

Michigan Commission of Agriculture Meeting Minutes

August 26-27, 1999

Held in conjunction with the Michigan State Fair
1120 West State Fair Avenue
Detroit, Michigan

PRESENT:

Deanna Stamp, Chair, Commission of Agriculture
James Maitland, Vice-Chair, Commission of Agriculture
Jordan Tatter, Secretary, Commission of Agriculture
Shirley Skogman, Commission of Agriculture
Douglas Darling, Commission of Agriculture
Keith Creagh Deputy Director, Michigan Department of Agriculture
Dan Wyant, Director, Michigan Department of Agriculture (August 27, 1999)

OTHERS PRESENT: *(all or part of the meeting)*

Michigan Department of Agriculture Staff
David Hildenbrand, Governor Engler's Office
Ron Zellar, Attorney General's Office
Annette Bacola, Racing Commissioner
Jim Byrum, Michigan Agri-Business Association
Keith Charters, Natural Resources Commission
Scott Everett, Michigan Farm Bureau
Rebecca Humphries, Michigan Department of Natural Resources
Ben Kudwa, Michigan Potato Commission
Ron Nelson, Michigan Farm Bureau
Dan Reeves, Associated Food Dealers of Michigan
Steve Schmitt, Michigan Department of Natural Resources
Steve Tackitt, Wayne County Health Department
John Urbain, Michigan Department of Natural Resources
Bridgette Voisinet, Michigan Cattlemen's Association
Frank Zaitshik, Wade Shows

CALL TO ORDER AND ROLL CALL

Chair Stamp called the meeting to order at 3:00 p.m., on August 26, 1999. Secretary Tatter called the roll with Deputy Director Keith Creagh and all Commissioners present.

Director Wyant is attending the National Governors' Association Summit in Ames, Iowa, August 25-26, 1999.

APPROVAL OF AGENDA

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE AUGUST 26-27, 1999, AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF MINUTES

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE JUNE 29-30, 1999, MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next meeting of the Commission of Agriculture will be held on September 22, 1999, in the Michigan Department of Agriculture Dean M. Pridgeon Conference Room, 4th Floor, Ottawa State Office Building, 611 West Ottawa Street, Lansing, Michigan.

APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE:

- **COMMISSIONERS SKOGMAN, DARLING, TATTER AND MAITLAND PER DIEM AND TRAVEL ON JULY 17-21, 1999, TO ATTEND THE MIDWEST ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE ANNUAL MEETING, HELD IN ACME, MICHIGAN.**
- **COMMISSIONER SKOGMAN'S PER DIEM AND TRAVEL ON AUGUST 17, 1999, TO ATTEND THE PUBLIC HEARING ON UPPER PENINSULA DEER FEEDING AND BAITING HELD IN ESCANABA, MICHIGAN.**
- **COMMISSIONER SKOGMAN'S TRAVEL ON AUGUST 17, 1999, TO ATTEND THE DEDICATION OF THE DEPARTMENT OF NATURAL RESOURCES POCKET PARK AT THE UPPER PENINSULA STATE FAIR HELD IN ESCANABA, MICHIGAN.**
- **COMMISSIONER MAITLAND'S PER DIEM AND TRAVEL ON AUGUST 20, 1999, TO ATTEND THE UPPER PENINSULA STATE FAIR, HELD IN ESCANABA, MICHIGAN.**

Seconded. motion carried unanimously.

APPROVAL OF DIRECTOR'S OUT OF STATE TRAVEL

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE DIRECTOR'S TRAVEL:

- **AUGUST 25-26, 1999, NATIONAL GOVERNORS' ASSOCIATION SUMMIT, AMES, IOWA.**
- **SEPTEMBER 9-10, 1999, FOOD SAFETY MEETING, ONTARIO, CANADA.**
- **SEPTEMBER 25-29, 1999, NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE (NASDA) ANNUAL MEETING, UTAH.**

SECONDED. MOTION CARRIED UNANIMOUSLY.

WELCOME TO THE MICHIGAN STATE FAIR – Barbara Hensinger, Director of the Fairs, Exhibitions and Racing Division

Barbara Hensinger, director of the Fairs, Exhibitions and Racing Division welcomed the Commission to the 1999 Michigan State Fair. She highlighted the many activities and displays available at this year's Michigan State Fair.

Commissioners expressed pleasure with this year's fair. Commissioners Darling and Stamp commented on the cleanliness of the fairgrounds and appreciated the positive media coverage that the fair has received this year. Deputy Director Creagh also applauded Ms. Hensinger's efforts in resolving many of the issues that the fair has faced in the past.

COMMISSIONERS' COMMENTS:

Commissioner Douglas Darling reported that crops are good in Southeast Michigan. He said that many issues face agriculture today; e.g., the Food Quality Protection Act, commodity prices, urban sprawl, land values, and the agriculture economy.

Commissioner Darling and representatives from the Michigan Farm Bureau recently traveled to Washington, D.C., to meet with members of the Michigan Congressional delegation. Discussions were held about House Resolution 1592, which clarifies the Food Quality Protection Act, and concerns facing Michigan's commodity groups.

Commissioner Darling stated that Congressman Dingell recently held a meeting in Southeast Michigan to

discuss trade issues between Canada and Southeast Michigan. Congressman Dingell also stopped at Commissioner Darling's farm where discussions were held about agricultural prices, crop insurance, and trade sanctions.

Commissioner Jordan Tatter reported that recent rainfall has broken the drought in the extreme southwest corner of the state. However, the damage has already been done to non-irrigated row crops on well-drained, light textured soils. Fruit crops are picking out close to early season estimates, and the apple and grape crops still look good to excellent.

