

**STATE OF MICHIGAN  
COMMISSION OF AGRICULTURE  
MEETING MINUTES**

December 1996

CALL TO ORDER:

Vice Chairperson Norman R. Veliquette called the regular meeting of the Michigan Commission of Agriculture (MCA) to order at 4:05 p.m., December 3, 1996, and called roll. Meeting was held in the Winchester Room, Amway Grand Plaza Hotel, Grand Rapids, Michigan, and was in conjunction with the Michigan State Horticultural Society's (MSHS) Annual Meeting.

PRESENT:

**Commissioners**

**Present:**

Norman R. Veliquette,  
Vice Chairperson  
Douglas E. Darling,  
Secretary  
Jordan B. Tatter  
David Crumbaugh  
(arrived at 4:13 PM)

**Commissioners**

**Absent:**

Shirley A. Skogman,  
Chairperson

A quorum was present to do business.

**Michigan Department of Agriculture (MDA) Staff**

**Present** (during portions of the afternoon):

Daniel J. Wyant, Director  
Keith E. Creagh, Deputy Director  
Robert G. Craig, Director, Agriculture Policy and  
Special Projects  
Katherine Fedder, Director, Market Development  
Division  
Jean Valley, Executive Secretary to MCA

**Legal Counsel:**

Jann Ryan Baugh, Assistant Attorney General

**Others Present** (during portions of the afternoon):

Greg Hanson, Hanson Cold Storage  
Meg Moynihan, Michigan Integrated Food and  
Farming Systems (MIFFS)  
Dr. Larry Olsen, Michigan State University (MSU)

APPROVAL OF AGENDA:

Commissioner Darling moved to approve the agenda as presented. (seconded)

**MOTION:**

**Motion carried unanimously**

**APPROVAL OF MINUTES:**

Commissioner Tatter moved that minutes for the November 7-8, 1996, MCA meeting be approved. (Seconded)

**MOTION:**

**Motion carried unanimously**

**NEXT MEETINGS:**

**The MCA Annual Meeting for election of officers and other business will be held January 16-18, 1997, in the Thornapple Room, Amway Grand Plaza Hotel, Grand Rapids, Michigan, in conjunction with the Michigan Association of Fairs and Exhibitions Annual Convention.**

**COMMISSIONERS' PER DIEM AND TRAVEL EXPENSES:**

Commissioner Tatter moved that per diem and travel expenses be approved for:

- November 14, 1996--Michigan Harvest Gathering, Lansing: Commissioner Crumbaugh;
- December 3, 1996--Michigan Dairy Foods Association Luncheon, Lansing: All Commissioners;
- December 10-13, 1996--Michigan Farm Bureau (MFB) Annual Meeting, Traverse City: All Commissioners;
- December 11, 1996--Governor's Reception for Boards and Commissions, Lansing: All Commissioners; and
- December 13, 1996--MDA Holiday Celebration, Lansing: All Commissioners

**MOTION:**

**Motion carried unanimously**

**COMMISSIONERS' COMMENTS**

**Commissioner Tatter** reported:

- He and his hunting associates found significantly more deer around Foster City (Dickinson County) where deer have access to farm crops than 20 miles northwest at their traditional hunting camp;
- He and Commissioner Veliquette attended the first Red Tart Cherry Super Co-op Grower Task Force Meeting. Focus of task force is to develop a federation of Capper-Volstead Producer Associations to market red tart cherries from a single pricing desk. MFB was

represented at the meeting;

- On November 26 he attended the Michigan Frozen Food Packers meeting; Jeff Noel and Evan LeDuc of Cornerstone Alliance (Benton Harbor) were speakers. Cornerstone is targeting value-adding food processing in southwest Michigan as an attractive means to create jobs. Commissioner Tatter asked MDA staff to contact and support Cornerstone Alliance's recruitment efforts; and
- Prior to the MCA meeting, he participated in opening sessions of the 126th Annual Meeting of MSHS.

Commissioner Tatter reported that since the November MCA meeting, windup of row crop and grain harvest in southwest Michigan ran into weather problems. Most better-yielding acreage had been harvested earlier. Yields for these late-harvested fields were as low as 30-35 bushels/acre for corn and under 10 bushels/acre for soybeans.

**Vice Chairperson Veliquette** reported:

- People in northwest Michigan are concerned about "taking property rights"; e.g., Rails to Trails and Department of Natural Resources' (DNR) Designated Wild Streams and Rivers Act (which requires 300-foot setbacks for any alterations);
- Rural crime is becoming a concern. Population growth creates increased people-problems including crime;
- Regarding commodity issues, he is hearing about plants (processors of fresh fruit) receiving certification from the American Institute of Baking [Manhattan, Kansas]. Certification involves demonstration of HACCP procedures and is difficult to receive. With industry standards more critical than MDA inspections, he suggested this could be a way to streamline government (recognize industry standards); and
- Area reports about deer hunting range from good to poor.

Commissioner Tatter reported the American Sanitation Institute (St. Louis) also provides inspections and certification. Warehouses subscribe to certification inspection which often is more detailed and stringent than MDA's inspection requirements. He concurred that MDA should consider tying into those inspections.

Director Wyant stated HACCP principles are the cornerstone of the future for food safety. HACCP provides for acceptance of industry standards and plans. Once plans are approved, MDA inspections can decrease.

There is need for agreed-upon standards tailored to each plant. Industry is supportive of concept, but help is needed to develop individualized standards.

