

**State of Michigan  
Michigan Department of Agriculture  
Commission of Agriculture**

**Ottawa State Office Building, 4<sup>th</sup> Floor  
Dean Pridgeon Conference Room  
Meeting Minutes  
September 9, 1998**

**PRESENT:**

Douglas E. Darling, Chairperson, Commission of Agriculture  
Deanna Stamp, Vice Chairperson, Commission of Agriculture  
Jordan B. Tatter, Secretary, Commission of Agriculture  
Shirley A. Skogman, Commission of Agriculture  
James E. Maitland, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture

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

Ron Zellar, Assistant Attorney General  
Brad Deacon, Governor Engler's Office  
Michigan Department of Agriculture Staff  
Keith Charters, Chairman, Natural Resources Commission  
Dr. George Burgoyne, Department of Natural Resources  
Ron Nelson, Michigan Farm Bureau  
Scott Everett, Michigan Farm Bureau  
Mike Kovacic, Michigan Farm Bureau  
Monte Bordner, Sturgis, Michigan  
Dr. John Molesworth, MSU Extension, Alpena, Michigan  
Kevin Small, Curran, Michigan  
Dan Marsh, Michigan Deer and Elk Breeders Association  
Dr. Ian Gray, Director, MSU Agriculture Experiment Station  
Dr. Larry Olsen, Michigan State University  
Dr. Joan Arnoldi, United States Department of Agriculture-APHIS  
Jim Squires, Clinton Conservation District  
Bill Lasher, Clinton Conservation District  
Tim Skubick, WILX-TV, Lansing, Michigan

**CALL TO ORDER AND ROLL CALL**

Chairman Darling called the meeting to order at 10:03 a.m., September 9, 1998. Secretary Tatter called the roll with Director Wyant and all Commissioners present.

**APPROVAL OF AGENDA:**

**MOTION: COMMISSIONER STAMP MOVED TO APPROVE THE AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF MINUTES:**

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE AUGUST 20-21, 1998, MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**NEXT MEETING:**

**The next Commission of Agriculture meeting will be held on Wednesday, November 10, 1998, in the Dean Pridgeon Conference Room, 4<sup>th</sup> Floor Ottawa State Office Building, Lansing, Michigan.**

**A Commission of Agriculture meeting will be held on October 7, 1998, if necessary and with appropriate notification given 10 days prior to the meeting.**

**APPROVAL OF COMMISSIONERS' PER DIEM AND TRAVEL:**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE COMMISSIONERS' PER DIEM AND TRAVEL AS FOLLOWS:**

- Commissioner Stamp, Fluid Milk Law Meeting, Lansing, Michigan, July 24, 1998;

Commissioner Darling, Michigan State Fair, Detroit, Michigan, August 24-25, 1998;

- Commissioners Darling and Stamp, Senate Hearing, Saginaw, Michigan, August 27, 1998;
- Commissioners Darling, Maitland and Tatter, Governor's Day, Michigan State Fair, Detroit, Michigan, August 28, 1998;
  - Commissioners Maitland, Tatter and Darling, Value-Added Conference, Lansing, Michigan, September 3, 1998;
- Commissioner Maitland, Public Meeting, Hillman, Michigan, September 4, 1998.

SECONDED. MOTION CARRIED UNANIMOUSLY.

**DIRECTOR'S OUT OF STATE TRAVEL:**

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE DIRECTOR'S TRAVEL ON SEPTEMBER 18, 1998, TO MEET WITH THE ENVIRONMENTAL PROTECTION AGENCY IN CHICAGO, ILLINOIS.**

SECONDED. MOTION CARRIED UNANIMOUSLY.

**DIRECTOR'S REPORT**

Apple Market in Michigan: Dale Sherwin of the Office of Agriculture Policy reported that Michigan is considering submission of a Section 201 Request for Investigation under the Trade Act of 1974 (Global Safeguard Investigations), Import Relief for Domestic Industries, to offset the potential negative impacts due to the imports of Chinese apple juice concentrate. The closing of the National Fruit Company due in part to Chinese imports of apple juice concentrate at 3-1/2 dollars per gallon has caused distress and uncertainty in the apple industry. A Section 201 provision requires proof that harm has occurred because of import pricing and that the harm was not caused by other factors.

Dale Posthumus of the International Marketing Section added that not only are regional growers and producers in agreement that there is need for a Section 201 provision, but national growers as well.

Director Wyant commented that Michigan is a leader in the nation for apple processing and it is the department's intent to bring together national leadership to discuss the 201 provision.

