counsel
Printed Name and Title:

Date: 10/2/24

**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 Nos: OGC-24-431

**STANDLEE PREMIUM PRODUCTS, LLC)
AKA STANDLEE HAY COMPANY)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)**

RESPONDENT.)

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on October 10, 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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 selling weighted bags of compressed hay bales under the business name of Standlee Premium Products, aka Standlee Hay Company. This business is located at 22349 Kimberly Road, Suite E, Eden, Idaho 83325.

16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

ALLEGATIONS OF FACT

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

19. On or about August 17, 2023, a standard package inspection was performed by an ODAFF inspector at Atwoods in Mustang, Oklahoma. The inspection of Respondent's Timothy Grass compressed bales revealed the average was 1.486 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. The lot was placed under Stop Sale, and a Stop Sale Order was sent.

20. On or about December 19, 2023, a standard package inspection was performed by an ODAFF inspector at Tractor Supply in Sulphur, Oklahoma. The inspection of Respondent's

Certified Alfalfa compressed bales revealed the average was 4.275 lb. less than the marked net weight. On this date, there were 10 Maximum Allowed Variations. This was the second violation, and a Stop Sale Order was sent.

21. On or about January 18, 2024, a standard package inspection was performed by an ODAFF inspector at Atwoods in Chickasha, Oklahoma. The inspection of Respondent's Timothy Gras Grab & Go compressed bales revealed the average was 2.156 lbs less than the marked net weight. On this date, there were Eight Maximum Allowed Variations. This was the third violation, and a Stop Sale Order was sent.

22. On or about June 3, 2024, a standard package inspection was performed by an ODAFF inspector at Tractor Supply Co. in Ada, Oklahoma. The inspection of Respondent's Alfalfa compressed hay bales revealed the average was 3.693 lb. less than the marked net weight. On this date, there were 7 Maximum Allowed Variations. This was the fourth violation, and a Stop Sale Order was sent.

23. On or about July 22, 2024, a standard package inspection was performed by an ODAFF inspector at Atwoods in Madill, Oklahoma. The inspection of Respondent's Alfalfa compressed hay bales revealed the average was .67 lb. less than the marked net weight. On this date, there were 5 Maximum Allowed Variations. This was the fifth violation, and a Letter of Warning was sent.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented on five different occasions. A fifth violation following any twelve-month

period in which no violation has been found will be assessed a penalty of Three Hundred Fifty Dollars (\$350.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6140 or by email at Abigail.wilburn@ag.ok.gov.

26. 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.

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

ENFORCEMENT PROCEEDINGS

28. 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.

29. Pursuant to 2 O.S. § 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.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

31. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, 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 Seven Hundred Fifty Dollars (\$1,750.00) (5 counts at \$350.00 per count)**.

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 25TH day of August, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**STANDLEE PREMIUM PRODUCTS, LLC
22349 KIMBERLY ROAD, SUITE E
EDEN, ID 83325**

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-431

**STANDLEE PREMIUM PRODUCTS, LLC)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Seven Hundred Fifty Dollars (\$1,750.00)** 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. STANDLEE PREMIUM PRODUCTS, LLC

Case File No. OGC-24-339

**STANDLEE PREMIUM PRODUCTS, LLC
AKA STANDLEE HAY COMPANY
22349 KIMBERLY ROAD, SUITE E
EDEN, ID 83325**

Summary of Facts: An investigator conducted a standard package inspection at Tractor Supply Co. in Ada, Oklahoma. The inspection revealed that consumer products weighed less than the marked net weight, and the number of inaccurately marked products was over the allowable percentage of error. This is the 4th violation for this location.

Statute or Rule Violation: 2 O.S. § 14-38(B)(1)(a); 2 O.S. § 14-38(J)

Proposed Administrative Penalty: The proposed penalty for this case was One Thousand Seven Hundred Fifty Dollars (\$1,750.00) (7 violations at \$250.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None.

OGC Attorney: Abigail Wilburn

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
OCT 17 2024
STATE BOARD OF AGRICULTURE

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-232 339

STANDLEE PREMIUM PRODUCTS, LLC)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Seven Hundred Fifty Dollars (\$1,750.00)** 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

John O. Fitzgerald, II, Vice President & General Counsel
Printed Name and Title:

Date:

10/2/24

**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.)

STANDLEE PREMIUM PRODUCTS, LLC)
AKA STANDLEE HAY COMPANY)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)

RESPONDENT.)

AUG 14 2024
STATE BOARD OF AGRICULTURE

Case Nos: OGC-24-339

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on October 10, 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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 selling weighted bags of compressed hay bales under the business name of Standlee Premium Products, aka Standlee Hay Company. This business is located at 22349 Kimberly Road, Suite E, Eden, Idaho 83325.

16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

ALLEGATIONS OF FACT

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

19. On or about August 17, 2023, a standard package inspection was performed by an ODAFF inspector at Atwoods in Mustang, Oklahoma. The inspection of Respondent's Timothy Grass compressed bales revealed the average was 1.486 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations. The lot was placed under Stop Sale, and a Stop Sale Order was sent.

20. On or about December 19, 2023, a standard package inspection was performed by an ODAFF inspector at Tractor Supply in Sulphur, Oklahoma. The inspection of Respondent's

Certified Alfalfa compressed bales revealed the average was 4.275 lb. less than the marked net weight. On this date, there were 10 Maximum Allowed Variations. This was the second violation, and a Stop Sale Order was sent.

21. On or about January 18th, 2024, a standard package inspection was performed by an ODAFF inspector at Atwoods in Chickasha, Oklahoma. The inspection of Respondent's Timothy Gras Grab & Go compressed bales revealed the average was 2.156 lbs less than the marked net weight. On this date, there were Eight Maximum Allowed Variations. This was the third violation, and a Stop Sale Order was sent.

22. On or about June 3, 2024, a standard package inspection was performed by an ODAFF inspector at Tractor Supply Co. in Ada, Oklahoma. The inspection of Respondent's Alfalfa compressed hay bales revealed the average was 3.693 lb. less than the marked net weight. On this date, there were 7 Maximum Allowed Variations. This was the fourth violation, and a Stop Sale Order was sent.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented on four different occasions. A fourth violation following any twelve-month period in which no violation has been found will be assessed a penalty of Two Hundred Fifty Dollars (\$250.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

24. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-6140 or by email at Abigail.wilburn@ag.ok.gov.

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 O.S. § 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.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

30. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, 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 **One Thousand Seven Hundred Fifty Dollars (\$1,750.00) (7 counts at \$250.00 per count)**.

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

DATED THIS 5TH day of August, 2024.

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

Abigail Wilburn

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kiersten Hamill, OBA #33187
Abigail Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-6104
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of Aug., 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**STANDLEE PREMIUM PRODUCTS, LLC
22349 KIMBERLY ROAD, SUITE E
EDEN, ID 83325**

MB

Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case Nos: OGC-24-232

**STANDLEE PREMIUM PRODUCTS, LLC)
22349 KIMBERLY ROAD, SUITE E)
EDEN, ID 83325)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Seven Hundred Fifty Dollars (\$1,750.00)** 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. MOOD PRODUCT GROUP, LLC

Case File No. OGC-24-230

David Charles
Mood Product Group, LLC
4406 SW 25th St.
Oklahoma City, OK 73108

Summary of Facts: In February of 2024, an investigation was conducted into Mood Product Group, LLC. During this investigation, the Department found that over three (3) thousand pounds of hemp that was processed by Respondent was not compliant with the Oklahoma Industrial Hemp Rules. Additionally, Respondent provided false information and failed to provide accurate and complete records in response to a request for information from the Department.

Statute or Rule Violation: Respondent violated O.A.C. 35:30-24-12(h)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12) and O.A.C. 35:30-24-12(h)(13) by failing to comply with the Oklahoma Industrial Hemp rules.

Proposed Administrative Penalty: The proposed penalty for this case was Seven Hundred Fifty Thousand Dollars (\$750,000.00).

Deviations: Respondent and Department entered into a settlement for One Hundred Thousand Dollars and Zero Cents (\$100,000.00). The settlement included a deferment of the remaining penalty for five (5) years that will be automatically due if the Respondent does not meet the terms of the settlement.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

**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-24-230

**MOOD PRODUCT GROUP, LLC)
4406 SW 25TH ST.)
OKLAHOMA CITY, OK 73108)**

RESPONDENT.)

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the “Agreement”) is between the Oklahoma Department of Agriculture, Food, And Forestry (the “Department”) and Mood Product Group, LLC (the “Respondent”).

AUTHORITY

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

DEPARTMENT’S NOTICE

3. On the 4th day of April 2024, the Department issued a Notice of Violation in Case No. OGC-24-230, (“Notice”) to the Facility, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

4. In compromise of *this matter*, respondent shall pay to the Department an administrative penalty of One Hundred Thousand Dollars and Zero Cents (\$100,000.00). The case is to be settled upon the following terms:
 - a. This matter will be subject to a five (5) year deferred prosecution agreement.
 - b. As part of said agreement Respondent agrees that within the five (5) years there will be no violations of the Oklahoma Industrial Hemp Act or the Oklahoma Industrial Hemp Program rules committed by Respondent.
 - c. Respondent will submit copies of the certificates of analysis, license number of the grower and the amount of hemp purchased from growers on hemp that comes into the State of Oklahoma on the 1st business day of every month.

- d. Respondent will dispose of all non-compliant hemp in its possession in Oklahoma within thirty (30) days of the Board's approval of this settlement.
 - e. Respondent agrees to not sell or process hemp products containing more than 0.3% delta-9 THC post-decarboxylation in the State of Oklahoma.
 - f. If the Respondent does not meet the requirements of the deferment, the ODAFF Board will issue an Order, upon filing of a new Notice of Violation, for the remaining penalty of Six Hundred Fifty Thousand Dollars and Zero Cents (\$650,000.00). Payment of the remaining penalty for *this matter* will be due thirty (30) days after the Order is issued.
 - g. The five-year time begins upon approval of the ODAFF Board.
 - h. Upon the completion of five (5) years without a violation this matter will be considered settled and closed.
 - i. As part of this agreement the Department agrees to issue the second processor license for Mood.
5. Upon the execution of this agreement by both parties, payment shall be made within thirty (30) days by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:

Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.

8. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY

10. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

11. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Wormus
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:


Elizabeth Scott
Crowe & Dunlevy Attorneys and Counselors at Law
324 N Robinson Ave.
Oklahoma City, OK 73102

MISCELLANEOUS

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
15. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.
19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY


Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: 10/18/2024

- and by -

COUNSEL FOR RESPONDENT



Elizabeth Scott, OBA #12470
Crowe & Dunlevy Attorneys and
Counselors at Law
324 N Robinson Ave.
Oklahoma City, OK 73102

Date: October 16, 2024

**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 CHARLES)
MOOD PRODUCT GROUP, LLC)
4406 SW 25TH ST.)
OKLAHOMA CITY, OK 73108)
)
RESPONDENT.)

Case No: OGC-24-230

FILED
APR 14 2024
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on 9th day of May 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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 processing and selling commercial hemp.

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. In February of 2024, the Consumer Protective Services Division of the Department performed an investigation on Respondent.

19. During this investigation the Department found that over three (3) thousand pounds of hemp that was processed by Respondent was not compliant with the Oklahoma Industrial Hemp Rules.

20. Respondent provided false information or otherwise engaged in deception to secure or retain its license. Specifically, Respondent listed unapproved varieties and unofficial Certificates of Analysis within records provided to the Department.

21. Respondent failed to provide accurate and complete records in response to a request for information from the Department. Specifically, not all licenses were provided for hemp processed/handled and Certificates of Analysis were not approved by state of origin.
22. Respondent failed to retain records required by the Industrial Hemp Program Rules.
23. Respondent failed to produce the required records to the Department at its request.
24. Respondent handled, processed, and/or sold non-compliant hemp which entered the stream of commerce. Specifically, Respondent handled, processed, and/or sold hemp products that were above the 0.3% Total THC allowed by the Industrial Hemp Program Rules.
25. Respondent failed to follow the transportation rules found in the Industrial Hemp Program Rules.
26. Respondent processed and/or handled hemp that was grown without a license. Specifically, Respondent processed and/or handled unapproved varieties of hemp and processed and/or handled varieties of hemp that were not approved in the state of origin.
27. Based on the allegations above, the Respondent has violated the Oklahoma Industrial Hemp Program Laws & Rules, specifically O.A.C. 35:30-24-12(h)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12) and O.A.C. 35:30-24-12(h)(13).

ALLEGED CONCLUSIONS OF LAW

28. Based upon the application of the above law to the aforementioned facts, you are in violation of O.A.C. 35:30-24-12(h)(1), O.A.C. 35:30-24-12(h)(2), O.A.C. 35:30-24-12(h)(3), O.A.C. 35:30-24-12(h)(10), O.A.C. 35:30-24-12(h)(12) and O.A.C. 35:30-24-12(h)(13) which are stated below:

- O.A.C. 35:30-24-12(h)(1): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license.”
- O.A.C. 35:30-24-12(h)(2): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Department.”
- O.A.C. 35:30-24-12(h)(3): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (3) Failure to retain records required by this subchapter or produce such records at the request of the Department.”
- O.A.C. 35:30-24-12(h)(10): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (10) Handling, processing, or selling non-compliant hemp which enters the stream of commerce.”
- O.A.C. 35:30-24-12(h)(12): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be limited to, the following conduct: (12) Failure to follow transportation rules as provided within this subchapter.”
- O.A.C. 35:30-24-12(h)(13): “(h) Violations of the Oklahoma Industrial Hemp Program and the rules of this subchapter shall include, but not be

limited to, the following conduct: (13) Processing or handling hemp grown without a license.”

PRAYER FOR RELIEF

29. The Department is seeking an administrative penalty in the amount of **Seven Hundred Fifty Thousand Dollars (\$750,000.00)**.

ATTORNEY CONFERENCES

30. 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 405-522-5803 or by email at Kiersten.hamill@ag.ok.gov.

31. 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.

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

ENFORCEMENT PROCEEDINGS

33. 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.