**Commissioner Darling** reported:

- Harvest in southeast Michigan is nearly complete. Summer drought did less damage to soybeans than anticipated. Corn yields vary from 80 to 180 bushels per acre;
- He attended the FFA Alumni Board meeting. Discussions centered on Michigan Department of Education's (DOE) reduction of funding for agri-science and efforts to restore funding. The FFA Alumni Board and FFA Foundation sponsor high school superintendents, principals, and counselors to the National FFA Convention so they can see the quality of youth and FFA programs and to show interrelationship of FFA with agri-science programs. Foundation hopes to sponsor a member of the State Board of Education or other DOE leader to the national convention. Michigan FFA youth received honors at the national convention again this year; Chad Bischoff received the Star Agri-Business Award this year.
- Commissioner Darling attended the Washtenaw County public hearing on land preservation. A 28-member committee was established to examine farmland and open space preservation and to develop a county program (to be presented to the county

commissioners). Some soils in Washtenaw County have tremendous production capacities; however, there is much developmental pressure in those areas, also.

**Commissioner Crumbaugh** expressed appreciation to staff for accepting extra responsibilities due to employee illnesses. He reported:

- Beans and corn planted within a three-day window last spring did well and yields were excellent but crops planted later had reduced yields;
- Sugar companies are complaining about beets grown for deer feed. It is probable that discussions will be held during the winter about loss of contracted acres to deer feed and the leafspot problem;
- Newspaper articles about Stoneman's feedlot appear almost daily; barn is under construction. He appreciates the statewide support from agriculture for the facility and believes if construction is stopped, it will foster attacks on all agricultural expansion.

Monitor Sugar estimates up to two tons of sugar beets per acre go for deer feed. This is an urgent issue, particularly this year when crop yields were lower. Monitor contacted MDA regarding the leafspot problem. Some fodder beet varieties are more susceptible to leafspot and there is concern the disease will spread to commercial beets.

**MIFFS:**

**Meg Moynihan, MIFFS**, reported on the Michigan project which began 2.5 years ago and is one of 18 projects throughout the country funded by the Kellogg Foundation. Michigan's grant was for \$1.4 million. She distributed a listing of MIFFS Innovation Projects (Autumn 1996) and a copy of USDA's Memorandum 9500-6 entitled, "Sustainable Development" (Attachment A). Ms. Moynihan reviewed projects regarding education, a growers' cooperative in Detroit, precision farming (Branch and Calhoun counties), leadership role in policy development, regeneration of worn-out farmland, and diversifying and strengthening agriculture to

assure it is part of an area's economic and social plans in addition to preserving the family farm.

MIFFS will continue to partner with MDA to seek ways to sustain MIFFS after Kellogg funding expires in 1998.

A summary of Ms. Moynihan's comments is included in Attachment A.

MIFFS state coordinators meet biannually; next national conference will be in Michigan August 2-5, 1997; the Commissioners are invited to this conference.

Commissioner Tatter requested the locations of MIFFS projects so Commissioners could visit them, and Commissioner Darling asked what demographics were available for community-supported agriculture (CSA) projects. Also, it was asked how many people resubscribe to CSAs, reasons for dropping out, etc.; Ms. Moynihan will provide this information to the Commission.

#### COMMODITY GROUPS:

Vice Chairperson Veliquette asked if there are initiatives encouraging commodity groups to merge offices and share staff to create fiscal efficiencies. Katherine Fedder reported some groups have combined on their own initiative.

Vice Chairperson Veliquette reported the selection process is under way for the federal cherry marketing board; he anticipates members will be announced soon.

There is nothing new regarding Project GREEN. The Governor and MSU President have discussed this project. It is not known if funding will be in the budget. MSU was challenged to make internal reductions to provide some funding. Total project cost is \$6.5 million.

The Governor's proposed retirement program was discussed including the new formula, percent/number of MDA employees eligible, and impact on MDA. MDA anticipates 50 percent or more of those eligible will retire; only one for each four who retire can be replaced.

**ADJOURNMENT AND RECONVENE:**

Vice Chairperson Veliquette adjourned the first session of the MCA at 5:48 p.m. and called the second session to order at 8:35 a.m., December 4, 1996.

**Commissioners**

**Present:**

Norman R. Veliquette,  
Vice Chairperson  
Douglas E. Darling,  
Secretary  
Jordan B. Tatter  
David Crumbaugh

**Commissioners**

**Absent:**

Shirley A. Skogman,  
Chairperson

A quorum was present to do business.

**MDA Staff Present** (during portions of the day):

Daniel J. Wyant, Director  
Keith E. Creagh, Deputy Director  
Ernie Abel, Acting Director, Food Division  
Thomas H. Barnes, Migrant Labor Housing Section,  
Farmland Services Division  
Darryl Busfield, Migrant Labor Housing Section,  
Farmland Services Division  
Carol A. Carlson, Financial Program Regulations  
Manager, Financial Services Division  
Robert G. Craig, Director, Agriculture Policy and  
Special Projects  
Dr. Charles Cabbage, Science Advisor  
Ben Darling, Pesticide and Plant Pest Management  
Division (PPPM)  
Katherine Fedder, Director, Market Development  
Division  
Dr. Larry Granger, Animal Industry Division  
Arthur J. Hulkoff, Migrant Labor Housing Section,  
Farmland Services Division  
Marvin Johansen, Migrant Labor Housing Section,  
Farmland Services Division  
Kenneth Kolanowski, Migrant Labor Housing  
Section, Farmland Services Division  
Jeanne Lipe, Communications and Emergency  
Management Division  
Stephen McGuire, Laboratory Division  
Michael O'Connor, Migrant Labor Housing Section,  
Farmland Services Division  
Jody Pollok, Market Development Division  
Steve Reh, Laboratory Division

