

**State of Michigan
Michigan Commission of Agriculture
Ottawa State Office Building, 4th Floor**

Meeting Minutes

February 10, 1999

Present:

Deanna Stamp, Chair, Commission of Agriculture

James Maitland, Vice-Chair, Commission of Agriculture

Jordan B. Tatter, Secretary, Commission of Agriculture

Shirley Skogman, Commission of Agriculture

Douglas E. Darling, Commission of Agriculture

Dan Wyant, Director, Michigan Department of Agriculture

Others Present: *(all or part of the meeting)*

Ron Zellar, Assistant Attorney General

Brad Deacon, Governor Engler's Office

Michigan Department of Agriculture Staff

Orlene Christie, Senate Democratic Office

Catherine Cornelius, Foreign Agricultural Service, USDA

John Czarnecki, Michigan Jobs Commission

Jennifer Elkins, Clare County

Tom Frazier, Senator Abraham's Office

Representative Mike Green

Lynn Grim, Clare County

Tom Guthrie, Michigan Integrated Food and Farming Systems

Bert Kortess, Clare County

Ben Kudwa, Michigan Potato Industry Commission

Dr. Arlen Leholm, Michigan State University Extension

Richard Lesziz, Clare County

Jim Miller, Michigan Farm Bureau

Keith Muxlow, Michigan Corn Marketing Committee

Ron Nelson, Michigan Farm Bureau

Kyle Randall, Michigan Sportsmen Congress

Dr. Steve Schmitt, Michigan Department of Natural Resources

Clyde Taylor, Mt. Pleasant

Robert Tse, Foreign Agricultural Service, USDA

Kenneth Warner, Clare County

Tim Wolverton, Clare County

CALL TO ORDER AND ROLL CALL:

Chair Stamp called the meeting to order at 9:00 a.m., February 10, 1999. Secretary Tatter called the roll with Director Wyant and all Commissioners present.

APPROVAL OF THE AGENDA:

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE FEBRUARY 10, 1999, AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES:

Commissioner Darling asked that the January 6-7, 1999, Commission of Agriculture minutes, page 3, paragraph 6, second sentence, read "...*hog prices are lower than they have been in 57 years or more.*"

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE JANUARY 6-7, 1999, MINUTES AS AMENDED. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING:

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE JANUARY 6-7, 1999, MINUTES AS AMENDED. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING:

The next meeting of the Michigan Commission of Agriculture will be held March 10-11, 1999, at Michigan State University, Kellogg Center, East Lansing, Michigan. The meeting will be held in conjunction with Michigan State University Agriculture and Natural Resources Week. A joint meeting will be held with the Natural Resources Commission on March 10, 1999, in the Lincoln Room. The Commission of Agriculture meeting will be held on March 11, 1999, in the Willy Room.

APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL:

MOTION: COMMISSIONER TATTER MOVED TO APPROVE COMMISSIONER STAMP'S AND COMMISSIONER DARLING'S PER DIEM AND TRAVEL TO ATTEND THE FEBRUARY 4, 1999, MICHIGAN PORK PRODUCERS ANNUAL MEETING AND BANQUET HELD IN LANSING, MICHIGAN. SECONDED. MOTION CARRIED UNANIMOUSLY.

INTRODUCTION OF CATHERINE CORNELIUS, SPECIAL ASSISTANT TO THE ADMINISTRATOR OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) FOREIGN AGRICULTURE SERVICE – Dan Wyant, Director

Director Dan Wyant introduced Ms. Catherine Cornelius, Special Assistant to the Administrator, and Robert Tse of the USDA Foreign Agriculture Service. Ms. Cornelius is visiting various state departments of agriculture and agriculture industries to further the partnership with USDA and to discuss the importance of exports and export marketing.

Director Wyant also informed the Commission that Senator George McManus is chairing a legislative task force on the future of Michigan agriculture. Two of the issues that will be addressed are value-added food processing and Michigan's export program. The director will share the details of the task force with the Commission, as they become available.

COMMISSIONERS' COMMENTS

Commissioner Shirley Skogman reported that her potato farm is planning to ship potatoes the last week of February. It has been a very sluggish market for both table stock and seed. She commented that the deer feeding ban has been a major topic of discussion in her area. She feels that the purpose of the deer feeding ban must be better communicated to avoid misinformation. She added that she has discussed this issue with Ben Kudwa, Executive Director of the Michigan Potato Industry Commission. Mr. Kudwa has asked that the Commission give consideration to the fact that if a statewide feeding ban is put into effect, it must be done early enough so those who buy seed are able to use it. Many people plant potatoes primarily for deer feed. Commissioner Skogman believes that people need to have a better understanding that we are talking about a recreational activity versus a person's livelihood.

