

**Michigan Commission of Agriculture Meeting  
Michigan Department of Agriculture  
Amway Grand Plaza, Ottawa Room  
187 Monroe NW, Grand Rapids, Michigan**

*(Held in conjunction with the Michigan Association of Fairs and Exhibitions Convention)*

**MEETING MINUTES**

January 10-11, 2002

**PRESENT:**

Jordan Tatter, Chair, Commission of Agriculture  
Douglas Darling, Vice-Chair, Commission of Agriculture  
James Maitland, Secretary, Commission of Agriculture  
Nora Viau, Commission of Agriculture  
Bill Pridgeon, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture

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

Michigan Department of Agriculture Staff  
Ron Zellar, Assistant Attorney General  
Brian Bellville, Prescott, Michigan  
Robert Bender, Department of Community Health  
Bob Bennett, Prescott, Michigan  
Ernie Birchmeier, Michigan Farm Bureau  
Mike Boensch, Whittemore, Michigan  
Dr. Gordon Guyer, Michigan State University  
Fred Hinkley, West Branch, Michigan  
Robert Kartes, West Branch, Michigan  
Tonia Koppenaar, Michigan Farm Bureau  
Richard Lamb, Presque Isle Newspapers  
Gerald Lehman, West Branch, Michigan  
Dick Lehnert, The Farmers' Exchange  
Holly Madill, Public Sector Consultants  
Richard Nelson, West Branch, Michigan  
Ron Nelson, Michigan Farm Bureau  
Janet Perry, Michigan Association of Fairs and Exhibitions  
Chuck Preston, Prescott, Michigan  
Tim Rogers, Michigan Farm Bureau  
Tony Rosebrugh, West Branch, Michigan  
Kelby Ruckle, Whittemore, Michigan  
Dr. Steve Schmitt, Department of Natural Resources  
Clyde Sheltroun, West Branch, Michigan  
State Representative Dale Sheltroun  
Pete Squibb, Department of Natural Resources  
Ron Wenger, President, Michigan Association of Fairs and Exhibitions

### CALL TO ORDER AND ROLL CALL

Chair Tatter called the meeting of the Commission of Agriculture to order at 3:00 p.m. on Thursday, January 11, 2001. Secretary Maitland called the roll with Director Wyant and all Commissioners present.

### APPROVAL OF AGENDA

**MOTION: COMMISSIONER VIAU MOVED TO APPROVE THE JANUARY 10-11, 2001 AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### APPROVAL OF DECEMBER 7, 2001 MEETING MINUTES

**MOTION: COMMISSIONER VIAU MOVED TO APPROVE THE DECEMBER 7, 2001 MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### NEXT MEETING

The next regular meeting of the Commission of Agriculture is scheduled for Tuesday, February 12, 2002, in the Michigan Department of Agriculture, Constitution Hall, 525 West Allegan Street, Lansing, Michigan.

### APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL

**MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE COMMISSIONER DARLING'S TRAVEL ON JANUARY 28-30, 2002 TO PARTICIPATE IN THE VALUE-ADDED TOUR IN KANSAS CITY, MISSOURI. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### APPROVAL OF DIRECTOR'S OUT-OF-STATE TRAVEL

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE DIRECTOR WYANT'S TRAVEL ON JANUARY 22, 2002 TO ATTEND A MIATCO MEETING IN CHICAGO, ILLINOIS, AND ON JANUARY 28-30, 2002 TO PARTICIPATE IN THE VALUE-ADDED TOUR IN KANSAS CITY, MISSOURI. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### COMMISSIONERS' COMMENTS

**Commissioner James Maitland** reported that the snow has melted in the Traverse City area. The Grand Traverse Fruit Council of which Commissioner Maitland is a member will be holding its annual orchard and vineyard show on January 21-22, 2002. The fruit industry market is slow, and there is continued concern in the apple, tart cherry

and sweet cherry industries about the movement of products. Commissioner Maitland expressed his appreciation for being reappointed to the Commission by Governor Engler.

**Commissioner Nora Viau** reported that temperatures are warm in the Upper Peninsula, and there is no snow in Delta County. Area beef producers will hold their annual meeting on January 23, and the potato growers annual meeting will be held in February.

**Commissioner Douglas Darling** reported on a Right-To-Farm issue concerning the Sexy Pheasant Farm in Monroe County. He added that discussions continue about the Farm Bill.