**MOTION: COMMISSIONER TATTER MOVED THAT MDA TAKE THE LEAD IN PURSUIT OF A SECTION 201 IMPORT RELIEF APPEAL. SECONDED.**

**DISCUSSION:** Commissioner Maitland stated that he agrees that action should be taken, but asked if this motion is the appropriate way to help growers.

Commissioner Tatter stated that it is important that someone take the lead. Michigan is the outstanding apple processing state in the nation and he believes Michigan's Congressional delegation could be helpful. Senator Byrd is an apple farmer from Virginia and would be an ally.

Dale Sherwin observed that the motion refers to a Section 201 action only, which may cause Michigan to be limited to only that provision. There are other avenues that could be pursued as well.

THE MOTION WAS AMENDED TO READ "PURSUIT OF A SECTION 201 IMPORT RELIEF APPEAL OR OTHER APPROPRIATE ACTION." SECONDED.

DISCUSSION: Dale Posthumus added that the United States Apple Association has established a task force to address the Chinese apple concentrate import issue.

Commissioner Tatter believes that there are one or two Michigan processors on that task force.

MOTION CARRIED UNANIMOUSLY.

Michigan State Fair: The initial reports received indicate at least a 15 percent increase in fair attendance this year. The Director commented that John Hertel, Manager of the Michigan State Fair, did a good job in promoting the fair and its attractions.

Commissioner Tatter asked if the dates of the fair should be changed to avoid conflict with K-12 school openings.

Director Wyant responded that the Michigan State Fair Council has discussed this issue. However, consideration must be given to how changing the dates would affect other statewide fair programs. John Hertel has strongly endorsed a proposal requiring schools to open after the Labor Day holiday.

Commissioner Tatter agreed that any change in dates would require several years of prior notification.

Commissioner Maitland commented that he was very impressed with the Michigan State Fair. The grounds and buildings were very well maintained, the food was good and there was a large Michigan State Police presence.

Director Wyant expressed his appreciation to the MDA staff who worked at the fair this year and contributed to its success.

Food Quality Protection Act Hearing: A Senate hearing was held recently in Saginaw to discuss changes in the Food Quality Protection Act. There were representatives from USDA, EPA and members from Michigan's Congressional delegation in attendance.

Grocery Store Inspections/Food Safety: The Detroit Free Press has published a series of feature articles on the state's grocery store inspection program as it relates to food safety. The Director emphasized that MDA's number-one priority is food safety and it is the focus of the department. An editorial published in The Detroit Free Press in response to these articles suggested the following:

- The department seek administrative penalties and revocation of the food establishment license rather than prosecution; and
- The department make the grocery store inspection reports available to the consumer.

MDA concurs with the recommendation to seek administrative penalties and has had a committee in place since the first of the year to review Michigan's food laws. The department does make inspection reports available upon request.

Currently, the department's inspection system uses the letters "A," "B," "C," "D," and "E." This system is somewhat confusing because letters indicate frequency of inspection; an "E" grade is not an indicator of a failing grade. In fairness to the stores, MDA is reviewing this system and will consider changing the use of letters.

It is recognized, however, that there are instances that the department needs to address. MDA has revoked food establishment licenses, but tries to work with the store to help it meet sanitary conditions. Michigan is one of only two states that performs meat adulteration testing. MDA does confiscate and destroy outdated baby formula if it is found during routine inspections. The Detroit Free Press stories have helped in public recognition of what MDA does and how it makes a difference. It also helped stores review their sanitary procedures. The department gives the Free Press and writer Allison Young credit for publicizing the role of the department in grocery store inspections and for bringing grocery stores into compliance. MDA also appreciates the fact that

the Michigan Legislature has provided \$285,000 this year for additional food safety inspectors.

Kathy Fedder, Director of the Food and Dairy Division, stated that MDA is currently working on major new food policy legislation consolidation, as well as changes in Michigan's food law. The department is also developing a revised inspection program that should be in place by the year 2000.

Director's Written Report – September 1998: Commissioner Tatter asked for more information about the Jack Laurie event to be held October 11, 1998.

Director Wyant responded that the Kellogg Center at Michigan State University is hosting an agricultural dinner on October 11, 1998 that will showcase Michigan's agricultural products. The dinner is also in honor of Jack Laurie, President of the Michigan Farm Bureau. Invitations will be mailed soon to industry and the Commissioners. Proceeds from the dinner and auction will benefit the FFA Foundation.

#### BOVINE TUBERCULOSIS IN MICHIGAN:

Director Wyant briefed the Commission on changes to the proposed Quarantine Order 1998-02 distributed at the August Commission meeting in Escanaba, Michigan. MDA has worked closely with industry, USDA, and area producers on the proposal. MDA has taken those discussions into consideration and made the necessary changes to the Order. These changes reinforce the state's goals and priorities to control the future spread of bovine tuberculosis and to eradicate this disease in Michigan.