34. 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.

35. Any person, holder or non-holder of a valid license violating any of the provisions of 2 O.S. §3-86(A)(1)-(22) shall be guilty of a misdemeanor and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00), imprisonment in the county jail for not less than thirty (30) days and not more than one (1) year, or both.

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

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

37. 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

38. 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

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

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

41. 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

42. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Seven Hundred Fifty Thousand Dollars (\$750,000.00)**.

43. 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 4th day of April, 2024.

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



Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Hamill, OBA #33187
Abbie Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 4 day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**David Charles
Mood Product Group, LLC
4406 SW 25th St.
Oklahoma City, OK 73108**



Gina Blaylock

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. NEWKIRK PUBLIC SCHOOLS

Case File No. OGC-23-685

**NEWKIRK PUBLIC SCHOOLS
701 W. SOUTH ST.
NEWKIRK, OK 74647**

Summary of Facts: In March of 2023, an investigation was conducted into Newkirk Public Schools. During this investigation, the Department found that an employee of Newkirk Public Schools applied Drexel MSMA 6 Plus and RM 43 Total Vegetation Killer to the schools' grounds. The label for both pesticides prohibits the pesticide from being applied to lawns.

Statute or Rule Violation: Respondent violated 2 O.S. §3-86(A)(4) by using pesticide in a manner inconsistent with the label.

Proposed Administrative Penalty: The proposed penalty for this case was Two Thousand Five Hundred Dollars (\$2500.00). The settlement allowed Respondent to not admit liability.

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

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

Complainant,)

v.)

Case No: OGC-23-685

**NEWKIRK PUBLIC SCHOOLS)
701 W. SOUTH ST.)
NEWKIRK, OK)**

Respondent,)

SETTLEMENT AGREEMENT AND CONSENT ORDER

PARTIES

1. This Settlement Agreement and Consent Order (the "Agreement") is between the Oklahoma Department of Agriculture, Food, And Forestry (the "Department") and Newkirk Public Schools (the "Respondent").

AUTHORITY

2. The Department has authority over this matter pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(16).

DEPARTMENT'S NOTICE

3. On the 12th day of July 2023, the Department issued a Notice of Violation in Case No. OGC-23-685, ("Notice") to the Respondent, which is attached hereto as Exhibit A. The Allegations of Fact and Summary of Applicable Law of that Notice are incorporated herein by reference.

ORDER AND AGREEMENT

4. In compromise and full settlement of *this matter*, respondent shall pay to the Department an administrative penalty of Twenty-Five Hundred Dollars and Zero Cents (\$2,500.00).
5. Upon the execution of this agreement by both parties, payment shall be made within thirty (30) days by Respondent payable to the "Oklahoma Department of Agriculture, Food, And Forestry" and mailed to the following address:
Office of General Counsel
Oklahoma Department of Agriculture, Food, and Forestry
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

EFFECT OF THE AGREEMENT

6. In exchange for Respondent's compliance with the terms of this Agreement, the Department agrees not to initiate any further administrative, civil, or criminal proceedings against Respondent, its officers, directors, agents, customers, servants, employees, representatives, parents, subsidiaries, successors and assigns, based or relating to the facts alleged in the Department's Notice. This release shall not prevent the Department from enforcing the terms of this Agreement and does not release Respondent from liability for other unknown or undiscovered past violations or potential future violations of state or federal law. This Agreement relates only to claims within the jurisdiction of the Department and specifically does not release Respondent from actions initiated by other state or federal agencies having jurisdiction over related matters.
7. Respondent and the Department recognize there is risk and expense inherent in any litigation. Thus, the parties agree to enter into this compromise and settlement to avoid incurring any further cost and expense arising as a result of this dispute. Respondent and the Department each do not waive and each expressly reserves all of its rights in any future proceeding against it.
8. The Department does not by entering into this Agreement concede that its factual basis for initiating this Action, and violations found based upon those facts, are not true and accurate. Respondent, without admitting the truth of said factual averments and having previously contested the alleged violations in informal discussions with representatives of the Department, voluntarily waives its right to a formal evidentiary hearing to contest such factual averments. By entering into this agreement, Respondent does not admit or consent to the truth of the factual averments set forth in the Notice. The Department and Respondent are avoiding further contention, including litigation of this matter, through settlement of this Action by this Agreement.

NO ADMISSION

9. This Agreement and any proceedings taken hereunder are not intended and shall not in any event be construed as, or deemed to be, an admission or concession or evidence of any liability or any wrongdoing whatsoever on the part of any party. The parties hereto specifically disclaim and deny any liability or wrongdoing whatsoever with respect to the allegations and claims asserted against them in this action and enter into this Agreement solely to avoid the further expense, inconvenience, burden and uncertainty of litigation.

NON-ADMISSIBILITY

10. These settlement negotiations have been undertaken by the parties in good faith and for settlement purposes only, and neither this Agreement nor any evidence of negotiations hereunder, shall be offered or received in evidence in this Action, or any other action or proceeding, for any purpose other than in an action or proceeding to enforce the terms of this Agreement.

HEARING WAIVER

11. Respondent hereby agrees to waive its right to a hearing and its opportunity to appeal or contest this Agreement. Respondent enters into this Agreement freely and voluntarily.

NOTICE

12. Unless otherwise specified, reports, notice, or other submissions required under this Agreement shall be in writing and shall be sent to:

For the Oklahoma Department of Agriculture, Food, and Forestry:

Kiersten Wormus
Assistant General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298

For Respondent:

Nathan Floyd
Rosenstein, Fist & Ringold
525 S. Main, Suite 700
Tulsa, OK 74103

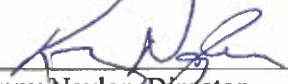
MISCELLANEOUS

13. This Agreement may be amended only by mutual agreement of the Department and Respondent. Such amendments shall be in writing, shall have as their effective date the date on which they are signed by both parties, and shall be incorporated into this agreement.
14. The undersigned representative of the Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry agrees to propose and recommend this Agreement to the State Board of Agriculture (the "Board"). Furthermore, Respondent understands that the Office of General Counsel Representative neither possesses the legal power to bind the Board nor can the Office of General Counsel Representative promise acceptance of this Agreement by the Board. Respondent understands that it may attend the meeting of the Board but is not required to do so.
15. Payment for the administrative penalty shall be presented upon the execution of this Agreement. Such payment will be tendered upon acceptance of this Agreement by the Board at its next regularly scheduled public meeting.
16. In the event the Board accepts this Agreement, Respondent shall receive a copy of the Approval. Compliance with this Agreement shall constitute full and complete settlement.
17. In the event the Board does not approve this Agreement, then Respondent or the Department is free to make a counterproposal for the Board's consideration, or the Parties may choose to go through a formal administrative hearing on the above charges, and the recitations herein will be held for naught and are inadmissible in any future proceedings.
18. No breach of any provision of this Agreement can be waived by any undersigned party unless in writing. Waiver of any one breach by an undersigned party shall not be deemed to be a waiver of any other breach of the same or any other provision of this Agreement.

19. This Agreement shall be governed by the laws of the State of Oklahoma.

Executed by the Parties on the dates set forth below:

OKLAHOMA DEPARTMENT
OF AGRICULTURE, FOOD, AND
FORESTRY




Kenny Naylor, Director
Consumer Protection Services
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-0625

Date: 9/30/2024

- and by -

NEWKIRK PUBLIC SCHOOLS



Nathan Floyd
Rosenstein, Fist & Ringold
525 S. Main, Suite 700
Tulsa, OK 74103

Date: 9/23/2024

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.)

NEWKIRK PUBLIC SCHOOLS)
701 W. SOUTH ST.)
NEWKIRK, OK 74647)

RESPONDENT.)

Case No: OGC-23-685

FILED
APR 14 2024
STATE BOARD OF AGRICULTURE

AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 11th 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

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

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

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of commercial pesticide applications, located at Newkirk, 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 the 21st day of March 2023, the Consumer Protective Services Division of the Department conducted a complaint investigation of Greenfield Greenhouses in Newkirk, OK. This facility is located next door to Newkirk Public Schools.

19. At this time, our inspector met with David Rush, an employed maintenance man for Newkirk Public Schools, who told our inspectors that he made an application of Drexel MSMA 6 Plus and RM 43 Total Vegetation Killer to the schools' grounds.

20. This application was made during a 5-8 MPH north wind.

21. A vegetative sample was taken from Greenfield Greenhouses' property and 2,4-D, Dicamba, Mecoprop, Glyphosate and Imazapyr were all detected in the sample analysis.

22. The EPA has banned MSMA from use on lawns and RM 43 Total Vegetation Killer is not labeled to be applied to lawns.

23. According to the records you provided and the conversation had with your employee and ODAFF inspectors, you have been using the above listed pesticides off label, a violation of statute.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §3-86(A)(4) which states:

- “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: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”

PRAYER FOR RELIEF

25. For the above stated infractions and violation, the Department is seeking an administrative penalty of **Two Thousand Five Hundred Dollar (\$2500.00)**.

ATTORNEY CONFERENCES

26. 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 405-522-5803 or by email at Kiersten.hamill@ag.ok.gov.
27. 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.
28. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

29. 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.
30. 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.
31. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

32. 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

33. 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

34. 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

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

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

37. 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

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **TWO THOUSAND FIVE HUNDRED Dollars (\$2500.00)**.

39. 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 3rd day of April, 2024.

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

Kiersten Hamill

Teena G. Gunter, General Counsel, OBA #17767
James Rucker, Deputy G. Counsel, OBA #14574
Wendi Morse, OBA #33571
Kiersten Hamill, OBA #33187
Abbie Wilburn, OBA #33641
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 4th day of April, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**Nathan R. Floyd
NEWKIRK PUBLIC SCHOOLS
525 South Main, Ste. 74103
Tulsa, OK 74103**



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.)
)
NEWKIRK PUBLIC SCHOOLS)
701 W. SOUTH ST.)
NEWKIRK, OK 74647)
)
RESPONDENT.)

Case No: OGC-23-685

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **TWO THOUSAND FIVE HUNDRED Dollars (\$2500.00)** 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. PURE GREEN TURF MGMT LLC

Case File No. OGC-23-638

PURE GREEN TURF MGMT LLC

6608 N WESTERN AVE, Unit 348

OKLAHOMA CITY, OK 73116

Summary of Facts: In April of 2023, an investigation was conducted at 8401 N. Classen Blvd Suites C and D in Oklahoma City, OK regarding an open pesticide dumping. During this investigation, the Department observed an area of gravel parking in front of Respondent's suite that was covered in pesticide dye. Soil samples results indicated several different pesticides. After further investigation, inspectors determined that Respondent's commercial applicator license certification expired in 2017 and Respondent's company commercial applicator license expired in 2019.

Statute or Rule Violation: Respondent violated 2 O.S. §18.1(A), 2 O.S. §3-82(A)(1), 2 O.S. §3-86(A)(4), 2 O.S. §3-86(A)(15), 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-94(a)(1)(C) by improper dumping of pesticides, using in a manner inconsistent with the label, and operating without a commercial license.

Proposed Administrative Penalty: The proposed penalty for this case was Five Thousand Dollars (\$5000.00). Respondent upon being served the Notice of Violation, failed to appear in Court on October 10, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Five Thousand Dollars (\$5000.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

**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.)

PURE GREEN TURF MGMT LLC)
6608 N WESTERN AVE, Unit 348)
OKLAHOMA CITY, OK 73116)

RESPONDENT.)

Case No: OGC-23-638

FILED
OCT 14 2024
STATE BOARD OF AGRICULTURE

PROPOSED FINAL ORDER

NOW on this 10th day of October 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 10th day of October 2024, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7037 6525 7466 on August 14, 2024, to Pure Green Turf Mgmt LLC, at 6608 N Western Ave, Unit 348, Oklahoma City, OK 73116.

The Notice of Violation advised Respondent 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 Respondent may result in a default judgment being entered against Respondents.

FINDINGS OF FACT

1. On the 6th day of April 2023, the Consumer Protective Services Division of the Department conducted a complaint investigation at 8401 N. Classen Blvd

Suites C and D in Oklahoma City, OK regarding an open pesticide dumping. During this investigation ODAFF inspectors observed an area of gravel parking in front of Respondent's suite that was covered in pesticide dye. Soil samples were taken and submitted for analysis. The soil sample results indicated several different pesticides including 2,4-D, Dicamba, and Mecoprop. After further investigation, inspectors determined that Respondent's commercial applicator license certification expired in 2017 and Respondent's company commercial applicator license expired in 2019. *See* Complainant's Fifth Amended Notice of Violation attached hereto as Exhibit 1.

2. The Department previously attempted to serve the original Notice of Violation and Amended Violations to the addresses of business and the registered agent's address from the Secretary of State's website. All prior Notices of Violations were returned.

3. The Respondent was properly served with the Fifth Amended Notice of Violation at the address of the business listed on the Oklahoma County Assessor's website.

4. Respondent failed to plead or otherwise defend this action within the time prescribed.

5. The Notice of Violation was delivered by certified mail on August 14, 2024. *See* certified mail receipt attached hereto as Exhibit 2.

6. Hearing was set for 10th day of October 2024 at 1:30 p.m. and Respondent did not appear.

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

8. An administrative penalty in the amount of Five Thousand Dollars (\$5000.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. §18.1(A), 2 O.S. §3-82(A)(1), 2 O.S. §3-86(A)(4), 2 O.S. §3-86(A)(15), 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-94(a)(1)(C) which are all stated below:

- 2 O.S. §18.1(A): "It shall be unlawful and a violation of the Oklahoma Agricultural Code for any person to cause pollution of any air, land or waters of the state by persons which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act."
- 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)(4): "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: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board."

- 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.”
- O.A.C. 35:30-17-94(a)(1)(C): “(a) Procedures for constructive recycling by commercial applicators of unused portions of pesticides and rinsate of pesticides that, upon disposal, are classified as hazardous wastes under EPA regulations shall include the following: (1) Applicators of pesticides may recover and constructively reuse any unused portions of the pesticides and any rinsate by one of the following methods: (C) Disposal in a permitted controlled industrial waste facility.”