**Commissioner Bill Pridgeon** attended an Animal Initiative Task Force meeting held recently to discuss Confined Animal Feeding Operations (CAFOs) and EPA's proposed permitting process. The task force is comprised of farmers and representatives from various animal agriculture organizations. The Michigan Farm Bureau, MDA and the Michigan Department of Environmental Quality reconvened the task force to discuss EPA's permitting process of Confined Animal Feeding Operations. Commissioner Pridgeon said he is concerned a CAFO is defined as an operation of 1,000 animal units and above. This causes dissention between large and small operations.

**Chair Jordan Tatter** reported that another tough year has been put to bed in the Michigan fruit and vegetable business. At the grower level it was rough going from asparagus to apples. Asparagus farm gate prices dropped by one-third. Grape production was only 30 percent of normal. Vegetable crops ran into weather problems from spring to fall.

However, other production areas of the U.S., Mexico and Canada had good crops so Michigan prices did not benefit from local short crops. While apple prices were seemingly better than a year ago, juice apples were almost not saleable at harvest time and, due to the 2000 fireblight tree loss, Southwest Michigan did not have that many high quality bushels to sell. Processing blueberry prices were off more than 20 percent from a year ago. Our Michigan fruit and vegetable processors, also from asparagus to apples, operated under intense competitive pressure from large and fewer in number buyers, driving prices down and lowering the finished product and crop values to the extent it impacts farmland values in the southwest corner of the state.

Since the last meeting Chair Tatter took part in the following activities:

- The Cherry Marketing Institute's southwest Michigan cherry industry informational meeting.
- The Michigan Frozen Food Packers Association holiday season dinner.
- A livestock operation visit with Dr. Mike VanderKlok.
- The initial meeting of the Board of Directors of the Dr. Gordon and Norma Guyer Endowed Professorship in Natural Resources Conservation and Preservation. Director Wyant has also agreed to serve on this board.
- The Governor's holiday reception for appointees to state agencies.
- A daylong Value-Added Agriculture Workshop, targeted at St. Joseph County, at which Chair Tatter was a panelist.

Chair Tatter noted that MDA, Director Wyant and his staff will be asked to do more to help the industry in the coming year than ever before, and they are going to have less financial resources with which to work. The new year will be a challenge.

**DIRECTOR'S REPORT: Dan Wyant**

Director Wyant discussed the following issues:

**Confined Animal Feeding Operations (CAFOs)**: Michigan has been involved and has been a leader in the CAFO discussion over the last three to four years. The goal has been to help small to medium-size family farms continue to be good environmental stewards. Michigan producers should be given the option of obtaining a general permit or utilizing the Michigan Agriculture Environmental Assurance Program (MAEAP). Michigan would like the opportunity to show that MAEAP can be successful. A letter will be sent to EPA by January 15, 2002, and the Michigan Farm Bureau will be meeting with EPA representatives to emphasize that Michigan producers are willing to take additional steps to ensure that they are good environmental stewards.

Director Wyant suggested that he continue his Director's Report later in the meeting to accommodate the next speaker's schedule.

**WELCOME: Ron Wenger, President of the Michigan Association of Fairs and Exhibitions, and Barbara Hensinger, Director of the Fairs, Exhibitions and Racing Division**

**Barbara Hensinger, Director of the Fairs, Exhibitions and Racing Division**, introduced Ron Wenger, fair manager of the Kent County Fair, and president of the Michigan Association of Fairs and Exhibitions.

**Ron Wenger, President of the Michigan Association of Fairs and Exhibitions** welcomed the Commission to its annual meeting. Fairs are an important part of agriculture and offer the opportunity to showcase agriculture. They also offer education about agriculture and the food chain.

**APPROVAL OF THE RATE SCHEDULE FOR UPPER PENINSULA STATE FAIR RENTAL OF BUILDINGS AND GROUNDS: Barbara Hensinger, Director of the Fairs, Exhibitions and Racing Division, and Grant Larsen, Manager of the Upper Peninsula State Fair**

**Grant Larsen, Manager of the Upper Peninsula State Fair**, presented and reviewed the *"Rate Schedule for Rental of Buildings and Grounds at the Upper Peninsula State Fair."* The Upper Peninsula State Fair Board has reviewed and approved the recommended rates.

Chair Tatter asked if the U.P. State Fair storage rental rates compare with the local community storage rentals.

Ms. Hensinger replied that other vendors in the community do not offer the same type of storage. The storage rental rates at the fair are less, but the stored items must remain in the facilities until April.

