

**Michigan Commission of Agriculture Meeting
Michigan Department of Agriculture
Geagley Laboratory
1615 S. Harrison Avenue
East Lansing, MI**

**MEETING MINUTES
April 23, 2003**

PRESENT:

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

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

Michigan Department of Agriculture Staff
Allyn Anthony, Michigan State Horticulture Society
John Bakker, Michigan Onion and Plum Boards
Tonia Koppenaal, Michigan Farm Bureau
Dan Marsh, Michigan Deer & Elk Farmers Association
Larry Olsen, MSU, Food Safety & Toxicology
Janet Perry, Sanilac County 4-H Fair
Scott Piggott, Michigan Farm Bureau

CALL TO ORDER AND ROLL CALL

Chair Viau called the meeting of the Commission of Agriculture to order at 9:03 a.m. on Wednesday, April 23, 2003. Secretary Maitland called the roll with Director Wyant, Commissioners Byrum, Darling, Maitland, Pridgeon and Viau present.

APPROVAL OF AGENDA

**MOTION: COMMISSONER DARLING MOVED TO APPROVE THE APRIL
23, 2003 AGENDA AS PRESENTED. SECONDED. MOTION**

CARRIED UNANIMOUSLY.

APPROVAL OF MARCH 6, 2003 MEETING MINUTES

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE MARCH 6, 2003 MEETING MINUTES. SECONDED. MOTION CARRIED UNANIMOUSLY.

NEXT MEETING

The next meeting of the Commission of Agriculture is scheduled for June 12, 2003 in Williamston.

APPROVAL OF COMMISSIONERS' PER DIEM AND TRAVEL

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE TRAVEL EXPENSE FOR COMMISSIONERS BYRUM AND MAITLAND FOR MARCH 28, 2003, SELECT MICHIGAN KICKOFF AND BREAKFAST AT GRAND RAPIDS. SECONDED. MOTION CARRIED.

COMMISSIONERS' COMMENTS

Commissioner Maitland attended the Select Michigan breakfast and launch of the campaign held in Grand Rapids. He also met with Speaker Johnson and Representative Walker along with local fruit industry leaders to discuss issues related to fruit and agriculture. Representative Walker has proposed legislation concerning property taxes on agriculture land. Commissioner Maitland attended a reception honoring retired Senator George McManus. Commissioner Maitland reported that there has been some damage to the grape and sweet cherry crop in the Grand Traverse area due to cold weather.

Commissioner Pridgeon reported that the soil in southern Michigan is in great shape and ready to be worked. Some corn has been planted, but planting is being hindered by the cold weather.

Commissioner Byrum stated that overall the state is behind in planting. Sugar beets are usually 50-60% planted at this time of year, compared to about 12% planted so far this year.

Two to five percent of corn is planted, compared to normal 20-30% at this time. Soil temperatures are low.

USDA is procuring a lot of commodities for shipment to Iraq. Great Northern Beans are being sent to Iraq in large quantities (about 30,000 metric ton or 42% of total U.S. production for last year). Prices will be driven up for Great Northerns, grown mainly in Nebraska. In contrast Michigan is sitting on about 3 ½ or 4 million hundred weight of Navies and USDA hasn't bought any. He feels that surplus commodity procurement needs to be actively pursued.

Commissioner Darling reported that there is no field activity in the Southeast section of the state, things are still damp and cold. Delivery of seed and fertilizer has been behind, due to the frost laws still in force until last week.

Commission Darling spoke at the Michigan Farm Bureau Leadership Program in March.

Chair Viau stated that the Upper Peninsula still has weight restrictions in place. There was more snow in the month of April than during the rest of the winter. The snow fall in Marquette was 183 inches, compared to 306 inches for last year. There has been a lot of rain this year.

DIRECTOR'S REPORT: Director Dan Wyant

Director Wyant introduced and welcomed Christine White. Ms. White started on March 24, 2003 as Director of Agriculture Policy for the Department. Ms. White has served as the Assistant Deputy Administrator for Farm Programs in USDA's Farm Service Agency (FSA), Washington D.C. Previously, she had been State Executive Director of the Michigan USDA FSA Office and prior to that a District Director for FSA. White most recently has been the Administrative Officer for the USDA's Veterinary Services Division under the Animal and Plant Health Inspection Service. Ms. White will be working on the U.S. Farm Bill, federal policy and funding issues as well as with USDA state offices and the state's agriculture industry.