Robin Rosenbaum, PPPM  
Mark Stanfield, Migrant Labor Housing Section,  
Farmland Services Division  
Vic Warner, Migrant Labor Housing Section,  
Farmland Services Division  
Wayne Whitman, Right to Farm Program, PPPM  
T. K. Wu, Director, Laboratory Division  
Jean Valley, Executive Secretary to the MCA

**Legal Counsel:**

Jann Ryan Baugh, Assistant Attorney General

**Others Present** (during portions of the day)

Ron Bodtke, Cornerstone Agriculture Industry,  
South Haven  
Brad Deacon, Office of the Governor  
Mike DeGrandchamp, South Haven  
Robert and Laurie Dykhuis  
Dr. Jerome Hull, MSHS and MSU  
Ron Nelson, MFB  
Dr. Larry Olsen, MSU  
Dean Peterson, Farm Progress Companies  
Charles Snyder, MSU-FFA Advisor  
Terry Sommerdyke, Environmental Health Division,  
Kent County Health Department  
Teresa Swamba, Michigan State FFA

**DIRECTOR'S REPORT**

Attachment B is the written Director's Report.

**Legislative Report** (included in Attachment B).

Director Wyant reported the Legislature will be meeting this week and next. Issues MDA is following include:

- Senate Bills 1158 through 1162, Migrant Housing;
- H.B. 5732, Youth Employment;
- H.B. 5926, Pet Sterilization;
- Bills to Amend Subdivision Control Act and Purchase of Development Rights Bills;
- H.B. 6071, Biosolids; and
- Drain Code

**Cranberry Update.** Robert Craig, Dr. Cabbage, Mike DeGrandchamp, and Ron Bodtke provided an update on the cranberry industry in Michigan.



Dr. Cabbage reviewed some of the regulatory issues and Mr. DeGrandchamp reviewed the history of his project which has been frustrating because of the costly and time-consuming permit process and mitigation.

Mr. Bodtke expressed concern that if this process continues, in the future any crop; e.g., blueberries, celery, etc., grown on converted wetland will be in jeopardy to the same permitting and mitigation processes. If the problem is not resolved quickly, it will be too late for Michigan to enter the market because Quebec and Nova Scotia are advertising for people to grow cranberries at this time.

Mr. Craig reported on marketing and agricultural development. Mr. Craig will speak at the January 23, 1997, Great Lakes Vegetable Growers Convention and may visit with Ocean Spray Cooperative leaders in Massachusetts regarding expanding in Michigan.

Commissioner Tatter expressed concern that correspondence and agency enthusiasm do not match reality with which Messrs. DeGrandchamp and Bodtke are dealing. The director suggested MDA staff meet with Messrs. DeGrandchamp and Bodtke to identify challenges and determine what can be done to address them. Dr. Cabbage indicated that is the focus of the next cranberry school.

Attachment C is a summary of the cranberry report.

**Apple Cider Testing Update.** Ernie Abel and Jeanne Lipe reviewed the status of the E. Coli 0157:H7 outbreak which occurred on the West Coast. Attachment D includes a memorandum to the Commission and Director regarding MDA's Response to Outbreaks of E. Coli in Apple Cider, copies of press releases regarding test results on cider samples (there were no positive test results), and the Chronology of Events (Media Relations Update on E-Coli in Apple Cider). An Apple Cider Advisory Committee has been established; a tentative list of members is on file in the MCA office.

Mr. Abel reviewed a report entitled "Public Health

Issues Related to Apple Cider Consumption" and the Cider Mill Survey with graphs based on information received during inspections of cider mills which are on file in the MCA office.

Ms. Lipe reviewed the MDA's press releases. The Director sent a letter to the editor of a Milwaukee, Wisconsin, television station in response to its report (based on an unscientific survey) of a high bacteria count in Michigan-produced and bottled apple cider. Results were actually insignificant. After contact from the MDA Food Division, the television station retracted its statement; however, producer and Michigan Apple Committee continued to receive calls which prompted the letter to the editor.

Attachment D is a summary of Mr. Abel's and Ms. Lipe's comments related to apple cider.

The Director commended MDA staff for its excellent work regarding this matter.

**Food Quality Protection Act (FQPA)**. Robin Rosenbaum reported on the Section 18 Stakeholders Meeting in Washington, D.C., which Dr. David Wade and she attended in late November. Attachment E is a summary of her report on the meeting in Washington, process for obtaining Section 18s, and an explanation of theoretical risk cup (TRC), along with comments about FQPA and Section 18s made by Dr. Larry Olsen, MSU, and Director Wyant.

**RECESS AND RECONVENE:**

Vice Chairperson Veliquette recessed the meeting at 10:00 a.m. and reconvened it at 10:18 a.m.

MSHS:

**Dr. Jerome Hull** welcomed the Commission to the MSHS annual meeting and saluted MDA on its 75th Anniversary. He expressed gratitude for MDA's help regarding the E. Coli situation. The industry communicated to the Center for Disease Control (CDC) that MDA's activities throughout the years assure a safe, reliable product for consumers. Efforts in the next few months will concentrate on assuring consumer regulatory agencies that Michigan apple cider offered through our farm markets is wholesome and safe.