2. 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.

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

4. 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 Notice of Violation filed in this matter on August 12, 2024, 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 14 DAY OF October 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

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:

PURE GREEN TURF MGMT LLC
6608 N WESTERN AVE, Unit 348
OKLAHOMA CITY, OK 73116


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.)

**PURE GREEN TURF MGMT LLC)
6608 N WESTERN AVE, Unit 348)
OKLAHOMA CITY, OK 73116)**

RESPONDENT.)

AUG 14 2024
STATE BOARD OF AGRICULTURE

Case No: OGC-23-638

FIFTH AMENDED NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 10th day of October 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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 application.

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 6th day of April 2023, the Consumer Protective Services Division of the Department conducted a complaint investigation at 8401 N. Classen Blvd Suites C and D in Oklahoma City, OK regarding an open pesticide dumping.

19. During this investigation ODAFF inspectors observed an area of gravel parking in front of your suite that was covered in pesticide dye.

20. Soil samples were taken and submitted for analysis. The soil sample results indicated several different pesticides including 2,4-D, Dicamba, and Mecoprop.

21. After further investigation, inspectors determined that your commercial applicator license certification expired in 2017 and your company commercial applicator license expired in 2019.

22. Improper dumping of pesticides, using in a manner inconsistent with the label, and operating without a commercial license are all violations of Oklahoma Statutes and ODAFF Rules.

ALLEGED CONCLUSIONS OF LAW

23. Based upon the application of the above law to the aforementioned facts, you are in violation of multiple statutes and rules including 2 O.S. §18.1(A), 2 O.S. §3-82(A)(1), 2 O.S. §3-86(A)(4), 2 O.S. §3-86(A)(15), 2 O.S. § 3-86(A)(16) and O.A.C. 35:30-17-94(a)(1)(C) which are listed below.

- **2 O.S. §18.1(A):** “It shall be unlawful and a violation of the Oklahoma Agricultural Code for any person to cause pollution of any air, land or waters of the state by persons which are subject to the jurisdiction of the Oklahoma Department of Agriculture, Food, and Forestry pursuant to the Oklahoma Environmental Quality Act.”
- **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)(4):** “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: 4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.”

- **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.”
- **O.A.C. 35:30-17-94(a)(1)(C):** “(a) Procedures for constructive recycling by commercial applicators of unused portions of pesticides and rinsate of pesticides that, upon disposal, are classified as hazardous wastes under EPA regulations shall include the following: (1) Applicators of pesticides may recover and constructively reuse any unused portions of the pesticides and any rinsate by one of the following methods: (C) Disposal in a permitted controlled industrial waste facility.”

PRAYER FOR RELIEF

24. For the previous listed statements of fact and statutory infractions, the Department is seeking a monetary penalty of FIVE THOUSAND DOLLARS (\$5000.00) and this company to obtain the appropriate licensing required by statutes.

ATTORNEY CONFERENCES

25. 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 405-522-5803 or by email at Kiersten.wormus@ag.ok.gov.

26. 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.

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

ENFORCEMENT PROCEEDINGS

28. 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.

29. 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.

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

31. 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

32. 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

33. 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

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

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

36. 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

37. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **FIVE THOUSAND DOLLARS (\$5000.00)**

AND OBTAIN REQUIRED STATUTORY LICENSING FOR THE COMPANY AND APPLICATORS.

38. 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 9th day of August, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA # 33571

Kiersten Wormus, OBA #33187

Abbie Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 12 day of Aug, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

PURE GREEN TURF MGMT LLC
PURE GREEN TURF MGMT LLC
6608 N WESTERN AVE, Unit 348
OKLAHOMA CITY, OK 73116



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC-23-638

**PURE GREEN TURF MGMT LLC)
6608 N WESTERN AVE, Unit 348)
OKLAHOMA CITY, OK 73116)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **FIVE THOUSAND DOLLARS (\$5000.00)** AND OBTAIN REQUIRED STATUTORY LICENSING FOR THE COMPANY AND APPLICATORS; for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

91 7199 9991 7037 6525 7466

OGC-23-638

Exhibit 2



September 24, 2024

Dear gi bla:

The following is in response to your request for proof of delivery on your item with the tracking number: **9171 9999 9170 3765 2574 66.**


Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	August 14, 2024, 9:09 am
Location:	OKLAHOMA CITY, OK 73116
Postal Product:	First-Class Mail [®]
Extra Services:	Certified Mail [™] Return Receipt Electronic

Shipment Details

Weight:	4lb, 3.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	6607 Wasey

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service[®] for your mailing needs. If you require additional assistance, please contact your local Post Office[™] or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service[®]
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

OGC-23-638
Pure Green Turf

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

v. TEXOMA SPRAYERS LLC

Case File No. OGC-24-598

**TEXOMA SPRAYERS LLC
19149 CO RD NS 238
GRANDFIELD, OK 73546**

Summary of Facts: In June of 2024, an investigation was conducted at a property located in the NW ¼ Sec. 22 3S 15W. During this investigation, the Department found herbicide effects on the mesquite trees and other vegetation along the northern portion of the complainant's property. This property is across the road south and adjacent to the west of the properties that Respondent sprayed in sections 15 & 22 of 3S-15W. According to ODAFF's investigation Respondent's application is the source of the herbicides that were found on the complainant's property.

Statute or Rule Violation: Respondent violated 2 O.S. § 3-86(A)(3) by operating in a negligent manner, thereby causing a pesticide to drift off-target.

Proposed Administrative Penalty: The proposed penalty for this case was Five Hundred Dollars (\$500.00). Respondent upon being served the Notice of Violation, failed to appear in Court on November 14, 2024. Judge Mor granted a Default Judgement against the Respondent in the amount of Five Hundred Dollars (\$500.00).

Other Actions Required: None.

OGC Attorney: Kiersten Wormus

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

FILED
NOV 14 2024
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-24-598

**TEXOMA SPRAYERS LLC)
19149 CO RD NS 238)
GRANDFIELD, OK 73546)**

RESPONDENT.)

PROPOSED FINAL ORDER

NOW on this 14th day of November 2024, this matter comes on before me, the undersigned Administrative Law Judge. The Complainant appears through Assistant General Counsel, Kiersten Wormus. Respondent appears not.

On the 14th day of November 2024, this matter came on for Prehearing Conference. Respondent was provided a file-stamped copy of the Notice of Violation delivered by certified mail, article number 91 7199 9991 7037 6525 0580 on October 7, 2024, to Texoma Sprayers LLC, at 19149 CO RD NS 238, Grandfield, OK 73546.

The Notice of Violation advised Respondent 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 Respondent may result in a default judgment being entered against Respondents.

FINDINGS OF FACT

1. On June 4, 2024, the Consumer Protection Services Division of the Department conducted a complaint investigation at a property located in the NW ¼ Sec.

22 3S 15W. During this investigation, the ODAFF inspector observed herbicide effects on the mesquite trees and other vegetation along the northern portion of the complainant's property. This property is across the road south and adjacent to the west of the properties that Respondent sprayed in sections 15 & 22 of 3S-15W. According to Respondent's application records on April 21, 2024, Respondent applied Defy LV6, Veritas LV, and MSM 60 to the pasture from 6:56 am to 8:06 am during an 8 to 10 mph north wind. A vegetative sample was taken from the northeast part of the complainant's property, and 2, 4-D, Dicamba, and Metsulfuron-Methyl were detected in the sample. According to ODAFF's investigation Respondent's application is the source of the herbicides that were found on the complainant's property. *See Complainant's Notice of Violation attached hereto as Exhibit 1.*

2. Respondent failed to plead or otherwise defend this action within the time prescribed.

3. The Notice of Violation was delivered by certified mail on October 7, 2024. *See certified mail receipt attached hereto as Exhibit 2.*

4. Hearing was set for 14th day of November 2024 at 1:30 p.m. and Respondent did not appear.

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

6. An administrative penalty in the amount of Five Hundred Dollars (\$500.00) was proposed by the Notice of Violation.

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

CONCLUSIONS OF LAW

1. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(3) which states:

- 2 O.S. §3-86(A)(3): “A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (3) A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.”

2. 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.

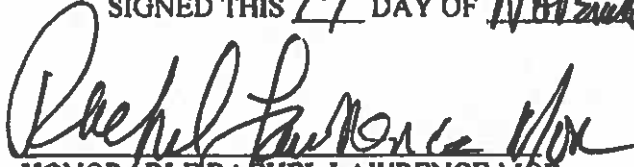
3. The above Findings of Fact are hereby adopted and incorporated by reference as Conclusions of Law.

4. 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 Notice of Violation filed in this matter on October 1, 2024, 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 14 DAY OF November 2024.


HONORABLE RACHEL LAWRENCE MOR,
ADMINISTRATIVE LAW JUDGE

Approved:


Kiersten Wormus, OBA #33187
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5803

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:

TEXOMA SPRAYERS LLC
19149 CO RD NS 238
GRANDFIELD, OK 73546



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.)

**TEXOMA SPRAYERS LLC)
19149 CO RD NS 238)
GRANDFIELD, OK 73546)**

RESPONDENT.)

**FILED
OCT 01 2024
STATE BOARD OF AGRICULTURE**

Case No: OGC-24-569

NOTICE OF VIOLATION

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

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on 14th day of November 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.**

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

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

HEARING AND RIGHT TO COUNSEL

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

DEFAULT

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

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(16); 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.

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 June 4, 2024, the Consumer Protection Services Division of the Department conducted a complaint investigation at a property located in the NW ¼ Sec. 22 3S 15W.

19. During this investigation, our inspector observed herbicide effects on the mesquite trees and other vegetation along the northern portion of the complainant's property. This property is across the road south and adjacent to the west of the properties that you sprayed in sections 15 & 22 of 3S 15W.

20. According to your application records on April 21, 2024, you applied Defy LV6, Veritas LV, and MSM 60 to the pasture from 6:56 am to 8:06 am during an 8 to 10 mph north wind. Weather data recorded by the Grandfield, Oklahoma Mesonet Weather Station confirms the windspeeds and direction during the application.

21. A vegetative sample was taken from the northeast part of the complainant's property, and 2, 4-D, Dicamba, and Metsulfuron-Methyl were detected in the sample. These are the active ingredients that you applied.

22. According to our investigation your application is the source of the herbicides that were found on the complainant's property.

23. Allowing a pesticide to drift off-target is a violation of the Oklahoma Combined Pesticide Law & Rules, specifically 2 O.S. § 3-86(A)(3).

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, you are in violation of 2 O.S. § 3-86(A)(3) which states:

- 2 O.S. §3-86(A)(3): "A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds: (3) A person has operated in a negligent manner, thereby causing a pesticide to drift off-target."

PRAYER FOR RELIEF

25. The Department is seeking an administrative penalty in the amount of **Five Hundred Dollars (\$500.00)**.

ATTORNEY CONFERENCES

26. 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 405-522-5803 or by email at Kiersten.wormus@ag.ok.gov.
27. 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.
28. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

29. 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.
30. 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.
31. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

32. 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

33. 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

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

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

36. 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

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

38. 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 16th day of September, 2024.

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

Kiersten Wormus

Teena G. Gunter, General Counsel, OBA #17767

James Rucker, Deputy G. Counsel, OBA #14574

Wendi Morse, OBA #33571

Kiersten Wormus, OBA #33187

Abbie Wilburn, OBA #33641

Assistants General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5803

Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 01 day of OCT, 2024, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt

Requested, as follows:

TEXOMA SPRAYERS LLC
19149 CO RD NS 238
GRANDFIELD, OK 73546



Gina Blaylock

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

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

COMPLAINANT,)

v.)

Case No: OGC-24-569

**TEXOMA SPRAYERS LLC)
19149 CO RD NS 238)
GRANDFIELD, OK 73546)**

RESPONDENT.)

STIPULATION

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

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

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

91 7199 9991 7037 6525 0580

OGC-24-569

Exhibit 2



November 15, 2024

Dear amanda wormus:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9999 9170 3765 2505 80.

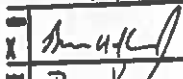

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	October 7, 2024, 2:59 pm
Location:	GRANDFIELD, OK 73546
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight: 3lb, 12.0oz

Recipient Signature

Signature of Recipient:	<input checked="" type="checkbox"/> 
	<input type="checkbox"/> Prince Koria
Address of Recipient:	<input checked="" type="checkbox"/> 

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Texoma Sprayers, LLC
OC7C-24-598

CHAPTER 10. AGRICULTURAL PRODUCTS

SUBCHAPTER 1. GENERAL PROVISIONS

35:10-1-3. Handbook and publication editions

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

- (1) Handbook 44 "Specifications, Tolerances and Other Technical Requirements for Commercial Weighing & Measuring Devices" (~~2024~~2025 Edition).
- (2) Handbook 130 "Uniform Laws and Regulations" (~~2024~~2025 Edition), excluding Section G "Uniform Engine Fuels and Automotive Lubricants Regulation."
- (3) Handbook 133 "Checking the Net Contents of Packaged Goods" (~~2023~~2025 Edition).
- (4) Handbook 105-1 "Specifications and Tolerances for Field Standard Weights" (2019 Edition).
- (5) Handbook 105-2 "Specifications and Tolerances for Field Standard Measuring Flasks" (2021 Edition).
- (6) Handbook 105-3 "Specifications and Tolerances for Graduated Neck Type Volumetric Field Standards" (2010 Edition).
- (7) Publication 14 (2024 Edition).
- (8) Publication 12 (1991 Edition).
- (9) Federal Grain Inspection Service Moisture Handbook (2006 Edition).

RULE IMPACT STATEMENT

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

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

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

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

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

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

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

This rule impact statement was prepared on September 24, 2024.