Commissioner James Maitland reported that the Grand Traverse Fruit Growers Show at the Grand Traverse Resort was well-attended. He said Michigan wines were available and that he appreciated the fact that MDA staff was available to answer questions and offer assistance to those in attendance.

Commissioner Doug Darling reported that during the past month he attended the following events: the Monroe County Soil Conservation District's Annual Meeting, a Monroe County 4-H meeting, the Monroe County Farm Bureau Reception, the Michigan Pork Producers Annual Meeting and Michigan Farm Bureau Legislative Reception, both held in Lansing. He said that many issues were discussed including Project GREEN, the migrant housing and agriculture labor situation, land use, farmland preservation, and ag security areas.

Commissioner Jordan Tatter reported that on January 5, 1999, the weather pattern produced heavy snow and low temperatures (18 degrees below zero) in the southwest corner of Michigan. Peach buds south of South Haven were killed and grapes, especially wine grapes, also were injured.

He said the recent Plum Producers referendum conducted by the Michigan Department of Agriculture was of concern because 15 of 39 ballots were disqualified.

Commissioner Tatter attended two January Agriculture Service Club meetings held at Michigan State University, Southwest Michigan Research and Extension Center. Dr. David Schweikhardt, MSU Department of Agriculture Economics, discussed macro agricultural trade and its economic results. Representative Charlie LaSata discussed his first few weeks as a new legislator and the Michigan agricultural issues he expects to be

in front of the Legislature this session. Representative LaSata spoke highly of Director Wyant and MDA staff.

Commissioner Tatter also attended an MSU Extension Teleconference entitled, "New Economic Realities in Agriculture: Outlooks and Trends Affecting Michigan Farmers." The conference focused on field crops, livestock and dairy. He participated in his local Chamber of Commerce Eye-Opener Breakfast at which Rich Studley, Senior Vice President of Government Relations, Michigan Chamber of Commerce, was the speaker. Mr. Studley said that land use planning ranks high in the chamber's legislative involvement. Commissioner Tatter also attended the Michigan Frozen Food Packers monthly meeting and, along with about 20 local growers, met with Congressman Fred Upton to discuss harvest labor availability. Congressman Upton will ask Senator Abraham to visit southwest Michigan in the future to listen to concerns on farm labor and other ag topics.

He also reported that MSU Experiment Station and Extension staff met with the Southwestern Michigan Research and Extension Center Advisory Council, and reviewed the Center's budget, research proposals, Project GREEN, and the state of the University's funding and staffing in support of agriculture.

Commissioner Tatter complimented Director Wyant and Dr. Michael Chaddock on the excellent relationship they have established with USDA and the individual states relating to the bovine tuberculosis situation in northeast Michigan.

He also said that the southwest Michigan growers would be trying new crop insurance known as Adjusted Gross Revenue (AGR). This program would insure a level of income rather than a certain amount of crop, and insurance claims will be based on the grower's Schedule F tax return. He added that whenever the grower's income drops below the average value based on past history, the grower is eligible for payment. The AGR insurance program was developed in response to input by growers, the Michigan Farm Bureau and MSU.

Commissioner Deana Stamp reported that the construction of the Thumb Oilseed Producers Cooperative project is on schedule and should be operational by May. A five-year agreement has been signed with a international company to market soybean meal. There has been much discussion about growing Oleic beans for processing in that plant and a lot of producers are interested in adding value to their soybean crop. Commissioner Stamp attended the Michigan Pork Producers Annual Meeting and heard many interesting comments. She also reported that members of Michigan Milk Producers Association received notification this week that the association will not be merging with Dairy Farmers of America. reported that the construction of the Thumb Oilseed Producers Cooperative project is on schedule and should be operational by May. A five-year agreement has been signed with a international company to market soybean meal. There has been much discussion about growing Oleic beans for processing in that plant and a lot of producers are interested in adding value to their soybean crop. Commissioner Stamp attended the Michigan Pork Producers Annual Meeting and heard many interesting comments. She also reported that members of Michigan Milk Producers Association received notification this week that the association will not be merging with Dairy Farmers of America.