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE RATE SCHEDULE FOR THE RENTAL OF BUILDINGS AND GROUNDS AT THE UPPER PENINSULA STATE FAIR AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**DIRECTOR'S REPORT (continued):**

Director Wyant continued his Director's Report:

**Millenium Egg:** Millenium Egg is proposing to locate in Michigan. The proposed 2.4 million chicken operation is linked to the SunnyFresh Foods egg processing plant. There is a public meeting scheduled for this evening to address some environmental concerns within the community. Robert Craig, director of the Agriculture Development Division, will be providing more information later in today's meeting.

**Sexy Pheasant Farm:** A court hearing was held to discuss the Sexy Pheasant Farm operation located in Dundee, Michigan. The issue is whether or not the operation is protected under the Right-To-Farm Act.

**Apple Exports:** The Michigan Apple Committee and MDA are working with USDA-APHIS on a proposal to bring an inspector from Mexico to Michigan. The inspector would live and work in Michigan, and assist in apple inspections that would allow for apple exports to Mexico.

**Life Savers Company:** The Life Savers Company, owned by Kraft and whose parent is Philip Morris, will be closing its plant in Holland and relocating to Canada. This is significant to Michigan because the company buys sugar from Minnesota and North Dakota. With Life Savers move to Canada that sugar will increase market supply and competition in the United States. Director Wyant said MDA continues to be involved in discussions and its impact on Michigan.

**Farm Bill:** U.S. Senator Debbie Stabenow, a member of the Senate Agriculture Committee, will be holding an open public forum on January 21, 2002 at MSU to discuss the federal Farm Bill.

**State of the State:** The Governor's State of the State message will be held on January 23, 2002.

**Budget:** The state budget continues to be an issue. Revenue will be down dramatically for 2003 and state departments will most likely incur additional reductions.

**Bioterrorism and Food Security:** MDA was invited to participate in a national dialogue on bioterrorism and food security sponsored by the Midwest Association of State Departments of Agriculture (MASDA). Dave Charney has been appointed the lead person for Michigan. MDA has offered to hold a national conference on agro-terrorism and food security in Michigan. The focus is on education, surveillance, scientific capabilities, and emergency response.

Chair Tatter noted that the Michigan Transportation Funding Study Committee report revealed that 60 percent of the U.S. trade with Canada passes through Michigan, either

by truck or rail. Transportation issues are potential problems not only from Canada, but also from other countries.

Commissioner Darling noted that it is important to have security systems in place, but still allow for free movement of products.

**REVIEW OF AGRICULTURE PROCESSING RENAISSANCE ZONES REQUEST (MILLENIUM EGG): Robert Craig, Director of the Agriculture Development Division**

**Robert Craig, Director of the Agriculture Development Division**, discussed the proposed Millenium Egg proposal by Midwest Poultry Services, Inc., in Orleans Township of Ionia County. Millenium Egg is linked to the SunnyFresh Foods egg processing plant which supplies its product to McDonalds, Burger King, and a number of other companies. The company's application for an Agriculture Processing Renaissance Zone, a \$9 million expansion, has been approved by the Michigan Strategic Fund and has been forwarded to the State Administrative Board for approval. The application does not include the farm production portion, but does abate taxes on the processing portion being a feed mill and first stage egg processing plant. It would be a \$47 million investment for Millenium Egg, providing 55 jobs.

There is community concern about the large size of this operation and the potential for problems with odor, water quality, noise and potential traffic. MDA will attend a public meeting tonight in Ionia County to discuss these issues.

**DISCUSSION OF THE MICHIGAN LAND RESOURCE PROJECT FINAL REPORT: Dr. Gordon Guyer, Member of the Michigan Economic and Environmental Roundtable Advisory Council**

**Dr. Gordon Guyer, member of the Michigan Economic and Environmental Roundtable Advisory Council**, presented and discussed the "*Michigan Land Resource Project Final Report—November 2001.*" Holly Madill of Public Sector Consultants assisted Dr. Guyer with a PowerPoint presentation.

The study projects the future of agriculture, forestry, tourism, and mining if present land use trends continue. Using a land transformation model developed by researchers at MSU, the study projects the future of Michigan in a mapping format for the years 2020 and 2040. It features detailed economic forecasts for the land-based industries of agriculture, forestry, tourism, and mining in the state. MSU, University of Michigan, and Michigan Technological University prepared the economic forecasts. The Michigan Land Resource Project was funded by grants from the W.K. Kellogg Foundation of Battle Creek and the Frey Foundation of Grand Rapids.