The Governor's Land Use Council has had two meetings and three public hearings. The group has a time line of August to come up with recommendations. There are three broad issues: revitalization of cities, dealing with urban sprawl and protection of farmland.

Director Wyant attended the USDA Fruit and Vegetable Advisory Committee meeting in Washington, D.C. The agenda centered mainly on increasing the promotion of fresh fruit and vegetable consumption.

MDA budget will be before the Senate Appropriations Sub-committee on Agriculture on April

24. It is anticipated that it will move out of committee at that time. The Senate is supporting a portion of the recommended fee increases. If the legislature does not approve the fee increase, department programs will be adjusted in the amount of about \$500,000.

Naomi Vanden Bosch has retained an attorney and discussions will take place with the Pesticide and Plant Pest Management Division for resolution of the abandoned orchard complaint. It is anticipated that at the June Commission meeting the Division will have a recommendation as to compliance.

John Hertel has decided to stay as Manager of the Michigan State Fair. The Fair will start four days earlier than usual and run for 18 days this year instead of the usual 14 days. This may impact some local county fairs and vendors.

The MDA received an award from the Southeast Michigan Council of Government for its work with Macomb County and development of local purchase of development rights program.

The Asparagus and the Apple Referenda both passed for renewal. The Apple Committee is still recruiting to fill its Executive Director position.

Director Wyant presented a retirement resolution to the Commission for Mr. Ralph Roberts, Food and Dairy Division.

MOTION: COMMISSIONER DARLING MOVED TO SUPPORT THE RESOLUTION FOR MR. RALPH ROBERTS. SECONDED. MOTION CARRIED UNANIMOUSLY.

Director Wyant announced that his assistant Lee Wilcox will retire effective May 21, 2003. She has served under five Department directors over the past 15 years.

CHRONIC WASTING DISEASE and TB UPDATE: Dr. Joan Arnoldi, State Veterinarian; Rebecca Humphries, Chief, Wildlife Division, Michigan Department of Natural Resources, and Dr. Dan O'Brien, Wildlife Veterinarian, MDNR

Dr. Arnoldi, and Rebecca Humphries reported that surveillance activities for Chronic Wasting Disease (CWD) are going well and all tests have been negative. Ms. Humphries stated that the MDNR and the MDA are working together to ensure that duplication of effort is not occurring.

Dr. Arnold reported that no additional herds have tested positive for TB in the last month. Dr. Dan O'Brien did a power point presentation on TB surveillance activities. Since 1996, 1200 free ranging elk have been tested with two positives in Montmorency County. Compliance with

feeding and baiting regulations has improved. Deer population for DMU 452 is currently being compiled.

RECESS:

The meeting recessed at 10:55 a.m.

RECONVENE:

The meeting reconvened at 11:05 a.m.

ANIMAL HEALTH UPDATE: Dr. Joan Arnoldi, State Veterinarian

Dr. Arnoldi stated that Dr. Larry Granger, TB Unit Manager, will be leaving the Department to work for USDA APHIS as of May 30. He will be the associate deputy administrator for emergency management.

Producer assistance has been provided for TB testing in Northeast Michigan, idemnity for positive animals and compensation for injury. In addition to this, producers have been paid \$3.00 per head for handling the animals during testing. Due to budget constraints, the Department is asking the Commission to eliminate the \$3.00 per head payment, effective June 1, 2003. In discussion with producers, Dr. Arnoldi stated that the producers would prefer that the Department continue to pay for testing and eliminate the \$3.00 per head payment (this amounts to approximately \$250,000 per year).

MOTION: COMMISSIONER PRIDGEON MADE THE FOLLOWING MOTION:

“DUE TO BUDGET CONSTRAINTS, AS OF JUNE 1, 2003, PRODUCER ASSISTANCE FOR THE BOVINE TUBERCULOSIS PROGRAM SHALL BE LIMITED TO WHOLE HERD TESTING COSTS TO ACHIEVE AND MAINTAIN SPLIT STATE STATUS, INDEMNITY AND COMPENSATION FOR SIGNIFICANT INJURY OR DEATH TO ANIMALS.”