INTRODUCTION OF REPRESENTATIVE MIKE GREEN, CHAIR OF THE HOUSE AGRICULTURE COMMITTEE

Director Wyant introduced Representative Mike Green, chair of the House Agriculture Committee. The director said that he appreciated Representative Green's attendance at today's meeting and offered MDA assistance on any agriculture issues.

Representative Green said that he wanted to attend today's meeting to introduce himself to the Commission and to encourage Commissioners to contact legislators about agriculture issues. He said the new legislators are eager to learn about the major issues facing agriculture today. He said that the House Agriculture Committee would be looking to the department and the Commission for education and direction.

Director Wyant commented that some of the issues facing agriculture today and in the future include revisions to the Michigan Drain Code, export promotion, land use, value-added opportunities, use value real property taxation, agriculture labor, right to farm, Project GREEN, bovine tuberculosis, food safety, environmental stewardship, zoning, the Food Quality Protection Act, and confined animal feeding operations. He said that MDA staff is looking forward to working with Representative Green and the other members of the Legislature

on these and many other issues.

LEGISLATIVE REPORT – Dan Wyant, Director

Director Wyant distributed copies and reviewed the February 1999 Legislative Summary. He also commented that Governor Engler has asked the department for a review of where Michigan's agriculture is at a competitive disadvantage. The Governor is concerned that Michigan farmers not be placed at a disadvantage in the global marketplace in respect to input costs or regulation. He has asked MDA to look at where Michigan agriculture is at a disadvantage compared to other states and how do we bring down those barriers so the marketplace can exist on a level playing field. The Director said that affecting markets globally is a challenge and we must expand our markets. It is important that there are resources available for technology research, on-farm technical assistance, input costs, business costs, and expanding markets to increase market opportunities for value-added exports.

DIRECTOR'S REPORT – Dan Wyant, Director

Confined Animal Feeding Operations: There is a draft USDA/EPA Unified National Strategy for Animal Feeding Operations that the six states in EPA-Region 5 have been discussing. The states are concerned about the perspective nature of the strategy and USDA/EPA must recognize the programs in place in the states. Michigan is different than North Carolina, Oklahoma, or Missouri. Michigan's livestock operations differ greatly from other states. States agree that there must be flexibility in meeting the standards as long as there is functional equivalency among the states. The National Governors' Association has adopted the states' recommended policy and the National Association of State Departments of Agriculture also is moving in that direction. The EPA is taking comments and incorporating them into the strategy.: There is a draft USDA/EPA Unified National Strategy for Animal Feeding Operations that the six states in EPA-Region 5 have been discussing. The states are concerned about the perspective nature of the strategy and USDA/EPA must recognize the programs in place in the states. Michigan is different than North Carolina, Oklahoma, or Missouri. Michigan's livestock operations differ greatly from other states. States agree that there must be flexibility in meeting the standards as long as there is functional equivalency among the states. The National Governors' Association has adopted the states' recommended policy and the National Association of State Departments of Agriculture also is moving in that direction. The EPA is taking comments and incorporating them into the strategy.

Fiscal Budget: The Governor's Budget will be introduced to the Legislature on February 11, 1999, It is anticipated that there will be substantial increases in Project GREEN, food safety and bovine tuberculosis. The Governor's Budget will be introduced to the Legislature on February 11, 1999, It is anticipated that there will be substantial increases in Project GREEN, food safety and bovine tuberculosis.

Bovine Tuberculosis: The USDA announced last week it would not remove Michigan's accredited suspended free status. It recognizes the uniqueness of the situation and the way Michigan was proactive in placing a quarantine on a defined area, requiring testing, contacting other states immediately, and developing a statewide surveillance plan for deer and livestock. This is good news, but Michigan must continue to move aggressively with its eradication policy--a feeding ban and bringing deer numbers down.: The USDA announced last week it would not remove Michigan's accredited suspended free status. It recognizes the uniqueness of the situation and the way Michigan was proactive in placing a quarantine on a defined area, requiring testing, contacting other states immediately, and developing a statewide surveillance plan for deer and livestock. This is good news, but Michigan must continue to move aggressively with its eradication policy--a feeding ban and bringing deer numbers down.