Major findings of the report are as follows:

- Michigan will lose 25 percent of its orchard land in the next 40 years.
- The state's destination resorts, particularly those in the northern lower peninsula, are threatened by encroaching development along the travel corridors that lead to them.
- In order to keep forestry harvesting costs down, access to large parcels is necessary. As the land becomes more fragmented, the price for harvesting Michigan's timber will increase.

- Michigan will lose 1.9 million acres of farmland in the next 40 years.
- Land available for hunting will dramatically decrease, while “edge” species such as white-tailed deer will continue to increase in numbers.
- “Built” land will increase by 4.1 million acres across the state, more than tripling the existing amount of “built” land.
- Transportation costs associated with moving construction materials farther distances will dip into the profit of mining operations.
- Michigan is experiencing a phenomenon where mining, agriculture, and forestry are unable to compete with the value of the land for other uses and large contiguous parcels are being fragmented into smaller, less-economically viable blocks.

The entire report can be viewed at <http://www.publicsectorconsultants.com>.

**REVIEW OF RIGHT-TO FARM FILES: Wayne Whitman of the Environmental Stewardship Division**

**Wayne Whitman of the Environmental Stewardship Division** reviewed a Right-To-Farm complaint concerning a beef cattle facility owned and operated by William Clous of Kingsley, Michigan. To date, MDA has not been able to verify a significant effort on Mr. Clous’ part to correct the manure mismanagement problems at his beef cattle facility. Mr. Whitman is recommending, per the Memorandum of Understanding between MDA and the Michigan Department of Environmental Quality (MEDQ), that this case be referred to MDEQ.

**MOTION: COMMISSIONER PRIDGEON MOVED TO REFER THE WILLIAM CLOUS RIGHT-TO-FARM FILE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. SECONDED. MOTION CARRIED UNANIMOUSLY.**

Letters dated January 10, 2002 to William Clous and to Director Russell Harding of the Michigan Department of Environmental Quality were signed by Chair Tatter.

Mr. Whitman also reviewed a Right-To-Farm complaint concerning an equine facility owned and operated by Deb Shinkle of Temperance, Michigan. The complaint involves an environmental complaint concerning excessive odor and flies from repeated horse manure applications. MDA has requested that the owner develop and implement a Manure Management System Plan (MMSP). To date, MDA has not received the required MMSP. Mr. Whitman is recommending that a letter be sent to Deb Shinkle, Hunter’s Run, Inc., from the Commission chair encouraging her to address the manure mismanagement problems at the equine facility and to submit an acceptable MMSP to MDA by January 31, 2002.

**MOTION: COMMISSIONER DARLING MOVED TO SEND A LETTER TO MS. SHINKLE ENCOURAGING HER TO SUBMIT A MANURE MANAGEMENT SYSTEM PLAN TO THE MICHIGAN DEPARTMENT OF AGRICULTURE BY JANUARY 31, 2002. SECONDED. MOTION CARRIED. UNANIMOUSLY.**

A letter dated January 10, 2002 to Deb Shinkle was signed by Chair Tatter.

**BRIEF DISCUSSION OF TB-RELATED WILDLIFE ISSUES IN NORTHEAST MICHIGAN**  
**Robert Bender, State Bovine Tuberculosis Eradication Coordinator; Pete Squibb, and**  
**Dr. Steve Schmitt of the Wildlife Division of the Department of Natural Resources**

**Pete Squibb of the Wildlife Division of the Department of Natural Resources (DNR)** discussed the 2001 deer harvest in Michigan. Because it has been only nine days since the close of deer season in Michigan, final harvest figures and projections are not available. Mail surveys will be sent to those who purchased 2001 deer licenses. These surveys will help determine the deer harvest figures. Information from the DNR check stations also will be used in the harvest and quota projections. Preliminary estimates, however, indicate that the deer harvest is 15 to 20 percent below a year ago.

**Dr. Steve Schmitt of the Wildlife Division, Department of Natural Resources,** said that from January 2001 to December 2001, over 24,000 deer have been TB tested. This is not a final figure as more deer are coming in. Dr. Schmitt distributed and reviewed a *"2001 Bovine Tuberculosis Surveillance in Free-Ranging White-Tailed Deer"* map and the *"2001 Bovine Tuberculosis Survey Results Through 01/09/02."* He said that the "hot townships" are where most of the TB positive deer are found in Deer Management Unit 452.

Chair Tatter asked if the Natural Resources Commission and the Department of Natural Resources could initiate a program where more deer could be harvested out of the 452 area now and not wait until next season.