Dr. Hull invited the Commissioners and MDA staff to participate in MSHS's activities during the remainder of the conference and to attend the banquet this evening.

In recognition of his upcoming retirement, the Commission commended Dr. Hull for his many years of outstanding service as a teacher and advisor at MSU and his dedicated leadership and other contributions to MSHS.

DIRECTOR'S REPORT (continued):

**Michigan State Fair.** Director Wyant announced that Palace Sports & Entertainment (owners of the Detroit Pistons and Pine Knob) entered into a letter of intent with the Michigan State Fair Council to build a one-mile oval racetrack/ grandstand/entertainment facility, a \$40-50 million investment of private funds, at the fairgrounds. Palace Sports & Entertainment will lease the facility for 99 years. This is a major capital improvement. The State Fair will have exclusive rights to the facility during the fair, for 27 weekends, and most weekdays.

Mr. Craig said there is no guaranteed minimum revenue for the fair council; however, it is projected the State Fair will receive approximately \$1 to 2 million additional revenue annually. New electronic signs will be constructed on Woodward Avenue and on Eight Mile Road, also. In addition to racing, other entertainment activities are planned including musical concerts, shows, and events. Major source of revenues for the fair will be from parking and a percentage of ticket sales.

Attachment F is a copy of the letter of intent from Palace Sports & Entertainment. As of this date, a contract has not been signed. If Commissioners have comments, questions, or suggestions regarding letter of intent, they should communicate these to Mr. Craig who is a member of the fair council.

**Michigan Gaming Control Board.** Mr. Wyant distributed copies of the Governor's Executive Order 1996-10 naming Racing Commissioner Nelson Westrin Interim Executive Director of Michigan Gaming (Attachment G). In addition to his Racing Commission responsibilities, Mr. Westrin will be responsible for assuring that Detroit casinos are regulated consistent with law. Jim Nicholson has been appointed by Detroit Mayor Archer to promote gaming to the benefit of Detroit.

**December Director's Report** (Attachment B). Referring to the written Director's Report, information was requested and will be provided on the following:

- Page 2--Farmland Services Division: Referring to the MEANDRS project in Berrien, Cass, and Van Buren counties, who receives grant?
- Page 2--Farmland Services Division: Will a report on sites for agri-worker welcome centers be on the January agenda? If not, where are the sites?

**FARMLAND SERVICES DIVISION:**

**Migrant Labor Housing Section.** The Director introduced Marvin Johansen and shared complimentary comments received from the industry about the excellent work being done by Mr. Johansen and his staff. Mr. Johansen explained this program inspects and licenses migrant housing and operates a construction grant program to assist growers build new or improve existing housing. Mr. Johansen introduced the following field staff: D. Busfield (Grand Rapids), A. Hulkoff (Pontiac), K. Kolanowski (Lansing), T. Barnes and V. Warner (southwest Michigan), M. Stanfield (Traverse City), and M. O'Conner (Muskegon). He also invited the Commissioners to visit the section's booth at the horticultural show.

Commissioner Tatter relayed compliments he heard from southwest Michigan growers regarding the firm-but-practical approach this section takes in addressing issues.

PPPM DIVISION:

**Office of Pollution Prevention--Annual Review of Right to Farm Generally Accepted Practices.**

Wayne Whitman referenced the law which requires MCA to annually review practices. A copy of Appendix II regarding the review policy had been distributed and is on file in the Commission office.

Mr. Whitman requested the annual review process be initiated according to policy for:

- "Generally Accepted Agricultural and Management Practices for Pesticide Utilization and Pest Control." No significant changes recommended by MDA.
- "Generally Accepted Agricultural and Management Practices for Nutrient Utilization." No significant changes recommended.
- "Generally Accepted Agricultural and Management Practices for Care of Farm Animals." Changes recommended to incorporate information about ratites (ostriches, emus) and other updates.

Director Wyant supports the requests for annual review as presented.

**MOTION:**

Commissioner Tatter moved that in accordance to Commission of Agriculture policy, the Michigan Department of Agriculture is authorized to initiate an annual review of the following Right to Farm practices:

- Generally Accepted Agricultural and Management Practices for Pesticides and Pest Control;
- Generally Accepted Agricultural and Management Practices for Nutrients Utilization; and
- Generally Accepted Agricultural and Management Practices for Care of Farm Animals.

(Seconded) **Motion carried unanimously.**

Attachment H is a copy of a letter to MSU recommending continuing pesticide and pest control practices unless the University has recommended changes. Attachment I is a copy of the letter to MSU recommending continuation of practices for nutrient utilization unless MSU has recommended changes. Attachment J is a letter requesting the MSU Task Force for Care of Farm Animals be reconvened to draft practices for ratites and make other recommended changes.

Referring to the policy (Appendix II), it was suggested a time limit for public comment be included in the procedure addressing significant changes to a practice. Commission request will be honored.

**Water Quality Meeting Followup.** As requested during the November meeting, information regarding this meeting was submitted to MCA (Attachment K).

**MDA Spill Response Program Report.** Referring to reports received about responses to pesticide spills, Director Wyant commended Ben Darling for his work which reflects so positively on MDA.

Ben Darling distributed and reviewed the report, "Spill Response Program" (Attachment L). The program is a common-sense, firm-yet-practical approach to cleaning up spills. MDA works closely with MSU-Extension, MFB, USDA-Natural Resources Conservation Service, Michigan Agri-Business Association, Michigan Department of Environmental Quality (DEQ), and Michigan State Police Emergency Management Division on the program. Program is helpful to DEQ and communications between DEQ and MDA have improved with the incorporation of this program.