Mid-America International Agri-Trade Council (MIATCO): A MIATCO meeting was held to discuss promoting international trade and export promotion. Michigan needs to raise its visibility on a regional and national level. The intent of the Export Advisory Committee is to share opportunities and challenges so there is a better understanding of what is needed and how Michigan companies can best be represented. A MIATCO meeting was held to discuss promoting international trade and export promotion. Michigan needs to raise its visibility on a regional and national level. The intent of the Export Advisory Committee is to share opportunities and challenges so there is a better understanding of what is needed and how Michigan companies can best be represented.

Ag Census: David Kleweno, State Statistician, Michigan Agricultural Statistics Service (MASS), distributed and reviewed the following materials: "*Michigan Farm Trends*," the "*Michigan Rotational Survey--Fruit Inventory 1997-98*," "*Quick Facts from the Census of Agriculture*," and the "*1997 Census of Agriculture Highlights*." David Kleweno, State Statistician, Michigan Agricultural Statistics Service (MASS), distributed and reviewed the following materials: "*Michigan Farm Trends*," the "*Michigan Rotational Survey--Fruit Inventory 1997-98*," "*Quick Facts from the Census of Agriculture*," and the "*1997 Census of Agriculture Highlights*."

Director Wyant observed that there were increases in the numbers of small and large farms, but decreases in mid-sized farms.

Commissioner Tatter believes that the term "corporate farm" must be accurately and understandably defined.

Director Wyant agreed and added that the information collected by MASS is important and will be referred to often when talking about the amount of farmland in Michigan and the number of farmers.

Right to Farm: Director Wyant informed the Commission about a lawsuit filed against a Michigan cattle feeding operation and challenging Michigan's Right to Farm Act. He said this is of concern, since Iowa's Supreme Court has overturned that state's Right to Farm Act. Director Wyant will be testifying on behalf of Michigan Right to Farm Act, as will Dr. Kurt Thelen and Wayne Whitman of the Environmental Stewardship Division. Mr. Whitman, who administers the Michigan Right to Farm Program, has visited the facility and has verified that it does comply with current Generally Accepted Agricultural Management Practices (GAAMPs). Michigan's right to farm law is substantially different than Iowa's. The Michigan law is environmentally compatible as the basis for the program is the utilization of the scientifically developed GAAMPs. There is no public input in Iowa's law, as compared to Michigan where there is an annual review of GAAMPs and an opportunity provided for public input and comment. Director Wyant informed the Commission about a lawsuit filed against a Michigan cattle feeding operation and challenging Michigan's Right to Farm Act. He said this is of concern, since Iowa's Supreme Court has overturned that state's Right to Farm Act. Director Wyant will be testifying on behalf of Michigan Right to Farm Act, as will Dr. Kurt Thelen and Wayne Whitman of the Environmental Stewardship Division. Mr. Whitman, who administers the Michigan Right to Farm Program, has visited the facility and has verified that it does comply with current Generally Accepted Agricultural Management Practices (GAAMPs). Michigan's right to farm law is substantially different than Iowa's. The Michigan law is environmentally compatible as the basis for the program is the utilization of the scientifically developed GAAMPs. There is no public input in Iowa's law, as compared to Michigan where there is an annual review of GAAMPs and an opportunity provided for public input and comment.

APPROVAL TO PROCEED ON PROPOSED AMENDMENTS TO REGULATIONS FOR ACT 239, "BODIES OF DEAD ANIMALS" – Robert Craig and Dr. Larry Granger of the Office of Agriculture Development

Robert Craig, director of the Office of Agriculture Development, distributed copies of the *Proposed Amendments to Regulations for Act 239, "Bodies of Dead Animals."*

Dr. Larry Granger of the Office of Agriculture Development reviewed the proposed amendments that includes comments received from the public hearing and recommended approval by the Commission to proceed with rule promulgation.

MOTION: COMMISSIONER MAITLAND MOVED APPROVAL TO PROCEED ON THE PROPOSED AMENDMENTS TO REGULATIONS FOR ACT 239, "BODIES OF DEAD ANIMALS." SECONDED. MOTION CARRIED UNANIMOUSLY.

REPORT ON THE 1998 MICHIGAN FOOD PROCESSORS SURVEY RESULTS – Robert Craig and Vincent Parris of the Office of Agriculture Development, Dr. David Skjaerlund of the Rural Development Council of Michigan, and Dr. Arlen Leholm of Michigan State University

Robert Craig, director of the Office of Agriculture Development, distributed copies of the "*1998 Michigan Food Processors Survey Results*." He explained that the survey was a joint effort between the Michigan Department of Agriculture; Dr. Vincent Hegarty of the Food Industry Institute, Michigan State University and Dr. David Skjaerlund, Executive Director of the Rural Development Council of Michigan.