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

CHAPTER 15. ANIMAL INDUSTRY

SUBCHAPTER 44. FARMED CERVIDAE

35:15-44-21. Registration of Exotic Cervidae Species

~~Any person owning, maintaining, or possessing any species in the cervidae family, other than whitetail deer, mule deer, elk, and red deer shall submit a registration form to the Department. This form shall contain the owner's contact information, species owned, and location of the animals. Facility licensing shall not be required of these species. Any person or facility already licensed by the Department, the Oklahoma Department of Wildlife Conservation, or Animal Care Division of the United States Department of Agriculture shall be exempt from registration.~~

35:15-44-22. Chronic Wasting Disease Genetic Improvement Program (CWDGIP)

(a) The CWDGIP is only available to white-tailed deer producers who are Oklahoma Farmed Cervidae licensees.

(b) Producers choosing to participate in the CWDGIP shall register with the Animal Industry Services Division (AIS) of Oklahoma Department of Agriculture, Food, and Forestry (ODAFF or The Department) and remit a fee of \$100 per year, payable no later than January 1.

(1) A late fee of \$100 will be assessed for payment after February 1.

(c) An inventory of all participating deer shall be submitted to AIS at the time of registration.

(1) Participating deer shall be identified with an official USDA ear tag.

(2) Genetic testing information for the individual deer shall be submitted at the time of registration.

(3) Details of the alleles at Codon 96 and the Genetically Estimated Breeding Value (GEBV) of offspring of participating does shall be submitted to AIS upon receipt of the testing results.

(d) Beginning February 1, 2026 and ending April 15, 2026, white-tailed deer does of any age and bucks that are less than 24 months of age, born and raised in Oklahoma by registered CWDGIP producers may be released onto private land pursuant to the landowner meeting the requirements of Oklahoma Department of Wildlife Conservation's regulations as outlined in Section 1. D. of 2024 Oklahoma House Bill 3462.

(1) White-tailed deer shall be released only if:

(A) Their genetic testing proves they have the SS alleles at Codon 96;

(B) Their GEBV is at or below -0.0560;

(C) They are identified with one (1) orange bangle ear tag in each ear that is at least 2" X 1 5/8" in size and the previously applied USDA official ear tag shall remain in place; and

(2) The White-tailed deer that meet the genetic traits in (1) of this section may be released during the same time frame in subsequent years.

(e) All White-tailed deer imported into Oklahoma Farmed Cervidae facilities or Oklahoma Department of Wildlife Conservation licensed Commercial Hunt Areas shall have the SS alleles at Codon 96 and have a Genomic Estimated Breeding Value meeting or exceeding -0.056.

(1) Male White-tailed deer imported into Oklahoma Department of Wildlife Conservation licensed Commercial Hunt Areas are exempt from the above requirements.

(2) A certificate verifying the SS alleles at Codone 96 and the GEBV meeting or exceeding -0.056 shall be attached to the import permit application.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendment revokes the registration of exotic Cervidae species requirement and adds a new rule for the chronic wasting genetic improvement program.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rules affect persons who farm Cervidae. No cost impacts have been received to date.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons who farm Cervidae, will benefit from the proposed rules.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons who farm Cervidae, will benefit from the proposed rules.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rules.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rules.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
The proposed rules will have no adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**
The Department is unaware of any non-regulatory methods to achieve the purpose of the proposed rules.

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

The proposed rules will benefit public health, safety, and the environment.

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

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

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

This rule impact statement was prepared on October 1, 2024. Revised December 2, 2024.

CHAPTER 17. WATER QUALITY

SUBCHAPTER 3. SWINE FEEDING OPERATIONS

35:17-3-22. Violation points system [REVOKED]

—The following violation points system shall be utilized by the Department to assess points prior to suspension, revocation, or nonrenewal of a swine feeding operation license. This system shall operate in addition to penalties provided for in the Oklahoma Swine Feeding Operations Act, and shall not alter the authority to the Board to revoke a license under other sections of the Act.

(1) When any swine feeding operation accrues a total of fifteen (15) or more points in any two (2) year time period, the license of the swine feeding operation shall be suspended, revoked, or not renewed by the Board.

(2) Points shall accrue based on violations of the Oklahoma Swine Feeding Operations Act and rules:

(A) Failure of any concentrated swine feeding operation to apply for a license when required by the provisions of the Oklahoma Swine Feeding Operations Act shall accrue three (3) to five (5) points.

(B) Failure to obtain a building permit prior to construction of an LMFO shall be a significant violation and accrue four (4) to five (5) points.

(C) Failure to obtain a license prior to operation of an LMFO shall accrue four (4) to five (5) points.

(D) Failure to obtain or renew education requirements for all employees of an LMFO whose duties include treatment, storage, or application of swine waste shall accrue two (2) to three (3) points.

(E) Knowingly making any false statement, representation, or certification in, omitting material data from, or tampering with any application for a license, or notice relating to the determination of affected property owners shall be a significant violation and accrue four (4) to five (5) points.

(F) Failure to follow the Pollution Prevention Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(G) Failure to follow the Pollution Prevention Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(H) Failure to provide full closure of a facility pursuant to a closure plan shall accrue three (3) to five (5) points.

(I) Failure by a swine feeding operation to utilize or comply with Best Management Practices and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(J) Failure by a swine feeding operation to utilize or comply with Best Management Practices and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(K) Failure by a swine feeding operation to report a discharge shall accrue two (2) to four (4) points.

(L) Failure by a swine feeding operation to utilize or comply with a Swine Waste Management Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points.

(M) Failure by a swine feeding operation to utilize or comply with a Swine Waste Management Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points.

(N) Failure by a swine feeding operation to follow a carcass disposal plan shall accrue one (1) to three (3) points.

(O) Failure by a swine feeding operation to follow a erosion control plan shall accrue one (1) to two (2) points.

(P) Failure by an LMFO to utilize and comply with an Odor Abatement Plan shall accrue one (1) to four (4) points.

(Q) Failure by an LMFO to establishment or maintain groundwater monitoring wells or a leak detection system shall accrue four (4) to five (5) points.

(R) Failure of any LMFO to annually evaluate a site for liner integrity shall accrue two (2) to three (3) points.

(S) Failure of any LMFO to pay swine animal unit fees in a timely fashion shall accrue three (3) to five (5) points.

(T) Failure to take such actions as are reasonable and necessary to avoid pollution of any stream, lake, river or creek or violate any rule to prevent water pollution shall be a significant violation and accrue five (5) points.

(U) Knowingly making false statements, representation, or certification in any water pollution form, notice, or report shall be a significant violation and accrue five (5) points.

(V) Knowingly rendering inaccurate any monitoring device or method required to be maintained by any water pollution rules shall be a significant violation and accrue five (5) points.

(3) All violations which are assessed four (4) or five (5) points shall only accrue points upon approval by the State Board of Agriculture. All other violations shall accrue points upon approval by the Agricultural Environmental Management Services Division of the Department. Assessment of points by the Agricultural Environmental Management Services

Division may be appealed in writing to the Division Director. If the accumulated number of points reaches a total of fifteen (15) points, the owner may appeal to the State Board of Agriculture:

(4) Even if the violation points do not add up to a total of fifteen (15) points, the State Board of Agriculture may deem a violation that results in serious harm to be so significant as to warrant immediate revocation, nonrenewal, or suspension of the license:

(5) Any owner whose license is suspended, revoked, or not renewed shall remain without the license for a minimum of one (1) year. At the Department's discretion, the license may be renewed so long as the owner complies with all conditions which the Department imposes on the swine feeding operation.

(6) Conditions for renewal shall at a minimum include compliance during the entire period of revocation with all aspects of the Oklahoma Swine Feeding Operations Act and its rules, and correction of all conditions which caused the license nonrenewal, suspension, or revocation.

SUBCHAPTER 4. CONCENTRATED ANIMAL FEEDING OPERATIONS

35:17-4-18. Violation points system_[REVOKED]

—The following violation points system shall be utilized by the Department to assess points prior to suspension, revocation, or nonrenewal of a CAFO license. This system shall operate in addition to penalties provided for in the Oklahoma Concentrated Animal Feeding Operations Act, and shall not alter the authority to the Board to revoke a license under other sections of the Act:

(1) When any animal feeding operation accrues a total of fifteen (15) or more points in any two (2) year time period, the license of the animal feeding operation shall be suspended, revoked, or not renewed by the Board:

(2) Points shall accrue based on violations of the Oklahoma Concentrated Animal Feeding Operations Act and rules:

(A) Failure of any CAFO to apply for a license when required by the provisions of the Oklahoma Concentrated Animal Feeding Operations Act shall accrue three (3) to five (5) points:

(B) Knowingly making any false statement, representation, or certification in, omitting material data from, or tampering with any application for a license, or notice relating to the determination of affected property owners shall be a significant violation and accrue four (4) to five (5) points:

(C) Failure to follow the Pollution Prevention Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(D) Failure to follow the Pollution Prevention Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(E) Failure to provide full closure of a facility pursuant to a closure plan shall accrue three (3) to five (5) points:

(F) Failure by an animal feeding operation to utilize or comply with Best Management Practices and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(G) Failure by an animal feeding operation to utilize or comply with Best Management Practices and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(H) Failure by an animal feeding operation to report a discharge shall accrue two (2) to four (4) points:

(I) Failure by an animal feeding operation to utilize or comply with an Animal Waste Management Plan and the failure results in actual harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall be a significant violation and accrue five (5) points:

(J) Failure by an animal feeding operation to utilize or comply with an Animal Waste Management Plan and the failure results in potential harm to natural resources of the state, ground or surface water quantity or quality, public health, or the environment shall accrue three (3) to four (4) points:

(K) Failure by an animal feeding operation to follow a carcass disposal plan shall accrue one (1) to three (3) points:

(L) Failure by an animal feeding operation to follow a erosion control plan shall accrue one (1) to two (2) points:

(M) Failure to take such actions as are reasonable and necessary to avoid pollution of any stream, lake, river or creek or violate any rule to prevent water pollution shall be a significant violation and accrue five (5) points:

(N) Knowingly making false statements, representation, or certification in any water pollution form, notice, or report shall be a significant violation and accrue five (5) points:

(O) Knowingly rendering inaccurate any monitoring device or method required to be maintained by any water pollution rules shall be a significant violation and accrue five (5) points:

(3) All violations which are assessed four (4) or five (5) points shall only accrue points upon approval by the State Board of Agriculture. All other violations shall accrue points upon approval by the Agricultural Environmental Management Services Division of the Department. Assessment of points by the Agricultural Environmental Management Services Division may be appealed in writing to the Division Director. If the accumulated number of points reaches a total of fifteen (15) points, the owner may appeal to the State Board of Agriculture:

(4) Even if the violation points do not add up to a total of fifteen (15) points, the State Board of Agriculture may deem a violation that results in serious harm to be so significant as to warrant immediate revocation, nonrenewal, or suspension of the license.

(5) Any owner whose license is suspended, revoked, or not renewed shall remain without the license for a minimum of one (1) year. At the Department's discretion, the license may be renewed so long as the owner complies with all conditions which the Department imposes on the animal feeding operation.

(6) Conditions for renewal shall at a minimum include compliance during the entire period of revocation with all aspects of the Oklahoma Concentrated Animal Feeding Operations Act and its rules, and correction of all conditions which caused the license nonrenewal, suspension, or revocation.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments update the insuring to ensuring; adds supporting documentation for separation of waste retention from water for CAFO facilities and adds a closure plan to CAFO facilities application; adds a site evaluation on retention structures and a sludge accumulation survey for liner criteria for CAFOs; changes the BMP description requirement from the owner to PPP; revokes the violations points system; adds language that requires commercial poultry waste applicators to produce reports and schedules for poultry waste clean-outs and land applications upon request; adds a new rule laying out the analysis required for land application samples; adds requirements for poultry feeding operations to update their nutrient plan if it changes or if they add land; requires a written notice to the Department if a poultry feeding operator intends to sell a registered operation; updates language from LMFOs to swine facility operations; adds requirements for site evaluations and sludge accumulation for swine operations; and revokes the violation points system for swine operations.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed rules will primarily affect owners and operators of poultry and swine feeding operations.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

The proposed rules will assist in ensuring beneficial use of poultry waste while preventing adverse effects to the waters of the state of Oklahoma and shall benefit all citizens of the state.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

Owners and operators of poultry and swine feeding operations and waste applicators will benefit from new regulations relating to revoking the violation point system.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

There is no increased cost to the agency.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**

No economic effect on any political subdivision is anticipated by the proposed rule amendments.

- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
No adverse impacts on small businesses are anticipated.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:**
No less costly or non-regulatory method is available.
- (I) **DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**
The proposed rule amendments will not detrimentally affect the public health, safety, and environment.
- (J) **DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT:**
No detrimental effect upon the public health, safety, or environment is anticipated with the implementation of the proposed rule amendments.
- (K) **DATE RULE IMPACT STATEMENT WAS PREPARED:**
This rule impact statement was prepared on October 8, 2024.

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

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 10. MOSS BALL (AEGAGROPILA LINNAEI) QUARANTINE

35:30-10-1. Establishment of quarantine

The State Board of Agriculture does hereby establish an external quarantine for the Moss Ball (aegagropila linnaei) and any other aquatic species found to be infested with Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis).

35:30-10-2. Regulated area

The regulated quarantined area includes all states, districts, and territories of the United States.

35:30-10-3. Regulated articles

The following shall be regulated pursuant to this quarantine:

- (1) Moss Ball (aegagropila linnaei), and
- (2) any aquatic species found to be infested with Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis).

35:30-10-4. Conditions governing movement

All regulated articles are prohibited entry into or transition through the State of Oklahoma unless the articles are:

- (1) Accompanied by a current certificate of inspection from the state of origin declaring the articles have been officially inspected and found free of Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis) and the articles have been stored in such a manner to remain free of the Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis) in storage and transit; or
- (2) Have a current certificate of inspection from the aquatics invasive species regulatory agency in the shipping state.

SUBCHAPTER 13. IMPORTED FIRE ANT QUARANTINE

35:30-13-3. Regulated area

Imported Fire Ant regulated areas are the Oklahoma counties of:

- (1) Bryan Jefferson, and McCurtain (1986);
- (2) Marshall (Additional Infested Area 1987);
- (3) Carter, Choctaw, Comanche, Johnston, and Love;
- (4) LeFlore, Pushmataha, Atoka, Coal, Pontotoc, Garvin, Murray, Stephens, Jefferson, Cotton, Tillman, and Jackson;
- (5) Latimer (2017);
- (6) Pittsburgh (2020); ~~and~~
- (7) Haskell (2024); ~~and~~

(8) Hughes, Kiowa, Pottawatomie, and Seminole (2025).