Dr. H. Michael Chaddock, State Veterinarian, and Director of the Animal Industry Division distributed copies of the draft Quarantine Order 1998-02, dated 9-9-98. The major changes made in the Order are as follows:

- Move the implementation date to January 1, 1999;
- Include provisions for the state to pay for testing expenses;
- Clarify how farms located along or across the borders of the quarantined area will be affected by the quarantine.
- Exclude cattle and goats two weeks of age or younger from testing requirements, but require official identification if moved outside the quarantined area.
- Clarify that animals within the quarantine area can be moved within the area without testing, except for exhibition purposes.
- Specify that cattle and goats can be moved into the quarantine area without testing, but cervidae cannot.

Dr. Chaddock added that MDA will have veterinarians available at central testing locations on specified days for TB testing.

Director Wyant stated that available resources continue to be an issue for the department. MDA is waiting on passage by the Legislature of the Michigan Department of Community Health budget bill that appropriates \$500,000 for bovine tuberculosis testing.

Commissioner Maitland commented that the September 4, 1998, meeting held in Hillman, Michigan, was well attended and very productive. As the changes indicate in today's revised order, the department took into consideration the concerns raised by area producers. Communication continues to be a critical piece.

He also informed the Commission that at the Hillman meeting he made two commitments to those in attendance. One was to ensure that staff would be available in the department on a daily basis to answer telephone calls from those who have questions or concerns. Second was to mail answers to all of the questions raised at the Hillman meeting.

Director Wyant recommended to Chairman Darling that those in attendance at today's meeting be given the opportunity at this time to address the Commission.

Dr. John Molesworth, MSU Extension Alpena Office expressed his appreciation to the department and the Commission for listening to the people. The revised draft takes into consideration those comments expressed

at the meeting in Hillman.

Director Wyant thanked Dr. Molesworth for being the sounding board in the area and for providing views and feedback to the department.

Monte Bordner of Sturgis, Michigan commented that he could not imagine what it would be like to live in the northeast corner of the state. The lingering downturn in the cattle market is stress enough. He does feel, however, that MDA has made the changes necessary to make it bearable and workable. Changing the quarantine implementation date to January 1, 1999, was critical to the fall sales. He encouraged the department and the Commission to continue to try to exert influence the indemnity legislation. He thanked the department for what it has done in this difficult situation.

Ron Nelson of the Michigan Farm Bureau agreed with Dr. Molesworth that the revised draft reflects many of the comments voiced at the Hillman meeting. He appreciated the fact that the department offered the opportunity for those in the area to voice their comments and then took those comments and incorporated them into a new document. He feels that other state departments would do well to learn from the way MDA operates. It is a tough balance on what the state can afford versus what the producer can afford. The producer's cost is critical in this issue. This document addresses many of the considerations of both disease control and economics, both to the producer and the state.

Kevin Small of Curran, Michigan thanked the department for the time and the patience given to this issue. He said that if the quarantine must continue for a long period of time the economic impact on the producer must be considered and the testing must continue to be paid for by the state.

Dan Marsh, Executive Director of the Michigan Elk and Deer Breeders Association stated that the association supports the quarantine and understands the gravity of the situation. It is important, however, that the burden is shared equally with livestock industries. He expressed his appreciation to the department for the work that has been done on this issue.

Commissioner Tatter asked for clarification of "into the quarantined area" addressed on page 4 of the Quarantine Order. He asked how the department would address the issue of a producer importing of livestock not for slaughter, but for addition to their herds.

Dr. Chaddock responded that producers moving cattle and goats from outside into the area would not require testing under this proposal, but cervidae would need to be tested.

Commissioner Tatter asked if that clarification should be made in the Order.

Dr. Chaddock suggested that this clarification be included in the question and answer sheet mailed to producers.

Director Wyant added that the department is compiling a question and answer sheet that should clarify many issues and concerns that do not need to be included in the actual Order.

Commissioner Tatter asked if sheep are involved in the tuberculosis situation.

Dr. Chaddock responded that the sheep species are not as susceptible as cattle and goats. This is also true for horses and other livestock.

Commissioner Tatter asked if there is risk in moving manure or used livestock bedding material out of the area.

Dr. Chaddock responded that the risk is minimal. The organisms are not transmitted in that manner, but are spread by the respiratory route. However, under the program of eradication of tuberculosis, where there is an infected premises, those areas must be cleaned and disinfected.

Commissioner Tatter asked if there should be a definition of "goats" included in the Order. He also asked about the differences in testing requirements for cervidae and livestock.