On behalf of Dr. Hegarty, Dr. Arlen Leholm of Michigan State University expressed his appreciation for the strong partnership that MSU has with MDA.

Vincent Parris of the Office of Agriculture Development showed a slide presentation that highlighted the survey results. He explained that the survey was mailed to approximately 740 companies and approximately 22 percent or 166 companies responded. A number of key questions surveyed the following areas: business environment, employment, state agency services, and company information. The survey was completed in the fall of 1998 and the top issues identified were the:

- Need for accessing skilled and unskilled food processing plant labor;
- Cost of production;
- Cost of labor;
- Rate of taxation;
- Industry regulations;
- Environmental regulations;
- Utility costs; and
- K-12 educational system.

Dr. Skjaerlund added that there is a lot of information identified in the report that can be helpful to assist the food processors in this state.

Director Wyant said that while MDA is committed to attracting new businesses it is equally important, however, to help Michigan's existing companies to guarantee the long-term success for Michigan's food processors.

RECOGNITION OF CLARE COUNTY AS A RURAL ENTERPRISE COMMUNITY – Robert Craig, Director of the Office of Agriculture Development, Dr. David Skjaerlund of the Rural Development Council of Michigan and Tim Wolverton, Clare County Administrator

Dr. David Skjaerlund, Executive Director of the Rural Development Council of Michigan, explained that very few rural communities in the country were selected to receive a USDA Enterprise Community designation. The competition was very strong and Clare County, because of its in-depth 10-year strategic plan, received the award.

Tim Wolverton, Clare County Administrator, introduced the other members of the committee. Mr. Wolverton said that this was a strong community effort. He explained that Clare County has the third highest poverty level in the state. Many community meetings were held, a survey was completed, and a 450-page proposal was developed by a 30-member steering committee. The county will receive \$250,000 in federal funds in the first year of a two-year commitment. Two projects will receive funding; an alfalfa processing plant and a cogeneration plan to dispose of thousands of old tires.

UPDATE ON MICHIGAN'S RENAISSANCE ZONES – Robert Craig of the Office of Agriculture Development and John Czarnecki of the Michigan Jobs Commission

John Czarnecki of the Michigan Jobs Commission distributed and reviewed information about Michigan's Tax-Free Renaissance Zones. Michigan's 11 Tax-Free Renaissance Zones are both urban and rural and include former military installations. They are designated as virtually tax free for any business or resident presently in or moving to a zone. Michigan is willing to forego tax revenues for up to 15 years to attract investment. Mr. Czarnecki answered Commissioners questions about creation of additional zones by stating that the current law limits this effort to 11 zones. The creation of additional zones would require a change in the law.

REVIEW OF THE RIGHT TO FARM PROGRAM 1998 REPORT – Wayne Whitman, Environmental Stewardship Division

Wayne Whitman of the Environmental Stewardship Division reviewed and distributed copies of the "*Michigan*

Department of Agriculture Right to Farm Program 1998 Annual Report." Mr. Whitman showed a slide presentation that highlighted the 1998 Right to Farm program.

MOTION: COMMISSIONER DARLING MOVED THAT THE FOLLOWING RESOLUTION BE ADOPTED IN SUPPORT OF MICHIGAN'S RIGHT TO FARM PROGRAM:

WHEREAS, a viable agricultural industry is essential to providing a safe and abundant food supply and food products, as well as economic stability, aesthetic open space and recreational opportunities to the people of the state of Michigan; and

WHEREAS, the food and agricultural sector is Michigan's second leading industry, contributing over \$30 billion annually to the state's economy, and is the second largest employer with people employed in production, processing and distribution of its products; and

WHEREAS, usual and ordinary noise, odors, dust, fumes and other associated conditions exist as part of normal farming operations in connection with commercial production, harvesting and storage of farm products; and

WHEREAS, the Generally Accepted Agricultural and Management Practices, as defined pursuant to the Michigan Right to Farm Act, are designed to serve the needs of farm and non-farm residents, are scientifically based and are protective of the environment and public health; and

WHEREAS, the Generally Accepted Agricultural and Management Practices undergo an annual review and approval process which includes extensive opportunities for public input; and

WHEREAS, adherence to the Right to Farm Generally Accepted Agricultural and Management Practices provides an affirmative defense to a lawsuit based upon an allegation of a nuisance; and