Dr. Schmitt responded that he believed this is a topic of discussion at today's Natural Resources Commission (NRC) monthly meeting. He added that he has not received any indication that the Natural Resources Commission would be supportive of any out of season harvesting for this year. However, he encouraged Chair Tatter to contact NRC Chair Keith Charters to discuss the issue.

Robert Bender, State Bovine Tuberculosis Eradication Coordinator, also encouraged Chair Tatter to contact Chair Charters to discuss this issue. Mr. Bender asked if figures were available from the 452 area where baiting was allowed.

Mr. Squibb responded that 2,400 deer were checked from the core area, which is up from last year. Preliminary estimates would project that approximately 4,000 to 5,000 deer should have been harvested in that area.

**PUBLIC COMMENT**

No public comment received.

**ELECTION OF 2002 OFFICERS**

**MOTION: COMMISSIONER MAITLAND MOVED TO ELECT THE 2002 COMMISSION OF AGRICULTURE OFFICERS AS FOLLOWS:**

- **DOUGLAS DARLING, CHAIR**
- **NORA VIAU, VICE-CHAIR**
- **BILL PRIDGEON, SECRETARY**

**SECONDED. MOTION CARRIED UNANIMOUSLY.**



Chair Darling expressed his appreciation on behalf of the Commission, the Director and departmental staff by presenting Commissioner Tatter an honorary gavel to thank him for his year of service as chair.

### **RECESS**

The meeting recessed at 5:30 p.m. on January 10, 2002.

### **RECONVENE**

The meeting reconvened at 8:00 a.m. on January 11, 2002.

### **LEGISLATIVE REPORT: Brad Deacon**

**Brad Deacon, Legislative Liaison**, distributed and reviewed the January 2002 Legislative Status. Legislative priorities include PA 166 changes, Animal Industry Act, Motor Fuel Quality, Pesticide Act, and Weights and Measures. Other issues are the Grain Dealers Act, Farm Winery License and others.

### **APPROVAL TO BEGIN THE RULE PROMULGATION PROCESS ON AMENDMENTS TO REGULATION 301, GENERAL MARKETING PROGRAM: Brad Deacon, Legislative Liaison**

**Brad Deacon, Legislative Liaison**, presented and recommended approval to begin the rule promulgation process on amendments to Regulation 301, General Marketing Program. Commodity organizations are aware of the rule promulgation process amendments to Regulation 301.

**MOTION: COMMISSIONER TATTER MOVED TO BEGIN THE RULE PROMULGATION PROCESS ON AMENDMENTS TO REGULATION 301, GENERAL MARKETING PROGRAM. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **APPROVAL TO MOVE FORWARD IN THE FORMAL CERTIFICATION PROCESS: Kenneth Rauscher, Director of Pesticide and Plant Pest Management Division**

**Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division**, presented and recommended approval to begin the formal certification process on Regulation 628, Seed Potato Certification. MDA has received support from the Michigan Seed Potato Association and the Michigan Potato Industry Commission. A public hearing was held on August 21, 2001.

**MOTION: COMMISSIONER PRIDGEON MOVED TO MOVE FORWARD IN THE FORMAL CERTIFICATION PROCESS FOR REGULATION 628, SEED POTATO CERTIFICATION. SECONDED. MOTION CARRIED UNANIMOUSLY.**

Mr. Rauscher also presented and recommended approval to begin the formal certification process on Regulation 636, Pesticide Applicators. An advisory committee reviewed the proposed amendments to the regulation and a public hearing was held on December 18, 2001.

**MOTION: COMMISSIONER VIAU MOVED TO MOVE FORWARD IN THE FORMAL CERTIFICATION PROCESS FOR REGULATION 636, PESTICIDE APPLICATORS. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL TO BEGIN RULE PROMULGATION PROCESS ON PROPOSED REGULATION 642, ON-FARM BULK STORAGE: Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division**

**Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division** presented information and recommended approval to begin the rule promulgation process on proposed Regulation 642, On-Farm Bulk Storage. The proposed rule is the result of an advisory committee process and input from the farm community. The proposed rules are similar to those of Regulation 641, which covers commercial fertilizer bulk storage. The rules set minimum standards for siting storage facilities, primary containment vessels, gauges, security, secondary containment, operational containment, site closure, development of discharge response plans, and inspection and maintenance of bulk storage facilities. The major portions of the rule include:

- Requirement for containment on all tanks greater than 2,500 gallons or a combined total greater than 7,500 gallons.
- Requirement for a loading pad.
- Five-year compliance period.
- Containment sized for 110 percent of largest tank plus displacement of other tanks plus 6-inch rainfall.
- Many options for construction materials.
- Tank security.
- Discharge response plan required.
- Visual inspections on regular basis.