SECONDED. MOTION CARRIED UNANIMOUSLY.

Public Comment Regarding Producer Assistance:

Tonia Koppenaal, Michigan Farm Bureau (MFB) indicated that MFB policy would oppose elimination of producer assistance, and suggests alternative forms of producer assistance, particularly for those in the Northeast area, should be considered.

MOTION: COMMISSIONER MAITLAND MOVED TO REMOVE THE WORDS “DUE TO BUDGET CONSTRAINTS” FROM THE ABOVE MOTION. SECONDED. MOTION CARRIED UNANIMOUSLY.

Dr. Arnoldi reported that the proposed rule for Michigan Split-State Status for TB was published in the April 7, 2003 *Federal Register*. Comments will be accepted until June 6, 2003. Split State Status means that the USDA would recognize the State of Michigan as two separate regions. The state as a whole is currently recognized as Modified Accredited in the national program. Modified Accredited Advanced Status would be granted to the disease free area demonstrating that tuberculosis has been prevalent in less than .01% of the total number of herds of cattle and bison for the two most recent years. Michigan may apply for Accredited Free Status in the disease free zone after three years of surveillance demonstrating that livestock herds and wildlife are not at risk of being infected with TB based on a risk assessment conducted by the USDA APHIS.

REGULATION 642, FARM FERTILIZER BULK STORAGE FINAL APPROVAL: Brad Deacon, Legislative Liaison and April Hunt, Agri-Chemical Coordinator, Pesticide and Plant Pest Management Division

Mr. Deacon reported that the Farm Fertilizer Bulk Storage, Regulation 642, is ready for certification by the Office of Regulatory Reform and Legislative Service Bureau pending Commission approval of final language. Michigan Farm Bureau has expressed concern regarding the 800-foot minimum isolation distance of public water supply from major sources of contamination with secondary containment. An agreement was reached with MDEQ to allow the rule to go forward with the following agreement for bulk fertilizer and pesticide storage:

“Major source contaminants in secondary containment which meets the requirements of the regulatory agency may be located within 800 feet of a Type IIb or Type III public water supply with less than 70 gallons per minute capacity. The actual isolation should be maximized to the extent possible and not less than 75 feet.”

MDEQ has acknowledged in a letter dated April 14, 2003 that its protocol can be applied to either new or existing on-farm fertilizer, commercial fertilizer, and commercial pesticide bulk storage in relation to existing private wells where secondary containment is provided. There are provisions for reducing the isolation distance to a minimum of 50 feet for fuel tanks with secondary containment in Part 127 of the Public Health Code, 1978 PA 268, as amended. MDEQ will interpret fertilizer and pesticide storage in above-ground tanks with secondary containment to be handled likewise per 1978 PA 268.

Prior to receiving a motion, Commissioner Byrum asked to refrain from voting, as he has had significant input into the development of the regulation.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE FINAL LANGUAGE FOR REGULATION 642.

Commissioner Darling asked that a Memorandum of Understanding between MDA and MDEQ be pursued.

MOTION WAS SECONDED AND CARRIED.

GAS PRICE MONITORING WEBSITE DEMONSTRATION: A demonstration of the website for gasoline pricing and quality was given by Harry Bell, Internet Web Master and Matt Clara, Web Producer. High and low prices can be obtained by city or zip code. Celeste Bennett, Motor Fuels Quality Manager and Brad Pagratis, Special Projects Administrator fielded questions regarding the manner in which data is collected. A one-year contract was secured with OPUS to receive daily data files containing approximately 3,000 compilations of prices throughout the state.

RECESS:

Meeting recessed at 12:10 p.m.

RECONVENED:

Meeting reconvened at 1:05 p.m.

RETIREMENT RESOLUTION:

MOTION: COMMISSIONER JAMES BYRUM MOVED TO RECOGNIZE THE CONTRIBUTION LEE WILCOX HAS MADE TO THE MICHIGAN DEPARTMENT OF AGRICULTURE WITH A COMMISSION RESOLUTION. SUPPORTED. MOTION CARRIED UNANIMOUSLY.

LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison

Mr. Deacon reported there have been six fee increase bills introduced with a seventh pending (nursery fees). The six bills have been referred to the Senate Appropriations Committee. The Drain Code will be before the Senate Agriculture, Forestry and Tourism Committee on April 24. The Department has been named lead on this bill. A duplicate bill has been introduced in the House. Both the House and Senate have shown some interest in the Emerald Ash Borer

and have introduced Resolutions calling on the Federal government for help. On Friday a hearing will be held regarding horse racing laws and an ag enhancement package.

REGULATION 560, GRAIN DEALERS, APPROVAL TO RESCIND: Brad Deacon,

Legislative Liaison

With the Grain Dealers Act amendments, effective March 31, 2003, the Grain Dealers Regulation 560 is redundant. Commission approval is requested to rescind the regulation.

MOTION: COMMISSIONER BYRUM MOVED TO APPROVE RESCISSION OF REGULATION 560, GRAIN DEALERS. SUPPORT. MOTION CARRIED UNANIMOUSLY.

HOMELAND SECURITY: Bob Tarrant, Emergency Management Coordinator, Marketing and Communications Division

Mr. Tarrant reported that Governor Granholm has included Homeland Security as one of the five focus areas of her administration. On April 11 an executive seminar and table top exercise was held for the Governor, all state agency directors and emergency management coordinators. The Governor issued an executive order on April 15, 2003 which eliminated the Michigan Homeland Security Task Force and created the Michigan Homeland Security Protection Board. The Board is comprised of the directors of eight state agencies, including MDA.

RIGHT TO FARM CASE REVIEW: Wayne Whitman, Program Manager, Environmental Stewardship Division

Mr. Whitman reviewed the Arthur Birchmeier Right to Farm case. In December 2002, the Commission issued Mr. Birchmeier a letter requesting he submit a Manure Management System Plan for his dairy farm operation. Mr. Birchmeier has completed some requirements, but has not followed advice of the MDA or his engineer and is not complying with the GAAMP for Manure Management and Utilization. At this time, Mr. Whitman is recommending that the Birchmeier case be forwarded to the MDEQ for enforcement action.

MOTION: COMMISSIONER MAITLAND MOVED THAT THE COMMISSION REFER THE BIRCHMEIER RIGHT TO FARM CASE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY FOR ENFORCEMENT ACTION. SECONDED. MOTION CARRIED UNANIMOUSLY.

ANNUAL REVIEW OF PESTICIDE UTILIZATION AND PEST CONTROL GAAMP AND CRANBERRY PRODUCTION GAAMP: Wayne Whitman, Program Manager, Environmental Stewardship Division

Mr. Whitman requested the Commission seek annual review of the GAAMP for Cranberry Production and the GAAMP for Pesticide Utilization and Pest Control.

MOTION: MOTION BY COMMISSIONER BYRUM TO BEGIN ANNUAL REVIEW FOR THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL AND FOR CRANBERRY PRODUCTION. SECONDED. MOTION CARRIED UNANIMOUSLY.

IRRIGATION WATER USE GAAMP UPDATE: Vicki Pontz-Teachout, Director, Environmental Stewardship Division and Dr. Ted Loudon, Chair, Water Use Task Force Committee

Ms. Pontz-Teachout introduced Dr. Ted Loudon, Chair of the Water Use Task Force. Dr. Loudon gave an overview of the Irrigation Water Use GAAMP being developed. Discussion on the use of a monitoring well took place. With Commission approval the GAAMP would be made available for public input on the website and a public hearing would be held. The Water Use Task Force Committee would then make any recommended changes and present the revised language to the Commission for approval.

MOTION: MOTION BY COMMISSIONER BYRUM TO MOVE FORWARD WITH THE IRRIGATION WATER USE GAAMP. SECONDED. MOTION CARRIED UNANIMOUSLY.

AGRICULTURAL CONFERENCE ON THE ENVIRONMENT: Vicki Pontz-Teachout, Director, Environmental Stewardship Division

Ms. Pontz-Teachout reported on the Michigan Agriculture's Conference on the Environment held March 24. This conference, attended by nearly 600 ag industry representatives and producers, provided information on National Pollutant Discharges Elimination System (NPDES) general permit, the Michigan Agriculture Environmental Assurance Program (MAEAP), Concentrated Animal Feeding Operations (CAFO), Farm Bill conservation programs, water quality monitoring, water use regulations, and Right-to-Farm.