SUBCHAPTER 17. COMBINED PESTICIDE

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations

(a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2023~~2025 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.

(b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 15. MINIMUM STANDARDS FOR TERMITE WORK FOR EXISTING STRUCTURES

35:30-17-70. Borate or other wood applied termiticide treatment for post-construction

(a) Any borate or other wood applied termiticide may be used as a stand-alone or primary treatment for the prevention and control of subterranean termites in new construction and post construction if the product is labeled for such an application. The product must be registered by the Environmental Protection Agency and with the State of Oklahoma.

(b) A sticker, tag, or stencil must be placed on a stud in the attic readily visible within 5 feet of the attic access which displays the name of the applicator company, application date, and the name of the termiticide used. If a sticker or tag is used the words "Do not Remove" must also be displayed on the sticker or tag.

(c) A product information sheet must accompany the contract and the contract must be provided to the customer.

(d) For post construction treatments follow all the product's labeled directions.

(e) All contracts and records keeping requirements must be kept in accordance with 2 O.S. § 3-81(11) and O.A.C. 35:30-17-21.

PART 17. MINIMUM STANDARDS FOR TERMITE WORK FOR PRECONSTRUCTION (PRETREATS) AND NEW CONSTRUCTION

35:30-17-74. Borate or other wood applied termiticide treatment for new construction

(a) Any borate or other wood applied termiticide may be used as a stand-alone or primary treatment for the prevention and control of subterranean termites in new construction and post construction if the product is labeled for such an application. The product must be registered by the Environmental Protection Agency and with the State of Oklahoma.

(b) For new construction treatments the following areas must be treated if the product label does not have specific application instructions or if these areas are not on a product label that has specific application instructions.

(1) To ensure a more complete treatment the treatment must be performed when the structures framing is complete (“dried-in”) and prior to the installation of any other construction components that may hinder proper treatment including but not limited to insulation, electrical, heating and cooling systems, exterior wraps, etc.

(2) All exterior surfaces of wood or non-cellulose framing such as the exterior side of the sheathing shall be treated up to a height of not less than two (2) feet above a contact with a slab foundation or a (2) foot horizontal and vertical treatment of wood above contact with a concrete crawlspace or basement foundation.

(3) All interior surfaces of wood or non-cellulose framing such as studs and the interior side of the exterior sheathing shall be treated up to a height of not less than two (2) feet above a contact with a slab foundation or a (2) foot horizontal and vertical treatment of wood above contact with a concrete crawlspace or basement foundation.

(4) The slab floor around all service pipe penetrations and bath traps must be treated not less than (2) feet in all directions. The slab along the base plates of the structure must be treated no less than (1) foot out from the base plates. Garage floor slabs are not required to be treated.

(5) Any support piers in a crawl space must be treated up to a height of not less than two (2) feet above contact with the soil and the subfloor above the pier must be treated no less than (2) feet in all directions around the pier.

(6) Any exterior wooded supports resting on concrete such as porch or patio awning supports shall be treated at a height of not less than (2) feet above the slab.

(7) In areas where access to all sides of the wood surface is limited including but not limited to married studs, and exterior wall base plates allow the sprays on wood surfaces to dry for 20 minutes. A second treatment must be performed on these surfaces once the sprays have dried.

(8) Indicator dye is required on exterior wall sheathing, interior treatment areas, and in crawl spaces. Dye is not required in treatment areas where the concrete slab will not be covered such as garages, basements, or awning supports.

(9) Where known cracks in concrete slabs exist treat along the crack and at least (1) foot on both sides of the crack.

(c) The application site must be identified by a sticker, tag, or stencil in an area readily visible near the front entrance to the structure which displays the name of the applicator company, application date, and the name of the termiticide used.

(d) An additional sticker, tag, or stencil must be placed on a stud in the attic readily visible within 5 feet of the attic access which displays the name of the applicator company, application date, and the name of the termiticide used. If a sticker or tag is used the words “Do not Remove” must also be displayed on the sticker or tag.

(e) A product information sheet must accompany the contract and the contract must be provided to the customer.

(f) All contracts and records keeping requirements must be kept in accordance with 2 O.S. § 3-81(11) and O.A.C. 35:30-17-21.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations

(a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2023~~2025 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.

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

SUBCHAPTER 24. OKLAHOMA INDUSTRIAL HEMP PROGRAM

35:30-24-7. Fees

(a) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).

(b) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.

(c) Fiber growers shall only pay one application fee for all properties licensed with ODAFF. Fiber growers who license 2000 acres or more will be able to include the application fee as part of the \$5/acre fee.

~~(e)~~ (d) An hourly inspection rate consisting of Thirty-Five Dollars (\$35.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection of the cultivation site, and the inspectors' travel time returning from the cultivation to the inspectors' duty station.

~~(d)~~ (e) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Department, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.

~~(e)~~ (f) Each new, subsequent, or renewed application for a license to process or handle industrial hemp shall require the payment of a nonrefundable application fee as follows:

(1) One Thousand Dollars (\$1,000.00) for annual sales less than and including Fifty Thousand Dollars (\$50,000.00);

(2) Two Thousand Five Hundred Dollars (\$2,500.00) for annual sales less than and including Two Hundred Fifty Thousand Dollars (\$250,000.00) but more than Fifty Thousand Dollars (\$50,000.00); and

(3) Five Thousand Dollars (\$5,000.00) for annual sales greater than Two Hundred Fifty Thousand Dollars (\$250,000.00).

35:30-24-11.1. Allowable testing thresholds

- (a) Hemp and processed hemp shall meet the allowable laboratory testing thresholds for medical marijuana and medical marijuana products established by the ~~Oklahoma State Department of Health~~ Oklahoma Medical Marijuana Authority at 310:681-8-1 and Appendix A.
- (b) Processors shall not process, sell, or otherwise transfer any hemp products from any hemp production batch unless samples of the production batch have passed all tests in accordance with this section.
- (c) The provisions of this section shall not apply to hemp produced for seed or fiber production.

SUBCHAPTER 27. FEED

PART 3. PET FOOD

35:30-27-51. Definitions and terms

The definitions in the Association of American Feed Control Officials (AAFCO) Model Bill and Model Feed Regulations shall apply in addition to the following:

"All life stages" means gestation/lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.

"Daily Food" means a specialty pet food product, other than a treat, food mixer or food supplement, for specialty pet species with no recognized nutritional authority.

"Family" means a group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

"Familiar Household Unit" means a typical feeding unit in volume or count (e.g., can, measuring cup, treat, or piece).

"Food Mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be a complete diet.

"Food Supplement" means a pet or specialty pet food product that is intended to supply specific nutrient(s) or other food components but is not a complete diet.

"Immediate container" means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

"Ingredient statement" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

"Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a pet food product.

"Principal display panel" means the part of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for retail sale.

“Specialty Pet Nutrition Facts” means a graphic box located on the label containing nutritional information for a specialty pet food product.

“Veterinary Diet” means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

35:30-27-52. Label format and labeling

(a) Pet food and specialty pet food shall be labeled with the following information prescribed in this Regulation:

(1) Product name and brand name, if any, on the principal display panel as stipulated in Regulation 35:30-27-53;

(2) ~~The species of pet or specialty pet for which the food is intended conspicuously designated on the principal display panel~~ A Statement specifying the intended use of the products as stipulated in Regulation 35:30-27-54(a);

(3) Quantity statement, ~~as defined in 35:30-27-2(a)(8)~~ as defined in Section 3(s) of this Act and Regulation 3(a)(8) of the Model Regulations, by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) ~~Guaranteed analysis as stipulated in 35:30-27-54~~ Pet Nutrition Facts or Specialty Pet Nutrition Facts as stipulated in Regulation 35:30-27-55;

(5) Ingredient statement as stipulated in ~~35:30-27-55~~ 56(a);

~~(6) A statement of nutritional adequacy or purpose if required under 35:30-27-57;~~

~~(7) (6) Feeding directions if required under 35:30-27-58; and~~

~~(8) (7) Name and address of the manufacturer or distributor as stipulated in 35:30-27-61; and~~

~~(8) Handling and Storage Instructions may be displayed as stipulated in 35:30-27-62.~~

(b) When a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

(c) A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

(d) The use of the word "proven" in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.

(e) No statement shall appear upon the label or labeling of a pet food or specialty pet food which makes false or misleading comparisons between that product and any other product.

(f) A personal or commercial endorsement is permitted on a pet food or specialty pet food label provided the endorsement is not false or misleading.

(g) A statement on a pet food or specialty pet food label stating "Improved", "New", or similar designation shall be substantiated and limited to six (6) months production.

(h) A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

(i) Raw milk distributed as pet food or specialty pet food shall bear the following statement **“WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.”** This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the Federal Fair Packaging and Labeling Act for the net quantity statement as shown

in the following table:

- (1) A panel size of ≤ 5 in.² has a maximum "with" claim type size of 1/16 inch.
- (2) A panel size of $> 5 - \leq 25$ in.² has a maximum "with" claim type size of 1/8 inch.
- (3) A panel size of $> 25 - \leq 100$ in.² has a maximum "with" claim type size of 3/16 inch.
- (4) A panel size of $> 100 - \leq 400$ in.² has a maximum "with" claim type size of 1/4 inch.
- (5) A panel size of > 400 in.² has a maximum "with" claim type size of 1/2 inch.

(j) When pet food or specialty pet food consists of raw milk, the words, "Raw [blank] Milk" shall appear conspicuously on the principal display panel (blank is to be completed by using the species of animal from which the raw milk is collected).

35:30-27-53. Brand and product names

(a) The names of the ingredient(s) used in the brand or product name or elsewhere on the product label shall appear in order of predominance by weight in the product. Names of flavors due to their varying intensity can be in any order.

~~(a)(b)~~ The words "100%", "All", or words of similar designation shall not be used in the brand or product name of a pet food or a specialty pet food if the product contains more than one ingredient, ~~not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.~~

~~(b)(c)~~ An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food:

(1) When the ingredient(s) ~~derived from animals, poultry, or fish~~ constitutes at least 95% of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredient(s) shall constitute at least 70% of the total product weight.

(2) When any ingredient(s) constitutes at least 25% of the weight of the product, provided that:

(A) Water sufficient for processing may be excluded when calculating the percentage; however, the ingredient(s) shall constitute at least 10% of the total product weight; and

(B) A descriptor is used with the ingredient name(s). This descriptor shall imply other ingredients are included in the product formula. Examples of descriptors include "dinner", "platter", "entree", "formula", and "recipe"; and

(C) The descriptor shall be in the same size, style, and color print as the ingredient name(s).

(3) When a combination of ingredients are included in the brand or product name, ~~the product shall meet all of the following in accordance with Regulation 35:30-27-3(c) provided that:~~

(A) Each named ingredient constitutes a least 3% of the total weight of the product weight, excluding water sufficient for processing; and

~~(B) The names of the ingredients appear in the order of their respective predominance by weight in the product; and~~

~~(C)~~(B) All the ingredient names appear on the label in the same size, style, and color print.

~~(e)~~(d) When the name of any ingredient appears in the product name of a pet food or elsewhere on the product label and includes a descriptor like "with" or similar designation, the named

ingredient(s) shall each constitute at least 3% of the product weight exclusive of water sufficient for processing. ~~If the names of more than one ingredient are shown, they shall appear in their respective order of predominance by weight in the product.~~ The 3% minimum level shall not apply to claims for nutrients, including, but not limited to, vitamins, minerals, and fatty acids, as well as condiments. The word "with", or similar designation, and named ingredients shall be in the same size, style, color, and case print and be of no greater size than:

Maximum "with claim"

Panel Size	Type Size
<5 sq. in.	1/8"
5-25 sq. in.	1/4"
25-100 sq. in.	3/8"
100-400 sq. in.	1/2"
400 sq. in. +	1"

- (1) A panel size of <5 in.2 has a maximum "with" claim type size of 1/8 inch.
- (2) A panel size of >5 – <25 in.2 has a maximum "with" claim type size of 1/4 inch.
- (3) A panel size of >25 – ≤100 in.2 has a maximum "with" claim type size of 3/8 inch.
- (4) A panel size of >100 – <400 in.2 has a maximum "with" claim type size of 1/2 inch.
- (5) A panel size of >400 in.2 has a maximum "with" claim type size of 1 inch.

~~(d)~~(e) A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food when the flavor designation meets all of the following:

- (1) The flavor designation:
 - (A) Conforms to the name of the ingredient as listed in the ingredient statement;
 - or
 - (B) Is identified by the source of the flavor in the ingredient statement; and
- (2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and
- (3) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request.

~~(e) The product name of the pet food or specialty pet food shall not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by 35:30-27-53(b) or (c); provided the name of an ingredient or combination of ingredients may be used as a part of the product name if:~~

- ~~(1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser;~~
- ~~or~~
- ~~(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.~~

(f) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food or specialty pet food unless it is in compliance with Regulation 35:30-27-53(b)(c),

~~(e)(d)~~, or ~~(d)(e)~~.

(g) Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other such name, the maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.

35:30-27-54. Expression of guarantees Intended use statement and nutritional adequacy claims

(a) The "Guaranteed Analysis" shall be listed in the following order and format:

(1) A pet food or specialty pet food label shall list the following required guarantees:

(A) Minimum percentage of crude protein;

(B) Minimum percentage of crude fat;

(C) Maximum percentage of crude fat, if required by 35:30-27-60;

(D) Maximum percentage of crude fiber;

(E) Maximum percentage of moisture; and

(F) Additional guarantees shall follow moisture.

(2) When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(3) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Profiles, or not provided for in these rules, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk (*) referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles". The disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees.

(4) A specialty pet food label shall list other required or voluntary guarantees as required by Regulation 3a(4)X of AAFCO Model Bill.