He also reported that Congressman Upton has held several listening sessions in the area during the Congressional recess, often in conjunction with state legislators. Commissioner Tatter attended these meetings along with growers, food processors, and other agri-industries representatives. State and federal legislators are aware of and interested in our issues.

Commissioner Tatter said that the Transportation Funding Study Committee has met several times. Jim Miller of the Michigan Farm Bureau has worked with numerous agriculture support groups and will make a presentation to the committee on September 2, 1999. Commissioner Tatter will provide copies of the presentation to the Commission and Director Wyant.

He said that attendance at the Midwest Association of State Departments of Agriculture (MASDA) was a highlight. He felt that MDA arranged and presented an outstanding program to its guests. He also congratulated MDA in its conduct of the state wine judging contest.

Commissioner Tatter represented the Governor and Director at the Monsanto Global/Dekalb Seed Corn Production Facility Open House held in Constantine, Michigan. The event celebrated the \$19 million expansion of the plant, bringing the total investment to \$32 million. Dekalb has been growing seed in Michigan since 1974 and 19,000 acres are now being cropped for them.

Commissioner Tatter welcomed Michigan's new Racing Commissioner, Annette Bacola, and expressed his appreciation to Director Wyant for performing those duties for a longer period than he expected.

He also expressed concern about the report of tuberculosis in a Wisconsin captive elk herd. He is interested in Michigan's response to this situation, as the herd is in a county bordering Michigan and testing of nearby Upper Peninsula livestock should be considered. He reported that the Berrien County Youth Fair set an attendance record (156,894) for the second year in a row.

Commissioner Shirley Skogman thanked the Director and MDA staff for the very well-run and interesting MASDA meeting and activities. She said it was a very educational experience and appreciated the opportunity to be involved in the program.

Commissioner Skogman met with the editor of the Michigan Farm Bureau newsletter, who is writing a feature article about the Commission. She also spoke at the Mackinaw/Luce/Schoolcraft Farm Bureau Annual Beef Dinner. She attended the ribbon cutting ceremony of the new DNR Pocket Park at the Upper Peninsula State Fair. The pocket park will be a beneficial addition to the fair. Attendance this year at the fair exceeded all previous records. It was one of the best years ever.

She also reported on the public hearing held at Bay College in Escanaba. The hearing was held to receive public comment on the deer baiting and deer feeding issues. She said that the hearing was well attended by sportsmen, and the farmers were outnumbered so many kept their comments to themselves.

She is concerned about a Michigan Farm Bureau news article concerning a judgment against farmers who own a hog operation and were fined \$58,000 because of obnoxious odors. Commissioner Skogman stated that farmers cannot pay this kind of money. She is very concerned about how this judgment will affect Michigan's Right to Farm Act.

Commissioner Skogman said that the geese, cranes, and turkeys have totally demolished their grain crop. She added that the potato season is starting again, and it appears right now that it may be a decent year.

Commissioner Darling agreed with Commissioner Skogman and also expressed his concern about the nuisance lawsuit. He said that he believes the judge placed the Michigan Department of Agriculture in a negative light because he felt agriculture would not regulate itself and the department would not penalize anyone. This should be of a real concern to the Commission and to the industry.

Deputy Director Creagh said that this case is currently under appeal and Michigan's Right to Farm Act was not challenged. The lawsuit had to do with obnoxious odors. However, if the appeal is lost, it will be important to look at the legislative authority and the intent and purposes of the Act. He added this is an unfortunate situation because this is a great family farm, with an outstanding farm operation. He believes the family should be applauded for appealing the judgment. He said that meetings will continue with the Michigan Farm Bureau on how to pursue this issue.

Commissioner James Maitland reported that the Traverse City area overall had a good growing season, even though there was some storm damage to the cherries. He also felt that the MASDA program was excellent, and was impressed by staff's ability to organize and carry out such a wonderful event. He said that the other states in attendance were very impressed with Michigan and the Traverse City area.

Commissioner Maitland said he attended the Upper Peninsula State Fair and said that it is a very well run and impressive event. He said he is also looking forward to spending time at the Michigan State Fair.

Commissioner Deanna Stamp reported that the Thumb area also has experienced a very good growing season. The alfalfa crop was tremendous this summer. She commented on the drought experienced in many other parts of the country. She said many of those areas suffered feed shortages, but with the help of MDA and the Michigan Farm Bureau, Michigan hay sellers were able to link up with hay buyers in those areas. She added that hay is not normally a commodity that is traded over such long distances.

She attended the first annual meeting of the alfalfa cooperative, where the board of directors was elected. She said that approximately 8,900 acres are dedicated to that new cooperative. She is very anxious to watch the progress. She said that there is also talk in the area of organizing a dry bean cooperative. She said that the value-added concepts keep spreading.

Commissioner Stamp received an invitation from Michigan Ag Commodities for the Commission to attend an open house on September 18, 1999, in Marlette. Michigan Ag Commodities will be opening two locations, one in Marlette and one in Blissfield.

She also expressed concern about commodity prices and appreciates Michigan Farm Bureau's efforts in hosting meetings around the state for farmers to come together and discuss concerns and possible solutions.

APPROVAL OF COMMISSION OF AGRICULTURE RESOLUTION COMMENDING THOMAS J. FLYNN

MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE COMMISSION OF AGRICULTURE RESOLUTION COMMENDING THOMAS J. FLYNN. SECONDED. MOTION CARRIED UNANIMOUSLY.