Mr. Wyant said this is an excellent example of innovative, effective, and timely problem resolution.

LABORATORY DIVISION:

**Testing for Seed Exports to Canada.** T. K. Wu and Steve McGuire reported on assistance provided Michigan seed companies who wished to export seed. Attachment M is Mr. McGuire's report to the Commission.

Director Wyant asked about the process for laboratory accreditation in the U.S. and how we recognize Canadian laboratories. Mr. McGuire explained that a number of years ago Canada wanted to recognize Canadian and foreign laboratories so it grandfathered in most laboratories and placed them on probation. As long as a laboratory was not caught making a mistake (Canada monitored shipments), laboratory was certified. In the future, it is anticipated Canada will have a more stringent form of accreditation.

The MDA Laboratory is associated with the Association of Official Seed Analysts which certifies analysts through a proficiency examination. All but one of MDA Laboratory analysts have achieved accreditation. The International Seed Testing Association also is working toward accreditation of laboratories. As yet no decision has been made on how accreditation will be handled at the national or international levels, but this is being worked on. There is an international standard on laboratory accreditation (ISO Guide 25); MDA's equine lab is accredited under this.

**1997 Analytical Service Sample Fee Schedule.**

Mr. Wu and Steve Reh, Supervisor, Animal Disease Surveillance Section and Equine Drug Testing Section, presented the proposed 1997 analytical service testing fee schedule (Attachment N) for Commission approval. Fee increases to cover costs are requested for anaplasmosis and bluetongue tests. Fees also are being established for Johne's disease tests and livestock show animal drug testing. Director Wyant supports the proposed fee schedule.

MOTION:

Commissioner Darling moved that the proposed 1997 Analytical Service Sample Fee Schedule (Attachment N) be approved. (Seconded) **Motion carried unanimously.**

FINANCIAL SERVICES DIVISION:

**Regulation 812, State Aid for Harness**

**Horseracing at Fairs.** Carol Carlson referred to action taken by the Commission in October which authorized promulgation of a new Regulation 823. After consultation with the industry, it was determined a more appropriate approach is to revise Regulation 812, State Aid for Harness Racing at Fairs, and to rename the regulation: "State Purse Supplements for Harness Horseracing at Fairs and Licensed Parimutuel Tracks." This will allow incorporation of provisions of the new racing law.

Mrs. Carlson requested the Commission rescind the promulgation process for a new Regulation 823 and approve the revision and renaming of Regulation 812. Director Wyant supports the request.

**MOTION:**

Commissioner Darling moved that Commission of Agriculture rescind authorization to promulgate a new Rule 823 to govern the Director's allocation of state purse supplements for races at harness parimutuel tracks and fairs and authorize the Michigan Department of Agriculture to revise Regulation 812, State Aid for Harness Horseracing at Fairs, to incorporate provisions provided in the Horse Racing Law, P.A. 279 of 1995, and rename the revised regulation: "State Purse Supplements for Harness Horseracing at Fairs and Licensed Parimutuel Tracks." (Seconded) Motion carried unanimously.

**AMENDMENT OF AGENDA:**

There was consensus to amend the agenda and hear a report from Terry Sommerdyke (Kent County Health Department) at this time.

Mr. Sommerdyke reported the transition of the state food service sanitation program to MDA was smooth in that area and there has always been a close relationship among the partners in the food service program and MDA.

Kent County has approximately 1,580 food service establishments which include 53 mobile food service establishments, 15 transitory food dealers, and about 382 vending machine locations. In addition approximately 400-450 temporary food service activities are licensed annually. Staff



consists of seven sanitarians and a health educator. A computerized reporting system will soon be in operation. The Kent County Environmental Health Division will participate in MDA's effort to develop and implement a voluntary HACCP-based food safety program in the state.

PRESENTATION:

Dr. Larry Granger introduced Robert Dykhuis, a leader in Michigan's pseudorabies eradication program. Mr. Dykhuis has been a participant and chairperson of the pseudorabies subcommittee for the Swine Health Committee of the Livestock Conservation Institute and the U.S. Animal Health Association. In addition, he contributes to many livestock groups/organizations.

The Director reported the eradication program is on track; there are less than 80 herds in three counties under quarantine at this time and 30 of these will come off quarantine soon. If progress continues, Michigan will move into stage II of the program in a short time.

Chairperson Veliquette presented the Commission's resolution to Mr. Dykhuis and commended him for the dedicated service, leadership, and vision he provides the pork industry and agricultural community. Commission resolution adopted November 7, 1996; see November 1996 Commission Meeting Minutes.

Mr. Dykhuis expressed appreciation for the opportunity to be part of the program to eradicate pseudorabies in Michigan.

FFA:

**Teresa Swamba, 1996-97 State FFA President.**

Director Wyant and the Commission welcomed Ms. Swamba and Charles Snyder (MSU FFA Advisor).

Ms. Swamba reviewed her career in FFA which has provided opportunities to learn team work, gain leadership and public speaking skills, and to travel throughout the country. In January she will participate in the Greenleaf Seminar in Germany.

Ms. Swamba thanked the Commission and MDA for their support of the FFA program. She distributed information about the program, goals, and team and

invited the Commissioners to the 1997 FFA State Convention and Banquet on March 4, 1997. Dr. Gordon Guyer will be honored at the 1997 banquet.