(b) The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") is prohibited.

(c) The label of a pet food or a specialty pet food which is formulated as and represented to be a mineral supplement shall include:

(1) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units specified in the nutrient profile; or

(2) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in Regulation 4(b) of the AAFCO Model Bill when no species-specific nutrient profile has been recognized by AAFCO; and

(3) Mineral guarantees required by 35:30-27-54(c)(1) and (2) may be expressed in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and

(4) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

(d) The label of a pet food or a specialty pet food which is formulated as and represented to be a vitamin supplement shall include:

- (1) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units specified in the nutrient profile; or
- (2) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in AAFCO Model Regulation 4(e) when no species-specific nutrient profile has been recognized by AAFCO; and
- (3) Vitamin guarantees required by 35:30-27-54(d)(1) and (2), may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
- (4) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

(a) A statement identifying the intended use of a pet food or specialty pet food is required on the principal display panel of the label in accordance with the following:

(1) The intended use of a pet food or specialty pet food shall be stated as:

(A) “Complete [Species] Food” – for food products intended to be the complete diet for all life stages and sizes of a pet or specialty pet in accordance with the unqualified claims in Regulation 35:30-27-4(b);

(B) For food products intended to be the complete diet for a limited life stage or size of a pet or specialty pet in accordance with the qualified claims in Regulation 35:30-27-54(c), one of the two following statements shall be used:

(i) “Complete Food for [blank]” where the blank shall be filled with one or more of the following:

(I) “Adult [Species].”

(II) “Puppies,” “Kittens,” or “Juvenile [Species other than dog or cat].”

(III) “Puppies (<70 lb. as an adult),” or

(IV) “Dogs (except puppies >70 lb. as an adult);” or

(ii) “Complete [Blank] Food” where the blank shall be filled with one or more of the following:

(V) “Adult [Species].”

(VI) “Puppy,” “Kitten,” or “Juvenile [Species other than dog or cat].”

(VII) “Puppy (<70 lb. as an adult),” or

VIII) “Dog (except puppies >70 lb. as an adult);”

(C) “Veterinary Diet for [Species]” – for food products intended to be used under veterinary supervision only in accordance with Regulation 35:30-27-54(d);

(D) “[Species] Treat” – for food products for pets or specialty pets, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement;

(E) “[Species] Food Supplement” – for food products for pets or specialty pets that are intended to supply specific nutrient(s) or other food components but are not a complete diet;

(F) “[Species] Food Mixer” – for food products for pets or specialty pets that are intended to top, accompany, or contribute to a complete diet but are not generally intended or represented to be a complete diet; or

(G) “Daily [Specialty Pet Species] Food” – for food products that are intended to be the daily diet for specialty pets where no recognized nutritional authority exists. A limited life stage may be indicated, i.e., “Daily [Specialty Pet Species] Food for [Juveniles or Adults].”

(2) This intended use statement shall:

(A) Appear within the bottom 30% of the area of the label principal display panel in lines generally parallel to the base on which the package rests as it is designed to be displayed and shall be repeated on the alternate principal display panel, if present. However, on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30% of the area of the label panel shall not apply;

(B) Be at least as large as the statement of net quantity, consistent with 16 CFR 500.21;

(C) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and

(D) Be separated by at least a space equal to the height of the letter “N” used in the statement of net quantity from other printed label information appearing above or below it and by at least a space equal to twice the width of the letter “N” of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of it.

(b) The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may make unqualified claims, directly or indirectly, such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” if at least one of the following apply:

(1) The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile; or

(2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s):

(A) Unqualified claims of nutritional adequacy that include large size dogs (greater than 70 lb. as an adult) can be substantiated by completing the appropriate protocols using large size dogs; or

(B) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles;
or

(3) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:

(A) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;
and

(B) The family product meets the criteria for all life stages; and

(C) Under circumstances of reasonable doubt, the [State Control Official] may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(c) The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may make qualified claims, directly or indirectly, such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” when the product and claim meet both of the following:

(1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, “complete and balanced for puppies (or kittens).” The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and

(2) The product meets at least one of the following:

(A) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or

(B) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s);

(i) Qualified claims of nutritional adequacy that include large size dogs can be substantiated by completing the appropriate protocols using large size dogs; or

(ii) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or

(C) The requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(ii) The family product meets the criteria for such limited purpose; and

(iii) Under circumstances of reasonable doubt, the [State Control Official] may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.

(d) A product intended for use by, or under the supervision or direction of, a veterinarian shall clearly indicate the nutritional adequacy of the product in accordance with Regulation 35:30-27-55(a)(3)(F) or 35:30-27-55(b)(2)(F) as would be required for any other pet food or specialty pet food.

(e) A signed affidavit attesting that the product meets the requirements of Regulation 35:30-27-54(b) or 35:30-27-54(c)(2) shall be submitted to the upon request.

(f) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO-recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy of the product shall be scientifically substantiated.

(g) The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(1) As an AAFCO-recognized nutrient profile or nutritional authority:

(A) For dogs, the AAFCO Dog Food Nutrient Profiles;

(B) For cats, the AAFCO Cat Food Nutrient Profiles;

(C) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.

(2) As an AAFCO-recognized animal feeding protocol(s), the AAFCO Dog and Cat Food Feeding Protocols.

(e)(h) When the label of a pet food or a specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:

(1) The nutrient shall be stated in the units of measurement used in the cited AAFCO-recognized nutrient profile; and

(2) The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and

(3) The comparison may appear on the label separate and apart from the guaranteed analysis.

(1) The product shall meet the AAFCO-recognized nutrient profile; and

(2) The statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile; however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement as per Regulation 35:30-27-54(b)(1) or 35:30-27-54(c)(2)(A) appears elsewhere on the product label; and

(3) The statement of comparison of the nutrient content shall constitute a guarantee and shall be in the nutrient guarantees within the pet or specialty pet nutrition facts; and

(4) The statement of comparison shall appear on the label separate and apart from the nutrient guarantees within the pet or specialty pet nutrition facts.

(f) Percentages or other designations referring to an individual nutrient or all of the nutrient levels established by the AAFCO-recognized nutrient profile may be used on a pet food or specialty pet food when:

(1) The product meets the AAFCO-recognized nutrient profile;

(2) The comparison is preceded by a statement that the product meets the AAFCO-recognized nutrient profile; and

(3) The comparison is expressed in the same quantitative units as those used by the cited AAFCO-recognized nutrient profile.

(g) The maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% of the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food including, but not limited to, those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and which are so labeled, may contain moisture in excess of 78.00%.

(h) Guarantees for crude protein, crude fat, and crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, like mineral or vitamin supplement.

35:30-27-55. Ingredients-Pet and Specialty Pet Nutrition Facts

(a) ~~Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:~~

~~(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size;~~

~~(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms;~~

~~(3) Ingredients shall be listed and identified by the name and definition established by AAFCO; and~~

~~(4) Any ingredient for which no name and definition have been established shall be identified by the common or usual name of the ingredient.~~

~~(b) The ingredients "meat" or "meat by products" shall be qualified to designate the animal from which the meat or meat by products are derived unless the meat or meat by products are derived from cattle, swine, sheep, goats, or any combination. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by products".~~

~~(c) Brand or trade names shall not be used in the ingredient statement.~~

~~(d) A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following:~~

~~(1) The designation is not false or misleading;~~

~~(2) The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and~~

~~(3) A reference to quality or grade of the ingredient does not appear in the ingredient statement.~~

(a) **Pet Nutrition Facts** shall be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified.

This is set off by a bold line centered between this and the nextline of text.

(2) A statement of Calorie content, determined as specified in Regulation 35:30-27-59, shall include the following:

(A) The Calorie content of the product shall be stated after the left justified heading:

(i) "Calories per [familiar household unit].: [#]" when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(1); or

(ii) "Calories per [familiar household unit] (fed): [#]" when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(2).

(B) Below the Calorie content statement, the number of Calories contributed by Protein, Fat, and Carbohydrate shall be declared, in that order, after "From:". The

“From:” line shall be indented to reflect that it is a component of the total Calories on the line above. If the total Calorie content of the product is determined by feeding trial in accordance with Regulation 35:30-27-59(a)(2), then “.” shall be declared immediately after the number of Calories from Carbohydrates. The determination of Calories from protein, fat, and carbohydrate are as described in Regulation 35:30-27-59(c). This is set off by a bold line centered between this and the next line of text.

(3) The nutrient guarantees shall appear under the headers “Nutrients” that is left justified to the edge of the box, “Guaranteed” that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient value, and “per [familiar household unit]” that is right justified to the edge of the box. The amount “per [familiar household unit]” for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(A) A pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

(i) “Protein” is minimum percentage of crude protein;

(ii) “Fat” is minimum percentage of crude fat;

(iii) “Total Carbohydrate” is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;

(iv) “Dietary Fiber” is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;

(v) “Moisture” is maximum percentage of moisture; and

(vi) Maximum percentage of crude fat (“Fat”) shall be listed between the minimum percentage of crude fat and the maximum percentage “Total Carbohydrate” if required by Regulation 35:30-27-59;

(vii) Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(B) When “Ash” is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(C) When listed on the label of a dog or cat food product, guarantees for “Dietary Starch” and “Sugars” shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(D) The “.calculated value” shall appear immediately after the last guarantee below a bold line.

(E) Other additional required or voluntary guarantees shall appear in accordance with the following:

(i) Guarantees for nutrients are in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed.

(ii) Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(I) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(II) The disclaimer “*not recognized as an essential nutrient by the AAFCO Dog [or Cat] Food Nutrient Profiles” shall appear immediately after “.calculated value”.

(F) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers which follow the guarantees:

(i) A statement that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one of the following:

(I) “(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ____.” (Blank is to be completed by using the stage or stages of the pet’s life, such as gestation/lactation, growth, maintenance, or the words “All Life Stages”.) For a dog food, when the blank includes the words “Growth” or “All Life Stages,” one of the following phrases must also be added verbatim to the end of the claim:

(aa) “including growth of large size dogs (70 lb. or more as an adult)” if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs.

(bb) “except for growth of large size dogs (70 lb. or more as an adult)” if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or

(II) “Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for ____.” (Blank is to be completed by using the stage or stages of the pet’s life tested, such as, gestation/lactation, growth, maintenance, or the words “All Life Stages”); or

(III) “(Name of Product) provides complete and balanced nutrition for (Blank is to be completed by using the stage or stages of the pet’s life, such as gestation, lactation, growth, maintenance, or the words “All Life Stages”) and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests.”

(ii) A nutritional or dietary statement for purposes other than those listed in Regulation 35:30-27-54(b) or (c) if the statement is scientifically substantiated; or

(iii) The statement: “This product is intended for intermittent or supplemental feeding only,” if a product does not meet the requirements of Regulation 35:30-27-54(b) or (c) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(b) **Specialty Pet Nutrition Facts** shall be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading “Specialty Pet Nutrition Facts” that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate “Specialty Pet Nutrition Facts” from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(2) The nutrient guarantees shall appear under the headers “Nutrients” that is left justified to the edge of the box, “Guaranteed” that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient values, and “per [familiar household unit]” that is right justified to the edge of the box. The amount “per [familiar household unit]” for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(A) A specialty pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

(i) “Protein” is minimum percentage of crude protein;

(ii) “Fat” is minimum percentage of crude fat;

(iii) “Total Carbohydrate.” is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;

(iv) “Dietary Fiber” is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above; and

(v) “Moisture” is maximum percentage of moisture;

(vi) Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(B) When “Ash” is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(C) When listed on the label of a specialty pet food product, guarantees for “Dietary Starch” and “Sugars” shall be stated as maximum guaranteed amounts.

Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(D) The “.calculated value” shall appear immediately after the last guarantee below a bold line.

(E) Other additional required or voluntary guarantees shall appear in accordance with the following:

(i) These guarantees shall follow ash, if also listed, or moisture, if ash is not listed;

(ii) Guarantees for nutrients are in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;

(iii) For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(I) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(II) The disclaimer “*not recognized as an essential nutrient by the ____.” (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such guaranteed amounts.

(III) No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(F) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the guarantees as one of the following:

(i) For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: “This product is intended to be a daily food.”

(ii) For all other specialty pet foods:

(I) A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in Regulation 35:30-27-54(b) or (c) by an AAFCO-recognized nutritional authority. It shall be stated verbatim as the following: “(Name of product) is formulated to meet the nutritional levels established by [the AAFCO-recognized authority] for ____.” (Blank is to be completed by stating the species and the stage or stages of the specialty pet’s life.);

(II) A nutritional or dietary claim for purposes other than those listed in Regulation 35:30-27-54(b) or (c) if the claim is scientifically substantiated; or

(III) The statement: “This product is intended for intermittent or supplemental feeding only,” if a product is suitable only for limited or intermittent or supplementary feeding.

(c) **Pet or specialty pet food supplements:** The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food which is formulated as and represented to be a food supplement shall include all of the information required in Regulation 35:30-27-55(a) or 35:30-27-55(b) except that guarantees shall only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis:

(1) For a food supplement that is intended to be a source of nutrients, guarantees shall appear for all nutrients that the product is intended to provide under the headers “Nutrients” that is left justified to the edge of the box and “per [feeding unit]” that is right justified to the edge of the box:

(A) For nutrients with an established requirement by an AAFCO-recognized nutrient profile, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO-recognized nutrient profile for the intended species; or

(B) When no species-specific nutrient profile has been recognized by AAFCO, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and

(C) Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(i) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(ii) The disclaimer “*not recognized as an essential nutrient by the _____.” (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such guaranteed amounts. No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(2) For a food supplement that is intended to supply microorganisms and/or enzymes, guarantees shall be declared as stipulated in Model Regulations 4(g) and/or 4(h) on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning should follow the disclaimer within the box.

(d) The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (for example, “Protein 15–18% Min”) is prohibited.