Chair Stamp recognized John Hertel, Manager of the Michigan State Fair. Mr. Hertel welcomed the Commission to the Michigan State Fair and provided a brief history about the fair. He also discussed the importance of providing a clean, safe and quality fair. He commented that the Michigan State Fair is one of the safest in America today. He said that one of the goals of the fair is to bring the message of agriculture to urban and suburban people. He said that one of the most popular activities at the fair is the Miracle of Life birthing exhibit, as well as the expansion of "Dairy Days." He said that the carnival atmosphere has been eliminated at the Michigan State Fair and replaced with a wholesome, family-oriented event. Families can visit the fair and enjoy the picnic area and pocket park. Mr. Hertel also commented that he is pleased to be a part of the Michigan Department of Agriculture, and enjoys working with Director Wyant and Barbara Hensinger.

Chair Stamp expressed her appreciation on behalf of the Commission to Mr. Hertel for all of his efforts in making the Michigan State Fair a success. She asked if Mr. Hertel felt that by changing the opening day of school would make a difference in attendance. She added that schools typically start before Labor Day, making

it difficult for families to enjoy the fair.

Mr. Hertel agreed that changing the school year to begin after Labor Day would allow families more of an opportunity to enjoy the fair. He said that the last two weeks of August is typically a high tourism period in Michigan. He said he has been discussing this issue and working with the appropriate people in Detroit and throughout Michigan to seek a change in the school year.

Deputy Director Creagh also expressed his appreciation on behalf of the department for the positive working relationship between MDA and the fair.

PRESENTATION BY MICHIGAN DEPARTMENT OF NATURAL RESOURCES (DNR) ON UPPER PENINSULA DEER FEEDING ORDER: Rebecca Humphries, Chief of the DNR Wildlife Bureau and John Urbain, Big Game Specialist, DNR Wildlife Management Section

Rebecca Humphries, chief of the DNR Wildlife Bureau, said that the purpose of today's discussion was to update the Commission on the DNR proposed feeding regulations that would require action by the Natural Resources Commission (NRC) at its September meeting. Ms. Humphries distributed copies of the "*Proposed Feeding Regulations for Deer and Elk.*"

John Urbain, Big Game Specialist of the DNR Wildlife Management Section, provided an update on elk and deer. He explained that PA 66 of 1999 gave the DNR authority to regulate deer and elk feeding. The legislation requires that deer and elk feeding be prohibited in the Lower Peninsula, except for recreational viewing purposes within 100 yards of a residence. In addition, the legislation authorizes the NRC to establish other reasonable feeding restrictions for recreational viewing purposes and to establish criteria for both recreational and supplemental deer feeding in the Upper Peninsula. The NRC can prohibit all deer and elk feeding to properly manage wildlife or to control disease. Some of the biological considerations associated with feeding deer and elk include:

- Increasing potential of disease transmission whenever animals have congregated;
- Keeping of deer in poor quality wintering habitats;
- Overbrowsing in local areas;
- Feeding at inappropriate locations that may contribute to crop damage or car/deer crashes;
- Feeding poor quality foods;
- Increasing stress among animals; and
- Contributing to overpopulation of deer.

The DNR conducted three public hearings in the Upper Peninsula to identify issues of public concern. Comments received were as follows:

- The climate, physiography, and land use patterns vary considerably across the U.P. Management that may be appropriate for Menominee County may not be appropriate for the deep snow country of the Lake Superior Watershed.
- The rules should be flexible.
- Supplemental feeding is needed to sustain deer stressed by severe winters in many parts of the U.P., especially the snow belt.
- Deer population in agricultural areas should be managed to minimize crop damage and prevent the spread of disease.
- Supplemental feeding may not be appropriate in parts of Menominee, Dickinson, and Delta counties.
- Deer stranded because of winter logging operations should be supplementally fed.
- Bovine tuberculosis and other diseases are not found in the U.P. Don't penalize the U.P. for problems found elsewhere. The risks do not warrant a complete ban.
- Habitat improvement is the key to successful deer management.

- Successful deer management must be a cooperative effort among sportsmen, farmers, timber producers, and the DNR.

Following all public meetings, the DNR Wildlife Division formed a workgroup to consider the comments received in person and by letter to devise the regulations. Letters and other comments received to put those regulations together were also used. The DNR realizes that people want to feed deer with private funds on private land, even if the wildlife professionals do not recommend feeding. These proposed regulations should help minimize the adverse impacts of feeding. The regulations proposed by the DNR for feeding for recreational viewing include:

- The feed not be placed more than 100 yards from a residence and must be upon the land owned and possessed by that person;
- The feed must be placed directly on the ground by that person; scattering the feed is recommended. Feeders of any kind are not to be used;
- The volume of the feed should not exceed two (2) gallons per residence at any point in time; multiple residences can each feed two (2) gallons, even if they are closer than 100 yards;
- The volume of the feed does not exceed two (2) gallons per day;
- The feed can be composed of any food material, except salt and minerals. This will keep those regulations consistent with the baiting regulations where salt and minerals are not allowed.

For the supplemental feeding rules, a person may engage in supplemental feeding in the Upper Peninsula only if:

- A permit is obtained first from the Chief of the DNR Wildlife Division;
- Feeding is outside of Deer Management Unit (DMU) 215, only in the U.P.;
- A copy of the feeding permit is posted at the feed site;
- Feed is placed one quarter mile or more from the nearest state or federal highway, or at such locations as specified on the permit. Feed must be placed at least one mile from livestock to minimize concerns about disease transmission;
- Feed is placed one mile from farmland, or at such locations as to minimize concerns with agriculture.
- Feed is placed upon privately owned lands, or on public lands under unusual circumstances;
- Only commercially pelletized food is used, no animal byproducts.