Michigan FFA representatives recently participated in the National FFA Convention in Kansas City, Missouri. Highest awards at the national convention are for the National Star Farmer and the National Agri-Business Winner. Last year Michigan's Randy Petroshus was named National Star Farmer. This year Michigan had a national proficiency winner, Brian Winstrum, and Chad Bischoff of Marshall, Michigan, received the Star Agri-Business Award.

Michigan has 5,440 members and 120 chapters, an increase over last year. The FFA Foundation's Vision 2000 Program provides agriculture education in the classroom in addition to support for the FFA program. Michigan is fortunate to have Mr. Snyder who is one of the best consultants in the nation. The foundation is developing a teachers' training program to increase awareness of the many and varied job opportunities in agriculture in addition to farming.

It was asked if there are sufficient teachers in the program. Mr. Snyder said need is greater than teachers available and programs cannot grow without more teachers. He expressed appreciation for Director Wyant's awareness of FFA needs and his support for future funding and programs.

#### RECESS AND RECONVENE:

Vice Chairperson Veliquette recessed the meeting at 12:03 p.m. and reconvened it at 1:30 p.m.

#### MARKET DEVELOPMENT DIVISION:

Katherine Fedder and Jody Pollok reported on MDA's association with the commodity groups, groups merging administrative processes, and amendment of P.A. 232.

Jann Ryan Baugh reviewed the generic advertising case being considered by the U. S. Supreme Court.

Commissioners requested commodity group executives be invited to MCA meetings to provide updates on their programs; it was suggested Nick Bellows (dairy program) be one of the first invited.

Attachment O is a summary of comments on this

issue.

## PUBLIC COMMENTS:

**Brad Deacon** reported that in addition to his role as agriculture policy coordinator for the Governor, he has assignments for constituent services. The constituent service office receives many calls and letters daily regarding various issues. To date there have been no communications received regarding the apple juice/cider or the school cafeteria sanitation issues. He attributes this to proactive efforts by Director Wyant, MDA and the Commission.

About a month ago a call was received from the Hunger Action Council of Detroit which distributes food to various Wayne County facilities for distribution to those in need (230 tons of food received and distributed last year). Council had been informed by health inspectors its warehouse was being closed. Council had no place to store food scheduled to arrive in two days. Mr. Deacon worked with Mr. Wyant and an agreeable solution was reached within a day so food could be received. The council is looking for a new location that will meet specifications.

Issues during the past year that generated significant numbers of calls and mail were the Pinconning cheese plant closing, racing bill (urging Governor's support), and the pet sterilization bill which the Governor vetoed.

## TB IN DEER:

Commissioner Tatter asked if there is an update regarding tuberculosis (TB) in deer. Director Wyant reported Dr. H. Michael Chaddock informed him that to date there were 24 suspect TB deer killed during the 1996 hunting season (one deer was found just outside the Deer Management Unit 452 area). Dr. Chaddock will be asked to report on this during the January Commission meeting.

## MIGRANT HOUSING:

Commissioner Crumbaugh commented that while the migrant housing staff is dedicated and does its work well, he believes many people are denied housing by rules that are not placed on other segments of society. He has a concern about legislating housing regulations.

ADJOURNMENT:

Vice Chairperson Veliquette adjourned the meeting at 2:18 p.m. Commissioners participated in the MSHS conference activities for the remainder of the afternoon and were guests at the annual banquet during the evening.

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Attachment B

**SUMMARY OF DIRECTOR DAN WYANT'S COMMENTS TO MCA, December 4, 1996, Grand Rapids, Michigan.**

**Legislative Report** (written report included in this attachment). Director Wyant reported the Legislature will be meeting this week and next. Issues MDA is following include:

Senate Bills 1158 through 1162, Migrant Housing, are moving through the Senate; MDA supports these bills.

H.B. 5732, Youth Employment, was reported out of Senate Agriculture Committee and is being considered by the Senate. Bill will be returned to the House for concurrence. Bill expands hours youth labor may work detasseling corn.

Mr. Nelson confirmed the bill was reported out of committee. Bill clarifies and expands the act. Proposed amendment mirrors processing amendment of a year ago.

H.B. 5926, Pet Sterilization, mandates sterilization of dogs coming out of shelters/pounds. Bill passed the House and Senate. The Governor vetoed an earlier version of pet sterilization legislation due to Headley implications. Those issues have been addressed in the present bill; it is assumed the Governor will sign H.B. 5926.

Bills to Amend Subdivision Control Act and Purchase of Development Rights Bills are before the House today.

H.B. 6071, Biosolids. Legislation allows agricultural land application of sewage sludge. Bill does not address septate. DNR has a fee structure program and anticipates \$650,000 to be generated. Liability for problems associated with land application of sludge will be with the generator (waste water treatment facility) not landowners. Michigan Township Association objected to the bill because it was concerned about preemption (similar to pesticide program) which prohibits local government from passing ordinances preventing land application of sewage sludge. MDA will receive 10 percent of the \$650,000 for outreach, education, and assisting agricultural community assure that plans for land application are appropriate.

Drain Code. Mr. Wyant expressed appreciation to Drs. Charles Cabbage and David Skjaerlund and Michael Gregg for their work on the Drain Code during Vicki Pontz-Teachout's absence.