(e) Protein, fat, calculated total carbohydrate, or dietary fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

(f) For small packages with a total printable area of more than 12 square inches and less than or equal to 40 square inches, all information required in Regulation 35:30-27-55(a), (b), or (c) shall appear, but may appear in a linear format. This information shall appear in one place without other intervening material. In the linear format, the required information shall:

- (1) Appear in the same order as required by Regulation 35:30-27-55(a), (b), or (c) but without the formatting described;
- (2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading “Pet Nutrition Facts” or “Specialty Pet Nutrition Facts” shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
- (4) The guaranteed amount shall appear immediately after the amount “per [familiar household unit]” for each nutrient with the guaranteed amount enclosed in parentheses and all units clearly identified;
- (5) The following abbreviations may be used: Total Carbohydrate as “Carb.,” Dietary Fiber as “Fiber”.

(g) For very small packages with a total printable area of less than or equal to 12 square inches, the information required else wherein Regulation 35:30-27-55 is not required to appear on the label. However, all information specified elsewhere in Regulation 35:30-27-55 for the particular product type shall be determined and shall be submitted to the [regulatory authority] upon request. The following limited information is required to appear on the label:

- (1) This information shall appear in one place without other intervening material;
- (2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading “Nutrition Facts” shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
- (4) For pet foods, only total calories are required and shall be stated as:
 - (A) “Cal (calc): [#]” when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(1); or
 - (B) “Cal (fed): [#]” when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(2).
- (5) Guaranteed amounts shall be stated in weight per entire contents (e.g., grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:
 - (A) “Protein” is crude protein;
 - (B) “Fat” is crude fat;
 - (C) “Carb” is calculated from [100 – (% Crude Protein + % Crude Fat + % Moisture + % Ash)];
 - (D) “Fiber” is total dietary fiber;
 - (E) “Moisture” is moisture; and
 - (F) Additional required or voluntary guarantees shall follow moisture or ash, if listed, and shall comply with the requirements for such guarantees in Regulation 35:30-27-55(a)(3) or 35:30-27-55(b)(2), as appropriate, except that they shall be stated in only in weight per entire contents.

35:30-27-56. Additives and drugs Ingredients

(a) An artificial color may be used in a pet food or a specialty pet food only if it has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Administration regulations as safe for use, together with the

conditions, limitations, and tolerances, if any, incorporated in those regulations, shall be satisfactory evidence that the color is, when used pursuant to the regulations, harmless to pets or specialty pets.

~~(b) Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established:~~

~~(1) When the pet food or specialty pet food contains these additives, the use of which conforms to the requirements of the applicable regulation in the code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for the use; or~~

~~(2) When the pet food or specialty pet food itself is a drug or contains a drug as defined in the Oklahoma Commercial Feed Act and is "generally recognized safe and effective" for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360 (b).~~

~~(c) When a drug is included in a pet food or specialty pet food, the format required by 35:30-27-3(2) for labeling medicated feeds shall be used.~~

(a) Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:

(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style, and color, except where the defined name of the ingredient includes genus and species (e.g., microorganisms) which may be shown in italics;

(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms, except if the ingredient is a vitamin and/or mineral premix, the premix may be declared in order of predominance by the name "vitamins" or "minerals," as appropriate, followed by a parenthetical listing of all the vitamins and/or minerals in the premix, each in their order of predominance by weight as listed on the ingredient statement of the premix label;

(3) Ingredients shall be listed and identified by the name established in the AAFCO Official Common or Usual Names and Definitions of Feed Ingredients, except any ingredient for which no AAFCO ingredient name exists shall be identified by the common or usual name;

(4) Any ingredient suitable for use in pet food or specialty pet food for which there is a codified standard of identity in Title 9 or 21 of the Code of Federal Regulations shall be declared in accordance with the applicable regulation, which includesthe name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as provided in the regulation;

(5) The ingredients "meat," "poultry," "poultry by-products," or "meat by-products" shall be qualified to designate the animal from which the ingredients are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof or the poultry or poultry meal are derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs, or any combination thereof. For example, ingredients derived from deer shall be listed as "venison" or "venison by-products;"

(6) For ingredients consisting of fish, "fish meal," or "fish by-products," the name of the ingredient may include "fish" without further specification of the type of the fish or if it

bears a name descriptive of its kind (e.g., "ocean whitefish" or by using the acceptable market name(s) or common name (but not any vernacular or slang names) of the individual fish species in the ingredient as established by the FDA Seafood List), it must correspond thereto; and

(7) For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which is obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" shall be synonymous with "sugars" as defined in the Official Feed Terms.

(b) Brand or trade names shall not be used in the ingredient statement.

(c) Reference to quality or grade of an ingredient shall not appear in the ingredient statement.

(d) If properly used as specified by the USDA National Organic Program (7 CFR Part 205), the term "organic" does not apply to Regulation 35:30-27-56(c).

(e) A reference to the nature, form, or other attribute of an ingredient shall be allowed in the ingredient statement when that attribute imparts a distinctive characteristic to the pet food or specialty pet food.

(f) Any reference to the percentage of an ingredient or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty pet food label, shall be based in relation to the total weight of all ingredients in the product.

(1) The names of the ingredient(s) shall appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity can be in any order.

(2) Where water sufficient for processing is excluded from the declared percentage, the exclusion of water shall be indicated in words juxtaposed to, the same style and color print, and at least one-half the print size of the stated percentage (e.g., "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

35:30-27-57. Nutritional adequacy Drugs and Pet Food Additives

~~(a) The label of a pet food or specialty pet food which is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, like "complete and balanced", "perfect", "scientific", or "100% nutritious" if at least one of the following apply:~~

~~(1) The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient profile; or~~

~~(2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s).~~

~~(b) The label of a pet food or specialty pet which is intended for a limited purpose or a specific life stage, but not for all life stages, may include a qualified claim like "complete and balanced", "perfect", "scientific", or "100% nutritious" when the product and claim meets all of the following:~~

~~(1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies" or "kittens". The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and~~

~~(2) The product meets at least one of the following:~~

~~(A) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or~~

- (B) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s).
- (e) Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack" or "treat". The statement shall consist of one of the following:
- (1) A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one of the following:
 - (A) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life, like, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or
 - (B) "Animal feeding test using AAFCO procedures substantiate that (Name of Product) provides complete and balance nutrition for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life tested, like, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or
 - (C) "(Name of Product) provides complete and balanced nutrition for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life, like gestation/lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."
 - (2) A nutritional or dietary claim for purposes other than those listed in 35:30-27-57(a) or (b) if the claim is scientifically substantiated; or
 - (3) The statement "This product is intended for intermittent or supplemental feeding only", if a product does not meet the requirements of 35:30-27-57(a) or (b) or any other special nutritional or dietary need and is suitable only for limited, intermittent, or supplementary feeding.
- (d) A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with 35:30-27-58(b).
- (e) A signed affidavit attesting that the product meets the requirements of 35:30-27-58(a) or (b) shall be submitted to the Board upon request.
- (f) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO-recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.
- (a) An artificial color may be used in a pet food or specialty pet food only if it has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color in the United States Food and Drug regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets or specialty pets.
- (b) Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established:

- (1) When the pet food or specialty pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are “prior sanctioned” or “informal review sanctioned” or “Generally Recognized as Safe” for such use; or
- (2) When the pet food or specialty pet food itself is a drug or contains a drug as defined in Section 3 (g) of this Act and is “generally recognized as safe and effective” for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b).
- (c) When a drug is included in a pet food or specialty pet food, the format required by Model Regulation 3(a)(2) for labeling medicated feeds shall be used.

35:30-27-58. Feeding directions

~~(a) Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in 35:30-27-57(c)(1), except those pet foods labeled in accordance with 35:30-27-57(d), shall list feeding directions on the product label. These directions shall be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared (e.g. "adult formula"). These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, state "Feed (weight/unit of product) per (weight only) of dog (or cat)". The frequency of feeding shall also be specified.~~

~~(b) When a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions.~~

(a) All pet foods and specialty pet foods shall bear feeding directions consistent with the intended use statement on the principal display panel.

(b) Dog or cat food, including treats and food mixers, labeled as complete and balanced for any or all life stages as provided in Regulation 35:30-27-54(b) or 35:30-27-54(c), except those pet foods labeled in accordance with Regulation 35:30-27-54(d), shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, include the amount of familiar household unit of product per weight of dog (or cat). The frequency of feeding shall also be specified.

(c) Specialty pet food, including treats and food mixers, labeled as complete and balanced for any or all life stages as provided in Regulation 35:30-27-54(b) or 35:30-27-54(c) or as a daily food, shall list feeding directions on the product label. These feeding directions shall be adequate to meet the feeding requirements of the intended species of specialty pet. These directions shall be expressed in common terms and shall appear prominently on the label. The frequency of feeding shall also be specified.

(d) Food supplements shall list feeding directions on the product label that, at minimum, include the quantity of feeding unit (e.g., tablets, capsules, granules, or liquids) per weight of animal. The frequency of feeding shall also be specified.

(e) When a pet food or specialty pet food is intended for use by or under the supervision or direction of a veterinarian, the statement: “Use only as directed by your veterinarian” may be used in lieu of feeding directions.

35:30-27-59. Statements Determination of calorie content for dog and cat foods

(a) Except as required in 35:30-27-60, the label of a dog or cat food may bear a statement of calorie content when the label meets all of the following:

(1) The statement shall be separate and distinct from the "Guaranteed Analysis" and shall appear under the heading "Calorie Content";

(2) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and shall be expressed as "kilocalories per kilogram" ("kcal/kg") of product, and may also be expressed as kilocalories per familiar household measure (e.g., cans, cups, pounds); and

(3) The calorie content is determined by one of the following methods:

(A) By calculation using the following "Modified Atwater" formula: $ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$ Where: ME = Metabolizable Energy CP = % crude protein "as fed" CF = % crude fat "as fed" NFE = % nitrogen-free extract kern Amount = "1pt" (carbohydrate) "as fed" and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or
(B) In accordance with a testing procedure established by AAFCO.

(4) An affidavit shall be provided upon request to the Board, substantiating that the calorie content was determined by:

(A) 35:30-27-59(a)(3)(A) in which case the results of all the analyses used in the calculation shall accompany the affidavit; or

(B) 35:30-27-59(a)(3)(B) in which case the summary data used in the determination of calorie content shall accompany the affidavit.

(5) The calorie content statement shall appear as one of the following:

(A) The claim on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with 35:30-27-59(a)(3)(A); or

(B) The value of calorie content stated on the label which is determined in accordance with 35:30-27-59(a)(3)(B) shall not exceed or understate the value determined in accordance with 35:30-27-59(a)(3)(A) by more than 15%.

(a) The statement shall be determined in terms of metabolizable energy (ME) on an "as fed" moisture basis by one of the following methods then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):

(1) By calculation (indicated with a "+" in the Pet Nutrition Facts) using the following "Modified Atwater" formula: $ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) In accordance with testing procedures determined by AAFCO (indicated as "(fed)" in the Pet Nutrition Facts).

(b) An affidavit shall be provided upon the request of [regulatory authority], substantiating that the Calorie content was determined by:

(1) Regulation 35:30-27-59(a)(1) in which case the summary data used in the calculation shall be included in the affidavit; or

(2) Regulation 35:30-27-59(a)(2) in which case the summary data used in the determination of Calorie content shall accompany the affidavit.

(c) The Calories from protein, fat, and carbohydrate as required in the Pet Nutrition Facts are determined using the following calculation, then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):

(1) Protein: $ME (kcal/kg) = 10(3.5 \times CP)$, where ME = metabolizable energy, CP = % crude protein "as fed" and the percentage of CP is the average value in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(2) Fat: $ME (kcal/kg) = 10(8.5 \times CF)$, where ME = metabolizable energy, CF = % crude fat "as fed" and the percentage of CF is the average value in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(3) Carbohydrate: $ME (kcal/kg) = 10(3.5 \times NFE)$, where ME = metabolizable energy, NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash; CP = % crude protein "as fed," CF = % crude fat "as fed" and the percentages are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(b) (d) Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.

35:30-27-60. Descriptive terms

(a) Calorie terms.

(1) "Light"

(A) A dog food product which bears on its label the terms "light", "lite", "low calorie", or words of similar designation shall:

(i) Contain no more than 3100 kcal ME/kg for products containing less than 20% moisture, no more than 2500 kcal ME/kg for products containing 20% or more but less than 65% moisture, and no more than 900 kcal ME/kg for products containing 65% or more moisture; and

~~(ii) Include on the label a calorie content statement:~~

~~(I) In accordance with the format provided in 35:30-27-59; and~~

~~(II) Which states no more than 3100 kcal ME/kg for products containing less than 20% moisture, no more than 2500 kcal ME/kg for products containing 20% or more but less than 65% moisture, and no more than 900 kcal ME/kg for products containing 65% or more moisture; and~~

~~(iii)~~ (ii) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

(B) A cat food product which bears on its label the terms "light", "lite", "low calorie", or words of similar designation shall:

(i) Contain no more than 3250 kcal ME/kg for products containing less than 20% moisture, no more than 2650 kcal ME/kg for products containing 20 or more but less than 65% moisture, and no more than 950 kcal ME/kg for products containing 65% or more moisture; and

~~(ii) Include on the label a calorie content statement:~~

~~(I) In accordance with the format provided in 35:30-27-59; and~~

~~(II) Which states no more than 3250 kcal ME/kg for products containing less than 20% moisture, no more than 2650 kcal ME/kg for products containing 20% or more but less than 6% moisture, and no more than 950 kcal ME/kg for products containing 65% or more moisture; and~~

~~(III) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.~~

(ii) Include on the label feeding directions which reflect a reduction in Calorie intake consistent with the intended use.

(2) "Less" or "Reduced Calories"

(A) A dog or cat food product which bears on its label a claim of "less calories", "reduce calories", or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of calorie reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label where the term appears; and

(ii) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and

~~(iii) A calorie content statement in accordance with the format provided in 35:30-27-59; and~~

~~(iv)~~ (iii) Feeding directions which reflect a reduction in calories compared to feeding directions for the product of comparison.