DNR wildlife personnel will inspect feed sites and the permittee will be required to file a report with the DNR.

The DNR also has developed definitions relative to deer and elk feeding. For example, the definition for "farmland" is the same as used in the Farmland Open Space Act

Ms. Humphries reviewed the *"Proposed Feeding Regulations for Deer and Elk."*

Commissioner Tatter believes that the wording "any containers used to transport bait to a bear baiting site," needs to be clarified, as a hunter could use a bucket to both transport bait and as a seat and then be subject to arrest.

Commissioner Darling believes that the proposed changes contradict the sound science testimony received at the joint commission meeting held in March 1999.

Ms. Humphries stated that DNR believes that deer must be managed at the winter carrying capacity of that range and it is working toward setting consistent deer management objectives. She also said that the DNR is working with individuals and groups to help them recognize that supplemental feeding is not the answer for proper deer management. She believes that heavy-handed governmental control is not the best first step and the DNR needs to work with people as partners.

Commissioner Darling asked if the proposed changes are being submitted from the DNR, the work group, or

the NRC.

Ms. Humphries responded that these proposed changes will be recommended by the DNR to the NRC.

Commissioner Darling stated that the change from the first proposal to the one distributed today regarding the statement "supplemental feed must be placed in locations which do not create agricultural concerns," is very vague.

Ms. Humphries responded that the purpose of these proposed changes was to solicit input from the Agriculture Commission.

Commissioner Darling added that the phrase "a farm of five (5) acres or more in one ownership, but less than 40 acres..." impacts upon Christmas tree farms. This statement needs to be more specific and better defined. He also is concerned about the TB issue in Wisconsin and a bordering county.

Ms. Humphries responded that this is not the actual wording and the DNR is asking for input from agriculture.

Commissioner Skogman believes this will cause great divisiveness. She believes that restrictions should not be put on some, and not on others. Once the DNR begins getting so technical it will be difficult to enforce and monitor. She believes that the sportsmen will accept this, but the farmers will not. Dickinson County experiences a significant problem with deer and allowing feeding will only elevate the problem.

Commissioner Maitland asked about the timetable for these proposed changes. He also asked if another public hearing would be held before finalizing.

Ms. Humphries responded that the NRC would take action on these proposed changes at its September 8-9, 1999, meeting. There will be a public comment period at the September 8 meeting, with action by the NRC on September 8, 1999.

Commissioner Maitland asked if these changes would take immediate effect.

Ms. Humphries responded the effective date would be October 1, 1999.

Commissioner Tatter said it is difficult to react to the newest proposed changes since the Commission has not had the opportunity to review them before today. He said there is now confusion with the August 2 draft, the August 16 modifications, and today's further revisions.

Ms. Humphries explained that these proposed changes do not reflect the legal wording that will be used in the official order.

Commissioner Tatter said that he understood the farmland definitions as previously presented. Now, the DNR is saying there is confusion on the definitions and they need to be modified. He said that today's proposal changes things from an agricultural standpoint. Agriculture and Natural Resources agreed on definitions in the August 2 draft, and now the DNR is abandoning those definitions, yet asking for our help. This is now a moving target that is hard to reconcile and respond to.

Commissioner Darling supported Commissioner Tatter's comments.

Commissioner Tatter questioned what has been learned by the DNR about the captive elk herd in Wisconsin that has TB.

Ms. Humphries responded that she does not have information on that captive herd.

Deputy Director Creagh asked Dr. Mike VanderKlok of the Animal Industry Division if he had information about this herd.

Dr. VanderKlok responded that state of Wisconsin has been testing its captive cervidae herds. Last year two infected herds were depopulated. Wisconsin recently found this herd and there is no evidence at this time if there is any association. Wisconsin is also doing testing in the wild populations and to date, to Dr. VanderKlok's

knowledge, no tuberculosis has been found.

Commissioner Maitland recommended that MDA staff review the DNR proposal and advise the Commission tomorrow.

Deputy Director Creagh responded that staff would report on this proposal at tomorrow's meeting. He also said that Chairman Keith Charters of the NRC would be asked to attend.

Commissioner Tatter stated that several years ago there was Farm Bureau policy that feeding deer was a major source of farm income and the DNR should consider this in related rulemaking. Now there is a complete policy reversal stating that deer feeding is detrimental to both deer and livestock and should cease. Agriculture policy has fully adapted to sound science and long-term economic reality. He expressed his concern that the DNR has not.

Commissioner Darling agreed that livelihoods are on the line, not only recreational views.

PUBLIC COMMENT

Ron Nelson of the Michigan Farm Bureau (MFB) said they were surprised and disappointed in the DNR proposed changes. He appreciated the Commissioners' comments and questions. In short, the proposed changes are unacceptable. The Senate Agriculture Task Force heard comments not to feed. He said that the DNR should be able to understand the definition of "farm" as stated in PA 116, since that department administers the act.

Commissioner Darling asked for the MFB's position on the August 2, 1999, proposal.

Scott Everett of the Michigan Farm Bureau responded that MFB does not support feeding of any kind in the state of Michigan. He said that the proposed order before today's changes included a number of strategies that the MFB could support.

Mr. Nelson stated that the MFB would be willing to work with the Commission of Agriculture on this issue and is concerned because USDA has not made a final decision on Michigan's split state status. He said Michigan cannot afford to jeopardize that decision.

Commissioner Darling asked if Dr. Michael Chaddock, State Veterinarian, has seen this proposal.