Mr. Rauscher explained that public meetings will be held around the state to receive comments on the proposed rule.

**MOTION: COMMISSIONER TATTER MOVED TO BEGIN THE RULE PROMULGATION PROCESS ON PROPOSED REGULATION 642, ON-FARM BULK STORAGE. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**DISCUSSION OF PROPOSED BOVINE TUBERCULOSIS ZONES: Dr. Joan Arnoldi, State Veterinarian, and Dr. Larry Granger of the Animal Industry Division**

**Dr. Joan Arnoldi, State Veterinarian and director of the Animal Industry Division**, discussed the issue of split state status in Michigan.

**Dr. Larry Granger of the Animal Industry Division** discussed the bovine tuberculosis *Infected Zone*, *Surveillance Zone* and *Disease Free Zone* proposal. He explained that a 30-day public comment period was held. Five public meetings were held to receive comment on the proposed zones. Another meeting was held on January 3, 2002 and additional comments were received about the zones, testing, animal movement requirements, and a proposed boundary change. Comments also were received about the need for a time frame or sunset date for testing.

Dr. Arnoldi explained that Michigan is in the process of applying for split state status. The Memorandum of Understanding is ready for signature, and revisions to Public Act 466 are underway. Michigan must have a market surveillance program in place for animal movement. Zoning will be the next step.

An identification and movement permit system along with the electronic identification system must be working effectively by March 1 to allow producers to initiate their own permits and move animals. All of these items must be in place and working effectively. Michigan has set a deadline of June 1 to have its split state status application ready to submit to USDA. Once USDA has received it, it is out of the state's control as to how rapidly it moves through the process.

#### **PUBLIC COMMENT (Proposed Bovine Tuberculosis Zones)**

**Representative Dale Sheltroun** expressed his concern that no farmers or producers from the surveillance counties or the disease-free counties are a member of the 36-member TB advisory committee. He also expressed concern that there was insufficient time from the December 7, 2001 Commission meeting to give adequate notice for public comment. Public meetings were held December 19 and 20 and the area's weekly papers are available over-the-counter at 4:00 p.m. on Wednesdays (December 19) and by subscription on Thursdays (December 20).

He noted that because of the many concerns and points provided at the Iosco and Harrison meetings, another MDA meeting was held in Iosco County on January 3. Representative Sheltroun referred to the "MDA Proposed Zone Designations Map." He stated that the overwhelming public testimony at the January 3 meeting was to:

- Shrink the surveillance zones and allow those areas that have tested twice to become part of the disease-free zone;
- Change the designation of the Disease-Free Testing Area (blue area) shown on MDA's map to potential disease-free and have the rest of the Disease-Free Testing Area (white area) designated as a partially tested zone; and
- Use the 10-mile radius rule statewide.

With the current proposal counties within a TB-infected zone must have all livestock tested within a 10-mile radius of the infected herd; i.e., Osceola, except those counties in Northeast Michigan where the rules are different. In Ogemaw County there have been no TB-positive deer or cattle and all herds north of M-55 have been tested a minimum of two times. Representative Sheltroun believes that this area is treated differently than Osceola County. In Iosco County one deer on the north border tested positive, all herds tested twice, but the area is treated differently than Osceola County. The proposal further defines a "surveillance zone" as a county adjacent and contiguous to an infected zone.

He referred to the Webster dictionary definition of "contiguous" as "physical contact, touching along all or most of one side." He asked where is the 10-mile rule for these counties. The zones need to be smaller, using the 10-mile radius as the rule. He referred to the MDA map and recommended that the zones be changed to "yellow, infected; green, surveillance; blue, potential disease-free; and white, partially tested." There are major problems with the surveillance testing requirements. Testing is required every other year.

Representative Sheltroun said that over and over again he has heard that the USDA will not accept the proposal. He believes that the USDA is calling all the shots on the size of the area. There is a need to review the bovine tuberculosis eradication program activities and he read from a section entitled "Area Test Surveillance and Slaughter Surveillance" which is included in the publication "A Review of Bovine Tuberculosis Eradication Program Activities in the State of Michigan," dated February 8-11, 2000. He believes that if the USDA had been doing its job in 1997, 1998 and 1999, Michigan would not be in this position. Representative Sheltroun said he met with USDA's Area-Veterinarian-In-Charge Dr. Reed Macarty, a TB committee member, and asked him why proper testing wasn't being done. Representative Sheltroun said that Dr. Macarty's response was "there is too much paperwork for my inspectors."