(B) A comparison between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

(b) **Fat terms.**

(1) "Lean"

(A) A dog food product which bears on its label the terms "lean", "low fat", or words of similar designation shall:

(i) Contain no more than 9% ~~crude~~ fat for products containing less than 20% moisture, no more than 7% ~~crude~~ fat for products containing 20% or more but less than 65% moisture, and no more than 4% ~~crude~~ fat for products containing 65% or more moisture; and

(ii) Include on the product label in the ~~Guaranteed Analysis~~ nutrient guarantees:

~~(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in 35:30-27-54~~ A maximum fat guarantee immediately following the minimum fat guarantee in addition to the mandatory information as specified in Regulation 35:30-27-55(a)(3); and; and

~~(II) A maximum crude fat guarantee which is no more than 9% crude fat for products containing less than 20% moisture, no more than 7% crude fat for products containing 20% or more but less than 65% moisture, and no more than 4% crude fat for products containing 65% or more moisture~~ A maximum fat guarantee which is no more than 9% fat for products containing less than 20% moisture, no more than 7% fat for products containing 20% or more but less than 65% moisture, and no more than 4% fat for products containing 65% or more moisture.

(B) A cat food product which bears on its label the terms "lean", "low fat", or words of similar designation shall:

(i) Contain a maximum percentage of ~~crude~~ fat which is no more than 10% ~~crude~~ fat for products containing less than 20% moisture, no more than 8% ~~crude~~ fat for products containing 20% or more but less than 65% moisture, and no more than 5% ~~crude~~ fat for products containing 65% or more moisture; and

(ii) Include on the product label in the ~~Guaranteed Analysis~~ nutrient guarantees:

~~(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in 35:30-27-54~~ A maximum fat guarantee immediately following the minimum fat guarantee in addition to the mandatory information as specified in Regulation 35:30-27-55(a)(3); and

~~(II) A maximum crude fat guarantee which is no more than 9% crude fat for products containing less than 20% moisture, no more than 7% crude fat for products containing 20% or more but less than 65% moisture, and no more than 4% crude fat for products containing 65% or more moisture~~ A maximum fat guarantee which is no more than 10% fat for products containing less than 20% moisture, no more than 8% fat for products containing 20% or more but less than 65% moisture, and no more than 5% fat for products containing 65% or more moisture.

(2) "Less" or "Reduced Fat"

(A) A dog or cat food product which bears on its label a claim of "less fat", "reduced fat", or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and

- juxtaposed with the largest or most prominent use of the claim on each panel of the label where the term appears; and
- (ii) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and
- (iii) A maximum ~~crude~~ fat guarantee ~~in the Guaranteed Analysis~~ immediately following the minimum ~~crude~~ fat guarantee in addition to the mandatory guaranteed analysis information as specified in ~~35:30-27-54~~ Regulation 35:30-27-55(a)(3).

(B) A comparison on the label between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

(c) Carbohydrate Terms

(1) “Low” Carbohydrate, Dietary Starch, and Sugars Claims. A claim of “low carbohydrates,” “low dietary starch,” “low sugars” (or a combination thereof) is not allowed.

(2) “Less” or “Reduced” Carbohydrates, Dietary Starch, and Sugars claims.

(A) A dog or cat food product that bears on its label a claim of “less _____” or “reduced _____” (blank is to be completed by using “carbohydrates,” “dietary starch,” or “sugars”), or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of reduction in total dietary starch plus sugars (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and

(ii) The comparative statement printed in type of the same color and style and not less than one-half the size used in the claim; and

(iii) Maximum guarantees for dietary starch and sugars as stated in Model Regulation 35:30-27-55(a)(3).

(B) A comparison between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

35:30-27-61. Manufacturer or distributor name and address

(a) The label of a pet food or specialty pet food shall specify the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header “Manufactured for _____,” “Distributed by _____,” or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer. The statement of the place of business shall include the street address, city, state and zip code; however, the street address may be omitted if the street address is shown in a ~~current city directory or telephone directory for the city listed on the label~~ readily accessible, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or website.

(b) When a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

35:30-27-62. Handling and Storage Instructions

(a) A product which bears handling and storage instructions shall display such instructions under the bolded header "Handling and Storage Instructions:" that is separate and distinct from any feeding directions. A header is not required for small packages with a total printable area less than 40 square inches. If any graphics are used to support handling and storage instructions, the graphics (and only the graphics) on the AAFCO website may be included, with the handling and storage instructions section, as applicable. The graphics with accompanying text shall be obtained from the AAFCO website.

(b) The handling and storage instructions, if present, shall be displayed in a conspicuous manner so to render them likely to be read under typical conditions of use. Any use of the handling and storage instructions graphics shall be no smaller than:

(1) A panel size of ≤ 40 in.² has a maximum "with" claim type size of 1/2 inch.

(2) A panel size of $>40 - \leq 100$ in.² has a maximum "with" claim type size of 1 inch.

(3) A panel size of $>100 - <400$ in.² has a maximum "with" claim type size of 1 3/4 inch.

(4) A panel size of >400 in.² has a maximum "with" claim type size of 2 inch.

SUBCHAPTER 30. SOIL AMENDMENT

35:30-30-1. Definitions

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(1) **"Aged"** means exposed to weathering or natural decay.

(2) **"Beneficial substances"** means any substance or compound, other than primary, secondary, and micro plant nutrients, and excluding pesticides, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil or media, and shall be considered a soil amendment for the purposes of this chapter.

~~(2)~~ (3) **"Biosolid"** means a primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics, as regulated pursuant to 40 CFR 503, as amended.

~~(3)~~ (4) **"Brand"** or **"product name"** means a specific designation applied to an individual soil amendment.

~~(4)~~ (5) **"Compost"** A biologically stable material derived from the composting process.

~~(5)~~ (6) **"Composting"** means the biological decomposition of organic matter accomplished by mixing and piling in such a way to promote aerobic or anaerobic decay and inhibits pathogens, viable weed seeds and odors.

~~(6)~~ (7) **"Custom media"** means a horticultural growing medium that is prepared to exact specifications of the person utilizing the medium.

~~(7)~~ (8) **"Forest products"** means untreated wood and its untreated byproducts generated from the harvest of timber and includes but is not limited to lumber, sawdust, bark, and similar materials, but in no case shall include reprocessed wood from fabricated consumer or industrial products.

~~(8)~~ (9) **"Horticultural growing media"** means any substance or mixture of substances promoted as or is intended to function as a growing medium for the managed growth of horticultural crops in containers and shall be considered a soil amendment for the purposes of this chapter.

~~(9)~~ (10) **"Inorganic based"** refers to all substances that do not fall under the definition of organic based or microbial based.

~~(10)~~ (11) **"Landscape materials"** means green waste derived from landscape operations and includes but is not limited to grass clippings, plants, shrubs, and tree trimmings not more than six inches (6") in diameter.

~~(11)~~ (12) **"Microbial based"** means a biological substance or mixture of substances distributed to be applied to the soil, plants, or seeds for corrective soil purposes; intended to improve germination, growth yield, product quality, reproduction, flavor, or other desirable characteristics of plants; or intended to produce any chemical, biochemical, biological, or physical change in the soil.

~~(12)~~ (13) **"Mulch"** means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion or to promote water absorption and retention.

~~(13)~~ (14) **"Organic based"** means only naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives.

(15) "Plant Biostimulant" means a substance(s), microorganism(s), or mixtures thereof, that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to support a plant's natural nutrition processes independently of the biostimulant's nutrient content. The plant biostimulant thereby improves nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality or yield, and shall be considered a soil amendment for the purposes of this chapter.

~~(14)~~ (16) **"Processed"** means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.

~~(15)~~ (17) **"Raw"** means in the natural state, and not prepared, modified or manipulated for use.

~~(16)~~ (18) **"Registration document"** means the information required by the Board for registering a soil amendment for distribution into or within Oklahoma. The Registration Document may be made available by the registrant to the purchaser upon request, but shall not be part of the product label or labeling.

~~(17)~~ (19) **"Wood"** means a hard, fibrous material located beneath the bark, which constitutes the greatest part of the stems of trees and shrubs.

35:30-30-3. Contents of the label

(a) Label information may be printed on the primary or secondary display panel on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.

(b) The Board shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.

(1) The product name as registered.

(2) The quantity of the product in quarts, cubic feet, yards, or metric equivalents or the weight of the product in ounces, pounds, tons or metric weights or the fluid measure in

fluid oz, quarts or gallons or metric equivalents as determined by the dominant method of sale by the industry and as registered.

(3) A statement identifying the purpose of the product.

~~(3)~~ (4) The guaranteed analysis for inorganic based soil amendments shall include the name and the percentage of each active ingredient.

~~(4)~~ (5) The guaranteed analysis for microbiological based soil amendments intended as an inoculum shall include the expiration date, state the number and kind of viable organisms per milliliter, or, if the product is other than liquid, state the number and kind of viable organisms per gram. If the product is not intended as an inoculum, then the product label shall state that the product is not a viable culture.

~~(5)~~ (6) In lieu of a guaranteed analysis for organic based soil amendments an ingredient list shall show all components whether organic or inorganic. Components shall be listed in order of decreasing volume, if they comprise at least three percent (3%) or more of the total volume of the product. Components shall be described as follows:

(A) Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than fifteen per cent (15%) wood by volume.

(B) Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.

(C) Wood products shall be described as raw, aged, processed, reprocessed or composted.

(D) Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.

(E) The base material for any other composted product shall be described as listed.

(F) Mulches shall be described as listed in the components.

(G) Manures shall be described as listed in the components.

~~(6)~~ (7) Application rates and intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made, they should be stated in this section of the label.

~~(7)~~ (8) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.

~~(8)~~ (9) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient information must be provided to determine the date or month and year of manufacture from the code.

~~(9)~~ (10) The Board may require a registrant to include a warning or caution statement to ensure safety.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

(A) **PURPOSE OF THE PROPOSED RULE:**

The proposed rule amendments establish a quarantine for moss balls (*Aegagropila Linnaei*); adds multiple counties to the regulated area for fire ants; updates reference to the current CFR revisions; establishes rules for borate or other wood applied termiticide treatments; adds a separate license to the Industrial Hemp Program for fiber growers; updates references for hemp allowable thresholds to reference OMMA; adds definitions for pet food; updates language for label format and labeling for pet food; updates language for brand and product names for pet food; replaces expression of guarantees for pet food with intended use statement and nutritional adequacy claims for pet food; updates the requirements for ingredients for pet food; updates language for additives and drugs for pet food; replaces language for nutritional adequacy with pet and specialty pet nutrition facts for pet food; updates requirements for feeding directions for pet food; updates requirements for calorie content for pet food; updates language for descriptive terms for pet food; updates language for manufacturer or distributor requirements for pet food; adds a rule for handling and storage instructions for pet food; adds a definition for beneficial substance and plant biostimulant to the soil amendment definitions; and adds language to require a statement identifying the purpose for soil amendment labels.

(B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**

The proposed rule amendments affect consumers and persons regulated by the Department's combined pesticide, manufacturers of pet food, people who import moss balls, and Oklahoma Industrial Hemp programs. No cost impacts have been received.

(C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**

Consumers and persons regulated by the Department's combined pesticide, Oklahoma Industrial Hemp programs, and citizens of Oklahoma will benefit from the proposed rule amendments.

(D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**

The affected classes of persons will benefit from the proposed rule amendments.

(E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**

No additional cost to the Department is anticipated by the proposed rule amendments.

(F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE**

THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:

No effect on any political subdivision is anticipated by the proposed rule amendments.

(G) DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:

The proposed rule amendments will have no adverse effect on small business.

(H) DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:

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

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

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

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

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

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on October 2, 2024. Revised on December 2, 2024.

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

CHAPTER 37. FOOD SAFETY

SUBCHAPTER 11. EXOTIC LIVESTOCK AND EXOTIC LIVESTOCK PRODUCTS

PART 3. APPLICATION OF INSPECTION LAWS AND OTHER REQUIREMENTS

35:37-11-7.1 Special License for “Hunters Against Hunger” Program

This license shall be for meat processors already licensed and/or inspected by the Oklahoma Department of Agriculture, Food, and Forestry for processing meat besides wild game. Facilities that receive the special licenses can participate in Oklahoma Department of Wildlife Conservation's "Hunters Against Hunger" program and donate the processed wild game meat for payment by the Oklahoma Department of Wildlife Conservation according to its rules.

RULE IMPACT STATEMENT

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

- (A) **PURPOSE OF THE PROPOSED RULE:**
The proposed rule amendments create a license for the Hunters Against Hunger Program.
- (B) **CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:**
The proposed rule amendments affect persons regulated by the Department's Food Safety program. No cost impacts have been received.
- (C) **PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULE:**
Persons relying on current citations and those who wish to participate in the Hunters Against Hunger Program through the Department's Food Safety program will benefit from the proposed rule amendments.
- (D) **DESCRIPTION OF THE PROBABLE IMPACT OF THE PROPOSED RULE UPON AFFECTED CLASSES OF PERSONS:**
Persons obtaining a permit as a single service manufacturer for milk and milk products and those who wish to participate in the Hunters Against Hunger Program through the Department's Food Safety program will benefit from the proposed rule amendments.
- (E) **PROBABLE COST AND BENEFITS TO AGENCY; SOURCE OF REVENUE FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE:**
No additional cost to the Department is anticipated by the proposed rule amendments.
- (F) **DETERMINATION OF WHETHER IMPLEMENTATION WILL HAVE ANY ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISION OR REQUIRE THEIR COOPERATION IN IMPLEMENTING OR ENFORCING THE PROPOSED RULE:**
No effect on any political subdivision is anticipated by the proposed rule amendments.
- (G) **DETERMINATION OF WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ADVERSE EFFECT ON SMALL BUSINESS AS PROVIDED BY THE OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT:**
It is not anticipated that the proposed rule amendments will have an adverse effect on small business.
- (H) **DETERMINATION OF WHETHER THERE ARE LESS COSTLY METHODS OR NON-REGULATORY METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES:**

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

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

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

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

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

(K) DATE RULE IMPACT STATEMENT WAS PREPARED:

This rule impact statement was prepared on October 7, 2024. Revised on December 3, 2024.