Deputy Director Creagh replied that to his knowledge he had not. He said that Dr. Chaddock and appropriate MDA staff would be contacted today to review this proposal and to make recommendations at tomorrow's meeting

MOTION: COMMISSIONER DARLING MOVED THAT THE "PROPOSED FEEDING REGULATIONS FOR DEER AND ELK" PRESENTED TODAY BY THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES BE TABLED UNTIL THE AUGUST 27, 1999, COMMISSION OF AGRICULTURE MEETING. SECONDED. MOTION CARRIED UNANIMOUSLY.

RECESS

The meeting recessed at 4:40 p.m., on August 26, 1999.

RECONVENE

The meeting reconvened at 8:35 a.m., on August 27, 1999. Director Wyant was present.

LEGISLATIVE REPORT

Brad Deacon, Legislative Liaison, distributed and reviewed the August 1999 *"House and Senate Bill Status."* HB 4777, introduced by Representative Gosselin, would prevent local units of governments from going above and beyond the federal requirements. The main purpose of the bill is the minimum wage requirements in the City of Detroit. It is broad enough that it could include the Right to Farm prohibition.

The Michigan Legislature will return on September 21, 1999. Mr. Deacon said major MDA legislative issues for the fall session would be the food code, reauthorization of the groundwater protection funding mechanisms, and regulations involving bulk farm storage. He also reported that the regulation on the composting of bodies of dead animals will become effective on September 3, 1999.

Mr. Deacon said Senator McManus has indicated that he will spend most of the fall session working on report recommendations from testimony given to the Senate Agriculture Preservation Task Force. Representative Green, chair of the House Agriculture Committee, will begin review of the captive cervidae bills and the Drain Code.

Director Wyant added that Senator McManus would be invited to attend an upcoming Commission meeting to present his farmland preservation report. The report will be of great value to Michigan agriculture and the Commission.

DIRECTOR'S REPORT – Dan Wyant

Director Wyant attended the National Governors' Association Agriculture Summit held on August 25-26, 1999. The meeting focused on the U.S. agriculture situation. He was pleased to lend Michigan's perspective on the issues.

Introduction of Annette Bacola, Racing Commissioner: Director Wyant introduced Annette Bacola, the new Racing Commissioner.

Ms. Bacola thanked Director Wyant for the job he fulfilled as acting racing commissioner for two years. She said things are very stable and the regulatory side is very solid. She is excited to move things forward in the horse racing industry in Michigan. She believes her key role is to bring groups together and begin to raise the profile of the entire industry.

On behalf of the Commission, Chair Stamp congratulated Ms. Bacola on her appointment and offered to work with her to promote Michigan's racing industry.

Commissioner Tatter said that more than 40,000 people are involved in the racing industry, and many of them are on the farm. People do not always recognize the importance of the racing industry to agriculture (farm employment, farm sales, etc.)

Director Wyant introduced Keith Charters, chair of the Natural Resources Commission, Rebecca Humphries, Chief of the DNR Wildlife Bureau, and John Urbain, Big Game Specialist of the DNR Wildlife Management Section.

Mr. Charters explained the Natural Resources Commission is charged with establishing an Order to set criteria for deer feeding in the Upper Peninsula. He explained the process of holding public hearings and the issues of supplemental feeding and recreational viewing. He said some of the decisions that the NRC had to make were difficult and there is a lot of confusion on many levels. He believes that the NRC has not done an adequate job of educating its constituents. Better education and communication is essential.

Mr. Charters said the NRC is seeking the Commission of Agriculture's advice on a number of areas. For example, is a tree farm an agricultural operation? How far do we go with these regulations? The intent is to keep deer and livestock apart.

Commissioner Tatter believes that the last item mentioned is an animal disease issue and while there is no TB in the Upper Peninsula, row crop producers are in jeopardy. He said the changes in the farmland definitions from the August 2 and August 16 drafts, and yesterday's proposed changes are causing concern and confusion.

Mr. Charters said that the intent of yesterday's draft was to seek input and should have been explained in that way.

Commissioner Tatter stated that he felt the Agriculture Commission was comfortable with what was proposed by the DNR before yesterday's meeting, but now we are back to the drawing board.

Commissioner Darling agreed.

Director Wyant stated that MDA can assist to perfect the definitions because of the Commissioners' concern and he agreed that clear definitions are required. The PA 116 definition of "farmland" states that a certain amount of the land must be tillable. Therefore, the definition could be perfected to ensure that an 80-acre tree farm would not be qualified as agriculture. He added that the charge to the Commission is to react to the DNR proposal and provide consultation to the NRC.

Ms. Humphries stated that once the order is drafted with the recommendations from the Commission of Agriculture, the DNR would make it available to the Commission.

Commissioner Darling asked if using a feed container contributes to the spread of the disease.

Ms. Humphries responded that she is working with Dr. Steve Schmitt, DNR Veterinarian, to determine if there is a way during the winter months to keep food available above the snow and not pose a health risk.

Commissioner Tatter asked if the proposed feeding regulations distributed yesterday could be put in a formal format so the Commission can review prior to the NRC September 8-9, 1999, meeting.

Commissioner Skogman commented that during the hearings whatever was said would not affect the pocketbook of the sportsmen, but certainly would affect the pocketbook of the farmer. She said there is so much confusion about the difference between feeding and baiting.

Mr. Charters agrees that there needs to be standardization so there is not so much confusion. He believes that because of the time constraints, education has been emphasized. He also invited a member of the Commission of Agriculture to be a part of the DNR working group. He has also recommended that a member of the Natural Resources Commission also be a part of that group.

DIRECTOR'S REPORT (continued)

Confined Animal Feeding Operations: EPA toured some confined animal feeding operations in Michigan, offering the opportunity to describe our environmental assurance program. The dialogue has been very good on a regional level, recognizing that Michigan's program ensures the environmental health of Michigan and the economic viability of agriculture. Michigan will submit its plan by October 1999 under the Unified Confined Animal Feeding Strategy that EPA has defined.