WHEREAS, the Right to Farm Act and Interagency Memorandum of Understanding with the Michigan Department of Environmental Quality establishes a complaint response program to investigate and resolve complaints involving farms or farm operations; and *

WHEREAS, the Right to Farm Act does not provide nuisance liability protection for farms or farm operations which do not conform with the Generally Accepted Agricultural and Management Practices;

NOW THEREFORE BE IT RESOLVED, that the Michigan Commission of Agriculture supports the Michigan Right to Farm Act, Public Act 93 of 1981 as amended and its effectiveness in resolving disputes involving public or private nuisance of farm operations, providing for resolution of environmental complaints originating on farms, and providing a mechanism to continuously describe and define Generally Accepted Agricultural and Management Practices for Michigan farms.

DISCUSSION: Commissioner Tatter suggested that the following paragraph be included in the Right to Farm Resolution, following the above-noted (*) paragraph:

***WHEREAS, to date, 1,339 complaints were handled by the Michigan Department of Agriculture and only 11 were not resolved and, therefore, referred to the Michigan Department of Environmental Quality; and**

SECONDED. MOTION CARRIED UNANIMOUSLY.

RECESS

The meeting recessed at 12:35 p.m.

RECONVENE:

The meeting reconvened at 1:25 p.m.

PUBLIC COMMENT:

Kyle Randall, Executive Director, Michigan Sportsmen Congress (MSC), distributed and reviewed a Michigan Sportsmen Congress Proposal, dated January 1999, that addresses the MSC efforts to control and reduce bovine tuberculosis in Michigan's deer herd. Mr. Randall explained that the proposal would be submitted to the Legislature and to the Natural Resources Commission. It proposes the following:

- Establishment of a research area from the tip of the lower peninsula to the southern boundaries of Manistee, Wexford, Missaukee, Roscommon, Ogemaw and Iosco counties;
- Adoption of a House and Senate Joint Resolution requesting the Natural Resources Commission and Department of Natural Resources and the Department of Agriculture to establish deer and elk feeding/baiting restrictions for research areas; and
- Adoption of a House and Senate Joint Resolution requesting the Department of Agriculture to establish crop storage guidelines for farming operations within the research areas.

The Commission thanked Mr. Randall for sharing the position of the Michigan Sportsmen Congress.

UPDATE ON THE BOVINE TUBERCULOSIS COMMUNICATION EFFORTS—Denise Yockey, Marketing and Communications Division

Denise Yockey of the Marketing and Communications Division distributed copies of the "*Bovine Tuberculosis Update*", dated February 1999, a joint newsletter by the Michigan Departments of Agriculture, Community Health and Natural Resources. MDA mails the newsletter to livestock producers in northeast Michigan, meat processors, convenience stores, smaller food stores, media, public, dairy farms, veterinarians, and saleyards. Ms. Yockey also distributed copies of the Michigan Farm Bureau News supplement entitled, "*Bovine Tuberculosis in Northeast Michigan: What does it mean to your farm?*" She also explained that notification of the January 1, 1999, quarantine was published in 11 newspapers, as well as two farm publications. There have been two news conferences held in the last six weeks.

UPDATE ON BOVINE TUBERCULOSIS IN MICHIGAN—Dr. Michael Chaddock, State Veterinarian and Director of the Animal Industry Division, and Dr. Steven Schmitt of the Michigan Department of Natural Resources

Dr. Michael Chaddock distributed copies of information and maps relating to the bovine tuberculosis situation in Michigan. He reported that 712 livestock premises in the northeast part of state, or 26,323 head of livestock, have been tested. It appears that all five counties will be tested by the end of April. Testing has already begun in the buffer zone. There was a positive wild deer found in Otsego County; therefore, testing has begun on the farms within a 10-mile radius. Dr. Chaddock said that the biggest news is that USDA will not be changing Michigan's status. Michigan is still an accredited suspended free state. USDA has established a team to look at instituting an interim rule to allow for a split state status. Michigan has been asked to be a part of that team that will establish the parameters and set the standards for that interim rule. Dr. Chaddock stated that Michigan has offered to host the meeting.

Dr. Chaddock said that the livestock statewide surveillance plan is almost complete and will be given to Director Wyant next week. The plan includes the comments received from industry, as well as a statewide surveillance for captive cervidae, domestic livestock, and a special surveillance program in the northeast portion of the state for domestic carnivores (dogs and cats). MDA continues to work with the Department of Natural Resources and industry. Dr. Chaddock said there are six herds that continue to be under quarantine, awaiting testing results.