**SUMMARY OF COMMENTS BY ROBERT CRAIG, DR. CHARLES CUBBAGE, MIKE DeGRANDCHAMP, AND RON BODTKE REGARDING CRANBERRY INDUSTRY TO MCA, December 4, 1996, Grand Rapids, Michigan.**

Mr. Craig distributed copies of a memorandum from Dr. Ron Goldy, Executive Director of Michigan Cranberry Council, regarding regulatory and agricultural development issues and Director Wyant's letter to Jack Crooks, Ocean Spray Cranberries, Inc. (copies on file in the Commission office).

Dr. Cabbage reviewed various regulatory issues and reported on the technical advisory team created to assist growers identify production sites. Team has representatives from USDA/Natural Resources Conservation Service, DEQ, MDA, and Mike DeGrandchamp (represents growers and Cranberry Council).

The technical team visited various sites; Mr. DeGrandchamp's site is developable. The DeGrandchamp site was classified as a wetland but not a high-value wetland and site was not being farmed in recent years. Removal of wetlands from "their normal function," or changes to land within 500 feet of inland waters or streams require EPA and Corps of Engineers involvement and mitigation. In the DeGrandchamp situation costly delays have resulted; however, a permit will be delivered to Mr. DeGrandchamp for signature on December 5.

Mr. DeGrandchamp reviewed the history of his project which has been frustrating because of the time-consuming, costly, permit process and mitigation. He will have one-to-one (acre) mitigation even though site is considered marginal wetlands. He reported there is a new program, wetland banking, which MDA may wish to investigate, that provides opportunity for cranberry growers to buy wetland credit. It can be difficult and time-consuming for growers to search and purchase land for conversion to wetlands (mitigation process).

Problems and costs (\$15,000 for required paperwork) which Mr. DeGrandchamp experienced and lack of process practicality were discussed. In its present form, the process will discourage and limit development of the industry in Michigan. Mr. Bodtke expressed concern that if this process continues, in the future any crop; e.g., blueberries, celery, etc., grown on converted wetland will be in jeopardy to the same permitting and mitigation processes. Also, if problem is not resolved quickly, it will be too late for Michigan to enter the market because Quebec and Nova Scotia are advertising for people to grow cranberries at this time.

Mr. Craig reported on interest by companies in Wisconsin and Massachusetts to develop cranberry farms in Michigan. A mapping proposal identifying potential sites was developed for Ocean Spray. Ocean Spray is impressed with Michigan's potential; it will consider the mapping proposal during its February board meeting. No other state has a technical team; this along with a good business climate, fruit industry, etc., make us hopeful Ocean Spray will respond positively to Director Wyant's letter.

Mr. Craig will attend the January 23, 1997, Great Lakes Vegetable Growers Convention and may visit Ocean Spray Cooperative leaders in Massachusetts regarding expansion in

Michigan.

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Attachment D

**SUMMARY OF COMMENTS BY ERNIE ABEL AND JEANNE LIPE REGARDING APPLE CIDER TO MCA, December 4, 1996, Grand Rapids, Michigan.**

Ernie Abel and Jeanne Lipe reviewed the status of the E. Coli 0157:H7 outbreak which occurred on the West Coast (66 people were affected--14 sustained renal failure and one died). A copy of this report is on file in the MCA office. Included in this attachment is a memorandum to the Commission and Director regarding MDA's Response to the Apple Cider Outbreaks of E. Coli, two press releases regarding test results on cider samples (there were no positive test results), and Michigan cider standards.

An Apple Cider Advisory Committee (membership list on file in Commission office) was created to review Michigan standards for producing apple cider and to determine if cider must be pasteurized or if there are acceptable alternatives that will assure a safe cider supply. MDA is working with the industry to develop a new standard establishing a bacterial-kill step in the process prior to pressing apples into cider. MDA will work with MSU to test standards as they are developed.

Mr. Abel reviewed a report entitled "Public Health Issues Related to Apple Cider Consumption" including graphs developed from information received during cider mill inspections. Copy of report on file in MCA office). There is need for training in this area.

Mr. Wyant reported the apple industry is aware and sensitive to the need for standards. FDA is looking at standards. The CDC is promoting pasteurization; however, pasteurization changes the product.

Ms. Lipe reviewed MDA's press releases (included in this attachment). Director Wyant sent a letter to the editor of a Milwaukee, Wisconsin, television station in response to its report (based on an unscientific survey) of a high bacteria count in Michigan-produced and bottled apple cider. Results were actually insignificant. After contact from the MDA Food Division, the television station retracted its statement; however, producer and Michigan Apple Committee continued to receive calls which prompted the letter to the editor.

The Communication and Emergency Management Division has representation on the advisory committee. The Commission is invited to the advisory committee meeting December 5. MDA will continue to monitor media coverage of the incident.

**SUMMARY OF COMMENTS BY ROBIN ROSENBAUM ABOUT FQPA TO MCA, December 4, 1996, Grand Rapids, Michigan.**

Robin Rosenbaum reported on the Section 18 Stakeholders Meeting in Washington, D.C., which Dr. David Wade and she attended in late November. FQPA was discussed by EPA staff and comments solicited. Main purpose of meeting was to discuss potential restructuring of Section 18 pesticide registration process. Section 18 registrations, referred to as specific or emergency exemptions, will be the first test of how EPA will carry out the new FQPA provisions related to food tolerances. Several issues were discussed including criteria for Section 18 emergency exemptions and streamlining EPA's review process. Following the meeting, a Section 18 task force, of which Ms. Rosenbaum is a member, met with NASDA to discuss these issues.