Commissioner Tatter asked if environmental stakeholders are being kept informed about this issue.

Director Wyant responded that these groups have been active participants in meetings and tours and are a part of the task force developing the plan.

Senate Agriculture Preservation Task Force: Senator George McManus will be invited to submit his report of the Senate Agriculture Preservation Task Force to the Commission.

Food Processing Retention Study: The Food Processing Retention Study is currently underway. It is a two-pronged study out of Memphis, Tennessee, by a nationally renowned agricultural economics consulting firm. MSU and industry leaders have identified 45 of Michigan's major food processing companies and are conducting one-on-one interviews. Director Wyant has met with executives of the Kellogg Company to discuss future plans during this time of change. The study is due in October and a report will be made available to the Commission.

Farm Crisis Meetings: The Michigan Farm Bureau is hosting the farm crisis meetings. There are two meetings scheduled on September 2, 1999, to be held in McBain and in Hamilton. These meetings provide an opportunity for farmers to come together and discuss the issues and possible solutions. Other states are

moving forward with advanced risk management training efforts through extension offices, peer groups, or private groups. Michigan may want to pursue this because risk management tools are very confusing. Farmers need assistance in identifying what is in their best interests.

Commissioner Darling said it is important to include the financial community in these discussions so it has a better understanding of crop protection.

UPDATE ON THE PROPOSED MICHIGAN UNIFIED FOOD LAW WORKGROUP REPORT: Katherine Fedder, Director of the Food and Dairy Division

Katherine Fedder, director of the Food and Dairy Division, explained that the Michigan Unified Food Law Workgroup is overhauling the Michigan Food Law; the first time in 35 years. The revisions are now ready to move into the legislative process. Ms. Fedder introduced Jerry Wojtala and Neal Fortin of the Food and Dairy Division, Steve Tackitt of the Wayne County Health Department, and Dan Reeves of the Associated Food Dealers of Michigan.

Ms. Fedder explained that the national food safety initiative is a multi-agency effort to improve inspections, expand preventative safety measures (HACCP), develop new tests to detect pathogens, build an early warning system for outbreaks, develop educational campaigns for the home and at the retail level, and strengthen coordination among the agencies.

The purpose of Michigan's effort is to strengthen food safety laws, create uniformity statewide and nationally, avoid duplication, increase efficiency, build in flexibility to address change, and ensure consumer access to information. The steps being used are to adopt the FDA Model Food Code; combine and update laws and regulations in the Public Health Code; build systems by sharing data; and implement internal and external training. The workgroup is made up of stakeholders involved in industry, university, consumers, and local health departments.

Mr. Fortin reviewed some of the features of the 1999 Food Code:

- Manager knowledge and responsibilities;
- Risks associated with undercooking;
- Importance of handwashing;
- Framework for use of HACCP;
- Guidelines on employee health; and
- Serving susceptible populations.

The three main areas of concern in the code are:

- No manual contact with Ready To Eat foods;
- Consumer advisory for raw or undercooked animal foods; and
- Demonstration of knowledge by person-in-charge.

Mr. Tackitt explained that currently MDA regulates processing plants and retail stores, while local health departments regulate restaurants. After adoption of the Food Code, the agencies will work together to impose the same food law.

Mr. Wojtala explained the food law development workgroup is comprised of four committees: retail issues, food processing issues, licensing and enforcement, and information access. The retail issues identified were fees, penalties, licensing, eliminating dual inspections, delegation to local health departments, plan review, and temporary mobile food concessions. Processing issues identified were Good Manufacturing Practices (GMPs), nutritional labeling, seafood HACCP, low acid/acidified foods, bottled water and ice. Licensing and enforcement issues were license fees and categories, new procedures for restaurant licenses, and a broad range of progressive enforcement options. Information access included consumer access to information; designing a system to keep consumers informed; providing information via mail, fax, internet, or telephone; centralizing complaint and Freedom of Information system; and establishing a consumer food safety education fund.

Director Wyant said that HACCP ensures better food safety if applied properly. In the case of Bil Mar Foods, it had USDA food inspectors on site throughout the process. News articles infer that HACCP does not work and that is not a fair statement.

UPDATE ON BOVINE TUBERCULOSIS: Dr. Nancy Frank, Animal Industry Division

Dr. Nancy Frank of the Animal Industry Division provided an update on the bovine tuberculosis situation in Michigan. She highlighted the following:

- Goat and cattle testing is progressing very well.
- Testing has been completed on over 44,826 animals, over 1,000 herds.
- Testing is completed in the five-county area, except for 16 herds. Of those herds, eight are scheduled, three are bison herds, leaving five herds MDA is working with to schedule testing.
- There are about 30 to 40 herds that remain to be tested in the buffer zone. Expect to be done by the end of October.
- Feeder calf sales are coming up in September and through end of year, and MDA is covering those sales to help monitor test papers.
- There are two reimbursement programs: one for animals leaving the quarantined area and the other for animals being shown at local fairs in the 11 counties. Currently, the state is providing reimbursement for about five to eight herds, or about 20 to 30 animals a week, in those two combined programs.
- There are 34 cervidae herds in the five-county area, 19 of those herds have been tested.
- There are 38 herds in the buffer zone, 10 of those herds have been tested.
- Kevin Kirk of the Animal Industry Division is the newly hired animal health liaison and is working on communication efforts with producers and the public.
- The USDA split state status is progressing. USDA is providing more specific information on how to implement the program. USDA has requested that split state status be referred to as the "zoning plan," the five-county area be referred to as the "infected zone," the buffer zone be referred to as the "surveillance zone," and the outstate area be referred to as the "disease-free zone."