Representative Sheltroun believes that there should be a fair and correct proposal developed with proper documentation and public comment. *(Representative Sheltroun's written comments include a letter from Timothy L. Lapham, President, Professional Surveyor/Engineer.)*

Public and written comments also were received from:

- **Bob Bennett, Dairy Producer in Ogemaw County**, requesting that Ogemaw County be removed from the list of surveillance counties.
- **Kelby Ruckle, Dairy Farmer in Iosco County**, who read a letter from Russell P. Nelkie, Jr., Nelkie Farms LLC, Tawas City, regarding establishing boundaries for a TB high risk area in Northeast Michigan. Mr. Ruckle also read and submitted his own written comments supporting the AuSable River as a natural boundary.
- **Chuck Preston, Purebred Angus Breeder in Iosco County**, read and submitted a letter regarding the economic aspects of testing. He urged MDA to study and adopt the proposal from the petition presented by area producers to move the surveillance zone north of the AuSable River.
- **Tony Rosebrugh of Ogemaw County** supported the Bennett proposal.
- **Richard Nelson** also supported the Bennett proposal, and if this is not acceptable with USDA, he then would support moving the modified accredited zone to free zone. He also asked how long will testing be required; is there a time frame.

**Tonia Koppenaar, Michigan Farm Bureau (MFB)**, referred to her written comments on behalf of the Michigan Farm Bureau that were previously submitted to Dr. Larry Granger. She highlighted the following:

- The Michigan Farm Bureau supports split state status for Michigan based on testing and sound science to facilitate the marketing of Michigan livestock and utilizing boundaries that minimize splitting livestock operations.
- MFB supports the use of natural boundaries for determining the zones. One natural boundary is the Au Sable River. MFB suggests that Missaukee and Gladwin counties be removed from the disease free testing zone.

- The deacon calf issue is a concern for dairy producers in the state and the movement of deacon calves needs to be addressed.
- It is imperative that accredited herds be exempt from individual tests for movement of livestock to or from any zone.
- Producers need to know how they move from one zone to another and how the zones can be made smaller so producers can get into the markets and get out of the testing business. This needs to be clear in the zone proposal, not in the Memorandum of Understanding, and must be clear to the producers.
- Adequate notice of public meetings must be given in order to let producers attend and give comment.
- MFB encourages MDA and the Commission to leverage agriculture, the livestock producers, and the MFB in helping to sell the Michigan story and to create the argument for moving these boundaries. MFB suggests hosting an information meeting/tour for the veterinary, agricultural and wildlife leadership in surrounding states.

Ms. Koppenaar referred to a memorandum dated January 11, 2002, sent to the Commission restating MFB's policy opposing feeding and baiting. MFB also urges caution on DNR's special pilot projects.

Ms. Koppenaar referred to the Regulation 642, On-Farm Bulk Storage, issue. MFB was involved in the meetings regarding this regulation. In content MFB is supportive; however, it is concerned that this is an non-funded mandate.

Commissioner Tatter suggested to Dr. Granger that more people from the area be included in the advisory committee.

Dr. Granger agreed that representatives from that area should and will be included in the advisory committee. Michigan has a bovine tuberculosis problem and the focus must remain on dealing with that problem. Testing must be completed in order to make the case to other states, Michigan's trading partners, and USDA. It is important to make a commitment to the industry that the infected and surveillance zone areas will be made smaller as quickly as possible. This will take time, but will be accomplished with the proposed zoning. Looking at the state overall, the zoning proposal is a positive move in the right direction. However, the concerns brought forth at the public meetings and today need to be considered. It is MDA's goal to set a schedule of testing that moves everyone through the program stages.

**Gerald Lehman, Dairy Producer of Ogemaw County**, asked the Commission to support the proposal of downsizing the infected and surveillance zone areas and intensify what is being done in Northeast Michigan. There also needs to be a sunset date for testing.

The following written comments also were submitted to the Commission:

- Resolution regarding the "Establishment of a Bovine Tuberculosis Surveillance Zone in NE Lower Michigan" from livestock producers of Southern Alcona, Iosco and Ogemaw counties.
- Resolution regarding "Testing Out of a Tuberculosis Surveillance Zone" from livestock producers of Southern Alcona, Iosco and Ogemaw counties
- Earl D. Roe Sr., Double R Bison, South Branch, Ogemaw County Annual Farm Bureau Meeting Resolution opposing designation of Ogemaw County as a surveillance zone
- Rhoda J. Clark, DVM, Prescott, Michigan, supporting the AuSable River as a boundary.