FQPA requires all Section 18 exemptions to have a time-limited tolerance. This raises questions related to imports as certain commodities will be allowed to come into the country that were restricted prior to having tolerances. Typically, Section 18s are good for one season, but tolerances will have to be established for one to four years to cover the product while it is in trade channels. Crops treated with a Section 18-exempted chemical can no longer be marketed after the Section 18 tolerance expires. If tolerance is revoked, however, commodity can be sold for as long as it exists in trade channels. It was beneficial for EPA to be informed about problems that will be experienced at the state level.

Additional science findings (aggregate risks by all routes of exposure including dietary, residential indoor and outdoor, and drinking water) as well as information on common mode of toxicity will be required for Section 18s. Some information required is not available even to the registrants; FQPA requires EPA to review available data only.

Ms. Rosenbaum explained the TRC, an important component of FQPA and the least understood, which is used in establishing tolerances. Each chemical will have a TRC in which all uses that result in possible exposures to a chemical are included. When the TRC is full, no additional uses for the chemical will be allowed.

MDA, in cooperation with the MSU Pesticide Education Program, sponsored a workshop for MSU-Extension specialists, commodity group representatives, and other interested parties to provide an update on FQPA and changes to the Section 18 process.

Mr. Wyant said Section 18 requests are an MDA priority. MDA and MSU must be prepared (have resources) to apply for Section 18s. If requests are not approved, MDA, MSU, and MFB will communicate Michigan's needs to Washington. A long-term strategy (what are alternatives and what must be done to prepare for the future) is being developed. Some registrations may be lost so there must be a plan of action for those cases.

Dr. Larry Olsen, IPM Coordinator, MSU, commended Ms. Rosenbaum for initiating the discussion on the Section 18 application process. MSU's Experiment Station and Extension Service committed partial funding for Project GREEN (\$500,000 for a Pesticide at Risk

Request for Proposal). This is an effort to have funds available for alternatives for high-priority pesticide/crop combinations for which there is potential to lose chemical registrations.

Following the meeting in Washington, MDA and MSU staff also discussed FQPA's impact on Section 18s. Information was presented on what commodity groups could do in response to FQPA. They are advised to join EPA stewardship programs and work through these on specific projects to provide information to EPA. Eighty percent of the chemicals are at the top of their TRCs. In the absence of real use/residue data, much of the information in the TRC is based on uncertainty factors (safety factors) and the challenge is to determine chemicals at risk and collect information to help EPA keep these available.

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Attachment O

**SUMMARY OF COMMENTS BY KATHERINE FEDDER, DIRECTOR, AND JODY POLLOK, GOVERNOR'S INTERN, MARKET DEVELOPMENT DIVISION, TO MCA, December 4, 1996, Grand Rapids, Michigan.**

Katherine Fedder introduced Jody Pollok who works closely with commodity groups. Ms. Pollok reported MDA works with approximately 50 organizations; 16 are legislatively established (12 are established under P.A. 232; Potato Commission is under P.A. 29; Bean Commission, P.A. 114; Grape and Wine Industry Council, P.A. 123; and Beef Commission, P.A. 291). There are 137 board members appointed by the Governor. Annually, the 16 groups spend about \$13.5 million on education, promotion, and research programs as allowed by legislation (listing of expenditures per group during fiscal year 1995-96 is on file in the MCA office).

Commissioner Tatter and Director Wyant requested copies of fiscal year (FY) 1995-96 budgets, actual income, and expenses and FY 1996-97 budgets for the commodity groups be provided the Commissioners.

It was asked which groups have merged into a single administrative office or are planning to merge. Ms. Pollok reported asparagus and plum groups share an executive director and are housed with Michigan Cherry Committee and Cherry Marketing Institute. They will move into a new facility in mid-March along with the Apple Committee. The carrot program is housed with the Potato Industry Commission and the potato commission's marketing specialist is executive director of the carrot program. Beef and veal committees work from the same office and share an executive director.

There have been discussions to request MDA look at amending P.A. 232 to allow commodity board members to serve more than two consecutive terms.

Ms. Fedder explained the referendum and checkoff programs for various groups. Commodity groups submit annual audit reports to MDA. Meeting minutes are received from all groups and performance audits have been initiated (two or three are done annually). A financial audit may be requested when a program changes e.g., plum program's move to the cherry program.

A question was asked about the future of the checkoff program if the Supreme Court rules generic advertising unconstitutional. If these programs are not allowed at the federal level, it



will have an impact on state marketing programs. Mrs. Baugh reviewed the history of the case which began in California (generic advertising for almonds under a federal marketing order and the tree-fruit case). The question before the U.S. Supreme Court addresses expenditures for generic advertising not research or dissemination of information to growers. After the U.S. Supreme Court rules, Michigan statutes will be reviewed to determine how they are impacted. An adverse ruling will not wipe out all programs and impacts will vary among the groups.

A list of referenda to be held was distributed (included in Attachment O) and reviewed; there will be referenda for three new programs, continuation of two programs, and amendment of two programs.

I, Douglas E. Darling, Secretary of the Michigan Commission of Agriculture, do hereby certify that I have read the minutes of the December 3-4, 1996, session of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

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Douglas E. Darling,  
Secretary

I, Daniel J. Wyant, Director of the Michigan Department of Agriculture, do hereby certify that I have read the minutes of the December 3-4, 1996, session of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

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Daniel J. Wyant, Director

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