Commissioner Tatter asked about the positive tuberculosis captive elk herd in Wisconsin in a county adjoining Michigan.

Dr. Frank said she is not aware of the exact location, but it is her understanding that the herd is near the lake and is not adjacent. She said that MDA is not concerned at this time about the direct spread from that herd. She explained that last year Wisconsin did have two herds of captive elk that were depopulated. These herds were located approximately 100 miles from the Upper Peninsula. This year, it appears to be a herd adjacent to that herd, but the herd is far enough away, that MDA is not concerned about spread. Wisconsin did test about 100 deer around those herds and received negative results.

Director Wyant distributed and read a draft resolution that recognizes the efforts of the Natural Resources Commission and its challenge to define supplemental feeding for the Upper Peninsula as required in the most recent law. The Commission began its review of the resolution and proposed several changes.

Director Wyant suggested that because of the time constraint the Commission reconvene after the break to review the resolution that would include the changes proposed by the Commission.

PUBLIC COMMENT

Jim Byrum of the Michigan Agri-Business Association (MABA) said that MABA supports Regulation 641, "Commercial Fertilizer Bulk Storage." He expressed his appreciation to MDA for its efforts in similar regulations for production agriculture and agri-business.

Mr. Byrum informed the Commission that his predecessor, Ron Stebbins, passed away yesterday. He will keep the Commission apprised of the arrangements.

He said that agri-business is suffering because several major crop protection companies have downsized considerably in recent weeks to the point where there is no personnel left in Michigan. He said that three more companies will be taking similar actions in the next three weeks. There are major shifts in retail facilities and consolidations are occurring.

FORMAL CERTIFICATION OF REGULATION 641, "COMMERCIAL FERTILIZER BULK STORAGE:"
Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division

Kenneth Rauscher, director of the Pesticide and Plant Pest Management Division, recommended formal adoption of Regulation 641, "Commercial Fertilizer Bulk Storage."

MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE FORMAL CERTIFICATION OF REGULATION 641, "COMMERCIAL FERTILIZER BULK STORAGE." SECONDED. MOTION CARRIED UNANIMOUSLY.

Mr. Rauscher distributed information concerning the Small Hive Beetle, which is a serious pest of honey bees. These beetles live in the colony where they feed on brood, wax, honey and pollen. MDA is working closely with the Michigan Beekeepers Association.

UPDATE ON MDA DETROIT REGION ACTIVITIES: Karen Butler, Regional Manager

Karen Butler, regional manager of the MDA Detroit office, provided a brief overview of regional activities. She said that staff in the Pesticide and Plant Pest Management area are conducting a survey on pesticides and surface water. She reported that no Asian Long Horned Beetle have been found in the region. Staff also are conducting three integrated pest management training seminars.

Ms. Butler reported that the Kroger Company has returned to the Detroit area, and Farmer Jack is in the process of building a new 70,000 square foot store. She said that the Gratiot Central Market has been rebuilt, the 60 dairy farms in the area remain stable, and milk production in the region processes over 60 million pounds of milk per month. Detroit is the only region that has a goat milk processor and the only region that has a milk solids processor in the state. Regional staff is in the process of inspecting cider mills and should be completed by September 7, 1999.

Ms. Butler reported that the City of Detroit has passed a land use ordinance for gasoline stations. There is concern by the Detroit City Council about how gas stations are being utilized for ready-to-eat foods and not meeting the requirements of safe food handling. She has met with a city council representative to discuss these concerns and also has met with the City of Detroit Consumer Affairs Division. She has explained that if a person meets all requirements under the law, the state is obligated to issue a license. There will be another meeting held on September 22, 1999.

RECESS

The meeting recessed at 11:00 a.m.

RECONVENE

The meeting reconvened at 11:45 a.m.

MOTION: COMMISSIONER DARLING MOVED TO RECONSIDER THE PROPOSED FEEDING REGULATIONS FOR DEER AND ELK AS Tabled AT THE AUGUST 26, 1999, COMMISSION OF AGRICULTURE MEETING. SECONDED. MOTION CARRIED UNANIMOUSLY.

Ron Zellar, Assistant Attorney General, explained that two resolutions have been redrafted for Commission consideration. The first resolution addresses the feeding of deer in the Upper Peninsula and supports the concept of the August 16, 1999, draft Wildlife Conservation Order, with the exception that supplemental feeding be prohibited not only in Deer Management Unit 215, but for the entirety of that area of the Upper Peninsula south of US 2 between Escanaba and Iron Mountain.

He also explained that the second resolution addresses the recreational feeding for the viewing of deer and elk. It supports the action by the Natural Resources Commission that will restrict recreational feeding in the state of Michigan in such a manner that best assures the eradication of bovine tuberculosis and prevents the establishment or spread of other serious animal disease in wildlife population or livestock, or results in unacceptable crop damage.

Deputy Director Creagh submitted the following resolution for consideration and approval by the Commission:

RESOLUTION FOR THE FEEDING OF DEER IN THE UPPER PENINSULA

WHEREAS, the Natural Resources Commission has the specific charge for the scientific management of wild game animals in Michigan; and

WHEREAS, PA 66 of 1999 (House Bill 4499) requires that the Natural Resources Commission consult with the Michigan Commission of Agriculture in issuing an order that prohibits all deer and elk feeding in all or part of this state if it becomes necessary to properly manage wildlife populations to control or eradicate disease; and

WHEREAS, the order shall establish criteria for deer feeding in the Upper Peninsula; and

WHEREAS, there has been discussion and consultation between the Michigan Commission of Agriculture and the Michigan Department of Natural Resources on the role feeding deer plays in the maintenance and spread of infectious animal diseases in wildlife and livestock, and in causing crop damage.