Commissioner Tatter asked if Dr. Chaddock was perplexed that there hasn't been any positive wild deer found in close proximity to the two domestic livestock herds.

Dr. Chaddock replied that he is asked this question frequently and feels that it is not perplexing since all of the deer in that area have not been tested and the deer continue to migrate to other areas.

Dr. Steven Schmitt of the Department of Natural Resources added that all of the trace backs and trace forwards have not been completed on those herds.

Commissioner Stamp asked how do we ensure that the animals from the TB area going to slaughter downstate are being kept segregated.

Dr. Chaddock replied that staff is at the livestock yard during sales. Staff has also visited with those sale yards prior to the quarantine effective date, and has met with the leadership from the livestock sale yard industry. Staff continues to work closely with industry and a tracking system is in place.

Commissioner Stamp asked how do we prevent cross contamination.

Dr. Chaddock feels we are receiving excellent cooperation from the sale yards.

Commissioner Tatter added that he is concerned about animals using the same pen, the same watering tank, and the same sawdust for waste.

Dr. Chaddock said that the pens are required to be cleaned between sales.

Commissioner Tatter asked if an animal that goes to slaughter has visual signs of the disease, do we contact the stockyard to ensure that additional animals are not brought in to the sale yard.

Dr. Chaddock said that the yard would be contacted and the area totally disinfected. He added that tuberculosis is spread by close confinement, breathing the same air over and over. Animals using the same pen or watering tank do not spread the disease, unless it would be nose to nose contact.

Dr. Steven Schmitt reported that surveillance efforts have been increased in the area. Over 9,000 animals were examined during 1998 in the TB management area, finding 79 positives or suspects. By adding the 79 to those previously examined, a total of 228 culture positive animals have been identified from the TB management area. In the rest of state, over 800 animals were tested and 29,000 eviscerated carcasses were visually inspected, with no TB found outside of the area.

Commissioner Tatter observed that the further away you are from the infection point, the larger the sample has to be in order to make a statistically sound determination.

Dr. Schmitt agreed. He said that the strategy is to spread out the deer to lower transmission rates and to bring the deer population down. He said there was an early hunt season in October and a late firearm season in November. Unlimited antlerless permits were issued, with 121,000 permits sold in the Deer Management Unit 452 five-county area. This compares to 27,000 permits issued in 1997. Deer harvest was up in the area, but the final numbers won't be known until the mail survey is completed in April. He said that over the last three years the average was about 30,000 deer harvested per year in that five-county area. He believes this year it will be around 35,000 to 40,000 deer harvested. The goal this year was to increase the harvest of antlerless animals. There were approximately 60 percent bucks and 40 percent antlerless harvested in the area last year. DNR expects to see those numbers reversed this year. Dr. Schmitt believes the deer population should come down about 20 percent a year.

Director Wyant asked what is the estimated deer count in the five-county area.

Dr. Schmitt replied that there are approximately 140,000 deer or 30 per square mile.

Commissioner Stamp asked Dr. Chaddock what the time frame would be for repopulating those facilities that had to be depopulated.

Dr. Chaddock replied that MDA, MSU, DNR, a private veterinarian and the owner would meet to develop a risk analysis. The risk analysis would be submitted to Director Wyant with a recommendation for repopulation. The time frame could be as short as 30 days or much longer, depending upon the facility and the situation.

DISCUSSION AND COMMENT ON EXPANSION OF DEER FEEDING BAN

Director Wyant reviewed the legislative action taken thus far relating to a statewide feeding ban. The director and Dr. Chaddock met with the House Agriculture Committee to discuss the need to maintain a feeding ban.

Director Wyant believes that there are two fundamental things that must happen to move toward eradication:

- 1) The deer must not regularly come in contact with one another for a prolonged period of time, and
- 2) The infected deer must be taken out of the population.

It is the Director's proposal that MDA staff draft recommendations on a statewide feeding ban, based on science and the risks involved, for presentation at the March Commission of Agriculture/Natural Resources Commission meeting. At this joint meeting, there will be an opportunity for public comment and discussion to hear both sides of this issue.