- Daniel R. Nowak, President, Michigan's Sunrise Side Travel Association, asking that Ogemaw County be designated as TB free, and using the AuSable River as a natural boundary.
- Ken Sherlund, Mayor of the City of Rose City, requesting that Ogemaw County be placed in the Disease Free Zone.
- Richard W. Dooley, Vice President, Rose City Lupton Chamber of Commerce, opposing the proposed designation of Ogemaw County as a surveillance zone.
- Patrick McGinnis, City Manager, City of West Branch, opposing the proposed designation of Ogemaw County as a surveillance zone.
- Steven Leonard, Executive Director, West Branch/Ogemaw County Travel & Visitors Bureau, opposing the proposed designation of Ogemaw County as a surveillance zone.
- Steven Leonard, Executive Director, West Branch Area Chamber of Commerce, opposing the proposed designation of Ogemaw County as a surveillance zone.
- John Friederich, President, Ogemaw County Economic Development Corporation, opposing the proposed designation of Ogemaw County as a surveillance zone.
- Resolution from the Ogemaw County Board of Commissioners requesting a re-designation of Ogemaw County.

Chair Darling expressed the Commission's appreciation for all those who provided comments at today's meeting.

**ADJOURN:**

**MOTION: COMMISSIONER VIAU MOVED TO ADJOURN THE MEETING AT 10:00 A.M. SECONDED. MOTION CARRIED UNANIMOUSLY.**

## **ATTACHMENTS:**

*The following documentation is on file in the Commission of Agriculture office and can be obtained upon request by contacting Vicki Burke, Commission Secretary, (517) 373-1085.*

- Attachment A Commission of Agriculture December 7, 2001 Meeting Minutes
- Attachment B Director's Report – January 2002
- Attachment C Rate Schedule for Rental of Buildings and Grounds at the Upper Peninsula State Fair
- Attachment D Letter dated January 10, 2002 to William Clous, Kingsley, Michigan
- Attachment E Letter dated January 10, 2002 to Russell Harding, Director of the Michigan Department of Environmental Quality
- Attachment F Letter dated January 10, 2002 to Deb Shinkle of Temperance, Michigan
- Attachment G 2001 Bovine Tuberculosis Surveillance in Free-Ranging White-Tailed Deer Map
- Attachment H 2001 Bovine Tuberculosis Survey Results Through 01/09/02
- Attachment I Legislative Report – January 2002
- Attachment J Regulation 301, General Marketing Program
- Attachment K Memorandum dated January 2, 2002 to Dan Wyant and Commission of Agriculture regarding Regulations 628, 636, and 642
- Attachment L Information regarding Regulation 642, On-Farm Fertilizer Bulk Storage
- Attachment M MDA Establishment of Zones—Identification, Testing and Movement Requirements
- Attachment N Written Comments regarding Proposed Bovine Tuberculosis Zones:
  1. Representative Dale Sheltroun
  2. Bob Bennett, Dairy Producer, Ogemaw County
  3. Kelby Ruckle, Dairy Farmer, Iosco County
  4. Russell P. Nelkie Jr., Nelkie Farms LLC, Tawas City
  5. Chuck Preston, Purebred Angus Breeder, Iosco County
  6. Tony Rosebrugh, Ogemaw County
  7. Richard Nelson
  8. Tonia Koppenaal, Michigan Farm Bureau
  9. Resolution regarding the "Establishment of a Bovine Tuberculosis Surveillance Zone in NE Lower Michigan" from livestock producers of Southern Alcona, Iosco and Ogemaw counties.
  10. Resolution regarding "Testing Out of a Tuberculosis Surveillance Zone" from livestock producers of Southern Alcona, Iosco and Ogemaw counties
  11. Earl D. Roe Sr., Double R Bison, South Branch, Ogemaw County Annual Farm Bureau Meeting Resolution
  12. Rhoda J. Clark, DVM, Prescott, Michigan
  13. Daniel R. Nowak, President, Michigan's Sunrise Side Travel Association
  14. Ken Sherlund, Mayor of the City of Rose City
  15. Richard W. Dooley, Vice President, Rose City Lupton Chamber of Commerce
  16. Patrick McGinnis, City Manager, City of West Branch
  17. Steven Leonard, Executive Director, West Branch/Ogemaw County Travel & Visitors Bureau
  18. Steven Leonard, Executive Director, West Branch Area Chamber of Commerce
  19. John Friederich, President, Ogemaw County Economic Development Corporation,
  20. Resolution from the Ogemaw County Board of Commissioners