NEWCASTLE DISEASE REPORT: Dr. Larry Granger, TB Unit Manager, Animal Industry Division

Dr. Granger gave a power point presentation on the Exotic Newcastle Disease task force and efforts to quarantine and eliminate the Newcastle Disease outbreak in California and Nevada during January. Dr. Granger spent three weeks in California at the request of USDA working with euthanasia, disposal, surveillance, and epidemiology of diseased poultry. Over 8,000 premises with backyard flocks were quarantined and seven commercial operations were affected. A dozen different agencies were activated to help control the disease at a cost of over \$500 million.

**MICHIGAN ONION PROMOTION AND DEVELOPMENT PROGRAM AND
MICHIGAN PLUM INDUSTRY DEVELOPMENT PROGRAM COMMITTEE**
**REDISTRICTING PLAN: Sandy Hill, Commodity Coordinator, Agriculture Development
Division and John Bakker, Executive Director, Michigan Onion and Plum Committees**

Ms. Hill reviewed changes proposed to the Michigan Onion and Michigan Plum Industry Development Programs. Amendments to 1965 PA 232, the Agricultural Commodities Marketing Act, allow industry to reapportion the number of committee members or member districts. The Michigan Onion Industry adopted proposed changes to the Michigan Onion Promotion and Development Program to change districting to statewide and is requesting approval by the Commission as required by 1965 PA 232, as amended. The Michigan Plum Industry Development Program is requesting to decrease the number of members, still continuing with their geographic designations and one at-large district.

MOTION: COMMISSIONER BYRUM MOVED TO APPROVE THE PROPOSED CHANGES TO THE MICHIGAN ONION PROMOTION AND DEVELOPMENT PROGRAM AND THE MICHIGAN PLUM INDUSTRY DEVELOPMENT PROGRAM AS SUBMITTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

Tonia Koppenaal, Michigan Farm Bureau commented that MFB is supportive of Regulation 642, Bulk Fertilizer Farm Storage, with the caveat that issues relative to well setback are settled. MFB is concerned about the setback requirements and the ability of producers to use EQUIP funds for requirements of the new regulation. With the agreement with MDEQ regarding the setback, MFB is supportive of moving the regulation forward.

AG EXPORTS AND INTERNATIONAL TRADE REPORT: Bob Craig, Director and Paul Burke, Market Development Manager, Agriculture Development Division

Paul Burke gave a power point presentation called "Think Outside the Borders". This presentation was developed by Dale Miller, USDA, Foreign Ag Service and presented to the House Agriculture and Resource Management Committee in March. Agriculture exports are a very important segment of the state's economic growth. The leading Michigan agricultural exports are soybeans, feed grains, vegetables and fruits.

EMERALD ASH BORER UPDATE: Gary King, Plant Industry Section Manager, Pesticide and Plant Pest Management Division and Tim Flint, State Emerald Ash Borer Coordinator

Gary King and Tim Flint updated the Commission with a power point presentation on the state's strategy to control the Emerald Ash Borer (EAB) in the southeast portion of the state. A national strategy for eradication of EAB has been drafted, work plans are being prepared and funding sought to hire staff for survey, compliance, monitoring and management.

ADJOURNMENT

MOTION: COMMISSIONER MAITLAND MOVED TO ADJOURN THE MEETING. SECONDED. MOTION CARRIED UNANIMOUSLY.

Meeting was adjourned at 4:18 p.m.

ATTACHMENTS

- A - Agenda*
- B - March 6, 2003 minutes*
- C - Director's Report - April 2003*
- D - Split State Status*
- E - Reg. 642, Farm Fertilizer Bulk Storage*
- F - Reg. 560, Grain Dealers*
- G - April Legislative Report*
- H - Birchmeier Right to Farm Referral*
- I - GAAMP - Pesticide Utilization and Pest Control, and Cranberry Production*
- J - Irrigation Water Use GAAMP*
- K - Ag Conference on the Environment*
- L - Michigan Onion Promotion and Development Program, and Michigan Plum Industry Development*
- M - Ag Exports and International Trade (power point)*
- N - Emerald Ash Borer*