Ron Zellar, Assistant Attorney General, updated the Commission on a pending lawsuit filed by four plaintiffs in Alcona County. The lawsuit was filed in December 1998 and challenges the authority of MDA to issue the 1998-01 Enforced Restriction Area Order. After filing the lawsuit, the plaintiffs requested a preliminary injunction. A hearing was held on January 27, 1999, in Alcona County Circuit Court and the judge denied the request. There were four categories the judge reviewed in the request for the preliminary injunction. He ruled in the state's favor on three of those categories, but raised questions on the fourth. The plaintiffs requested permission to amend their complaint, which has been done. A hearing date has been set for March 16, 1999.

Ben Kudwa, Executive Director of the Michigan Potato Industry Commission, expressed his concern about taking away a farmer's livelihood. He believes the answer is to clearly define feeding versus baiting. There is a difference in piling as opposed to spreading over a large area., expressed his concern about taking away a farmer's livelihood. He believes the answer is to clearly define feeding versus baiting. There is a difference in piling as opposed to spreading over a large area.

Keith Muxlow of the Corn Marketing Committee said that corn is used to bait deer. He said it is also a known fact that deer damage corn crops that cost the farmers thousands of dollars. He said that livestock couldn't be lost due to this problem, because if livestock is lost, markets are lost as well. Agriculture is the second leading industry in this state and it must be maintained. He said that Michigan is not in the deer business. He stated that he has been a hunter for 50 years, but it is more important to maintain a viable agriculture business in Michigan. said that corn is used to bait deer. He said it is also a known fact that deer damage corn crops that cost the farmers thousands of dollars. He said that livestock couldn't be lost due to this problem, because if livestock is lost, markets are lost as well. Agriculture is the second leading industry in this state and it must be maintained. He said that Michigan is not in the deer business. He stated that he has been a hunter for 50 years, but it is more important to maintain a viable agriculture business in Michigan.

Ron Nelson of the Michigan Farm Bureau referred to the 1999 Michigan Farm Bureau Policy Book. He re-emphasized the fact that the Michigan Farm Bureau supports a statewide ban on feeding of free-ranging deer. referred to the 1999 Michigan Farm Bureau Policy Book. He re-emphasized the fact that the Michigan Farm Bureau supports a statewide ban on feeding of free-ranging deer.

PRESENTATION OF 1999 MICHIGAN FARM BUREAU POLICIES--Ron Nelson of the Michigan Farm Bureau

Ron Nelson distributed and reviewed the 1999 Michigan Farm Bureau Policy Book. He highlighted those policies that directly mention, refer to or impact the Michigan Department of Agriculture. He also distributed copies of a press release, dated February 10, 1999, issued by Senator Dan DeGrow. The release announced the establishment of a Senate Task Force on Agriculture Preservation. The task force will examine the status and future of Michigan's second largest industry.

Director Wyant added that Senators Ken Sikkema, Joanne Emmons, Don Koivisto and Diane Byrum would serve on the task force and it will be chaired by Senator George McManus.

PUBLIC COMMENT:

Brad Deacon of Governor Engler's Office congratulated Deanna Stamp on her appointment as chair of the Commission. He also congratulated Commissioners Tatter and Darling on their reappointments.

ADJOURN

The meeting adjourned at 3:05 p.m.

ATTACHMENTS

The following documentation is on file in the office of the Commission of Agriculture and can be obtained upon request:

Attachment A January 6-7, 1999, Commission of Agriculture Meeting Minutes

Attachment B February 1999 Legislative Summary

Attachment C February 1999 Director's Report

Attachment D "Michigan Farm Trends"

Attachment E "Michigan Rotational Survey—Fruit Inventory 1997-98"

Attachment F "Quick Facts from the Census of Agriculture"

Attachment G "1997 Census of Agriculture Highlights"

Attachment H Proposed Amendments to Regulations for Act 239, "Bodies of Dead Animals"

Attachment I "1998 Michigan Food Processors Survey Results"

Attachment J "Michigan's Tax-Free Renaissance Zones"

Attachment K Michigan Department of Agriculture Right to Farm Program 1998 Annual Report

Attachment L Commission of Agriculture Resolution—Michigan's Right to Farm Program

Attachment M Michigan Sportsmen Congress Proposal, dated January 1999

Attachment N "Bovine Tuberculosis Update," dated February 1999

Attachment O "Bovine Tuberculosis in Northeast Michigan: What does it mean to your farm?"

Attachment P Bovine Tuberculosis Maps

Attachment Q 1999 Michigan Farm Bureau Policy Book

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Approved on March 11, 1999

Lansing, Michigan