NOW, THEREFORE BE IT RESOLVED, that the Michigan Commission of Agriculture supports actions by the Natural Resources Commission that will limit supplemental feeding in the Upper Peninsula in such a manner that will best assure the absence of bovine tuberculosis or other serious animal diseases in the deer herd or livestock, and prevent/limit crop damage.

FURTHER, BE IT RESOLVED, that the Michigan Commission of Agriculture strongly urges that the Natural Resources Commission establish supplemental feeding criteria in the Upper Peninsula predicated on sound science.

FINALLY, BE IT RESOLVED, that the Michigan Commission of Agriculture supports in concept the attached August 16, 1999, draft Wildlife Conservation Order with the exception that supplemental feeding be prohibited not only in Deer Management Unit 215, but for the entirety of that area of the Upper Peninsula south of US 2 between Escanaba and Iron Mountain.

MOTION: COMMISSIONER MAITLAND MOVED THAT THE RESOLUTION FOR THE FEEDING OF DEER IN THE UPPER PENINSULA BE APPROVED. SECONDED. MOTION CARRIED UNANIMOUSLY.

Deputy Director Creagh submitted the following resolution for consideration and approval by the Commission:

**RESOLUTION FOR RECREATIONAL FEEDING FOR
THE VIEWING OF DEER AND ELK**

WHEREAS, the Natural Resources Commission has the specific charge for the scientific management of wild game animals in Michigan; and

WHEREAS, PA 66 OF 1999 (House Bill 4499) requires that the Natural Resources Commission consult with the Michigan Commission of Agriculture in issuing an order that prohibits all deer and elk feeding in all or part of this state if it becomes necessary to properly manage wildlife populations to control or eradicate disease; and

WHEREAS, the order shall establish reasonable criteria for feeding for the recreational viewing of deer and elk in Michigan; and

WHEREAS, there has been discussion and consultation between the Michigan Commission of Agriculture and the Michigan Department of Natural Resources on the role feeding deer plays in the maintenance and spread of infectious animal diseases in wildlife and livestock, and in causing crop damage.

NOW, THEREFORE BE IT RESOLVED, that the Michigan Commission of Agriculture supports in concept the attached August 16, 1999 draft Wildlife Conservation Order with the increase of the amount of feed available for recreational viewing from 2 to 5 gallons in order to make feeding for recreational viewing and baiting requirements consistent.

FURTHER, BE IT RESOLVED, that the Michigan Commission of Agriculture strongly supports the Natural Resources Commission in establishing feeding criteria for recreational viewing that are based on sound science.

FINALLY, BE IT RESOLVED, that the Michigan Commission of Agriculture supports actions by the Natural Resources Commission that will restrict recreational feeding in the state of Michigan in such a manner that best assures the eradication of bovine tuberculosis and prevents the establishment or spread of other serious animal disease in wildlife population or livestock, or results in unacceptable crop damage.

MOTION: COMMISSIONER MAITLAND MOVED THAT THE RESOLUTION FOR RECREATIONAL FEEDING FOR THE VIEWING OF DEER AND ELK BE APPROVED. SECONDED.

MOTION: COMMISSIONER DARLING MOVED TO AMEND THE FIFTH PARAGAPH TO DELETE THE WORDING "WITH THE INCREASE OF THE AMOUNT OF FEED AVAILABLE FOR RECREATIONAL VIEWING FROM 2 TO 5 GALLONS IN ORDER TO MAKE FEEDING FOR RECREATIONAL VIEWING AND BAITING REQUIREMENTS CONSISTENT." The amending motion failed for lack of A second.

THE INITIAL MOTION CARRIED UNANIMOUSLY.

ADJOURN

MOTION: Commissioner TATTER moved that the meeting adjourn. Seconded. Motion carried unanimously.

ATTACHMENTS:

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

Attachment A Commission of Agriculture June 29-30, 1999, Meeting Minutes

Attachment B Commission of Agriculture Resolution Commending Thomas J. Flynn

Attachment C DNR *"Proposed Feeding Regulations for Deer and Elk"*

Attachment E Memorandum to the Natural Resources Commission, dated May 18, 1999, and resubmitted June 14, 1999, regarding *"Regulation of Baiting in the Northeastern Lower Peninsula of Michigan"*

Attachment F Memorandum to the Natural Resources Commission, dated August 2, 1999, and resubmitted August 16, 1999, regarding *"Deer and Elk Feeding Regulations"*

Attachment G DNR News Release, *"NRC Acts on Deer Baiting in TB-Infected Deer, Firearm Deer Season Opening Date to Remain As Is,"* July 9, 1999

Attachment H *"Agri Notes and News,"* published by the Michigan Farm Bureau Information and Public Relations Division, dated August 12, 1999

Attachment I *House and Senate Bill Status,* August 1999

Attachment J Director's Report – July/August 1999

Attachment K Regulation 641, *"Commercial Fertilizer Bulk Storage"*

I, Jordan B. Tatter, Secretary of the Michigan Commission of Agriculture, do hereby certify that I have read the

minutes of the August 26-27, 1999, meeting of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

Jordan B. Tatter, Secretary

I, Daniel J. Wyant, Director of the Michigan Department of Agriculture, do hereby certify that I have read the minutes of the August 26-27, 1999, meeting of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

Daniel J. Wyant, Director

Approved on September 22, 1999

Lansing, Michigan