Dr. Chaddock responded that these are two totally different programs. Cattle and bison are under one program and captive cervidae are under another separate program. The test is based on the immune system of the animal and the 90 days versus 60 days reflect the differences in species.

Director Wyant recommended to the Commission that Quarantine Order 1998-02, dated September 9, 1998, be approved with the inclusion of the definition of "goat" and with clarification on the movement of animals into the area for purposes other than slaughter.

Commissioner Tatter agreed that including these clarifications in the question and answer sheet would also be appropriate.

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE QUARANTINE ORDER 1998-02, DATED SEPTEMBER 9, 1998, AS SUBMITTED. SECONDED.**

**DISCUSSION:** Commissioner Tatter asked if the Commission would have the authority to amend the motion as additional information is learned by the department on the issue.

Director Wyant responded that the Commission does have the ability to adjust or change the motion as this issue continues to evolve. He commented that as of today this is the department's best effort in demonstrating to those who buy and consume Michigan cattle that the department is proactive and is working to stay on top of this issue.

**MOTION CARRIED UNANIMOUSLY.**

Commissioner Darling commented that he had received comments and concerns from some producers in the area that they were feeling isolated. He assured those he talked with that we are all in this together. He expressed his appreciation to staff and to industry for all of the work that has been done thus far.

Chairman Keith Charters of the Natural Resources Commission expressed his appreciation for the cooperative spirit between the Department of Natural Resources (DNR) and the Department of Agriculture in reaching a common goal of eradicating tuberculosis in Michigan.

Chairman Charters expressed concern about round hay bales being left in the fields. He said that some sportsmen in the area are questioning why the hunting community is not allowed to feed the deer, but the agriculture community feeds them by leaving the round hay bales in the fields. He stated that many hard decisions have been made and the Natural Resources Commission has consistently said that if there is any supplemental feeding, the restrictions will be enforced. These round bales of hay are viewed as supplemental feeding.

Commissioner Tatter responded that at the present time these bales of hay are viewed no different than any other crop in the field. However, he does agree that there will come a time when these bales need to be fenced in or moved to another area.

Chairman Charters said he is concerned that on January 1, 1999, the DNR will begin enforcing the supplemental feeding ban. If these round hay bales are still scattered in the field and deer go to them, what would be the difference. He does realize that it is a common agricultural practice; however, hunting over bait is a three-generation practice in northeast Michigan. It could be argued that this is a common hunting practice.

Commissioner Tatter agreed that if deer are frequenting the round hay bales, they should be treated as feeding sites.

Commissioner Darling believes that farmers are not intentionally leaving hay bales in the fields for the deer to eat. It would only take money out of the farmer's pockets. The hay is needed for feeding livestock or for selling to other producers.

Commissioner Maitland commented that he believes the Commission has already adopted and/or reviewed practices that deal with bringing in or fencing in the bales.

Dr. Kurt Thelen, Director of the Environmental Stewardship Division, responded that there are practices in place as part of the "White-tailed Deer and Elk Feeding Ban, Enforced Restriction Area Order, Normal Agricultural Practices," dated May 1998. The Restriction Order states that if deer are frequenting those types of areas, it is a violation of the order and the hay bales must be moved.

Commissioner Maitland added that it is important for the department to communicate this information to the producers in the area. It is important that these hay bales be moved into the barns and yards as quickly as possible.

Chairman Charters responded that theoretically that sounds good, but in reality if the hay bales are out there the deer are going to eat them. MDA is saying that if and when that happens, it will respond. However, the DNR does not take this same approach with supplemental feeding. The DNR has given a definite cut-off date. This is not a general problem that can be dealt with on a case-by-case basis. It must be mandated by MDA.

Director Wyant agreed that MDA does need to respond when there is evidence that deer in numbers are feeding and the department does not take that lightly. MDA will take action. He does agree that there should be a definite timeline given when the hay bales must be moved. Hunters and farmers alike need to be aware of the expectation.

Dr. George Burgoyne, Deputy Director, Department of Natural Resources updated the Commission on the bovine disease control permits. As of September 9, 1998, 97 permits had been issued and most have expired. There have been 464 deer picked up by the DNR, although the number of deer taken is probably much higher. The issuance of those permits is considerably higher as compared to normal crop permits. However, there are still many farmers who are eligible for these permits, but have chosen not to use them at this time. The over-the-counter antlerless deer license sale went well and these licenses will go back on sale in late September through the end of season.

Commissioner Tatter asked if the Commission or Michigan Farm Bureau could help in encouraging farmers to allow hunters to hunt on their private property, not just in the northeast area but statewide as well.

Dr. Burgoyne said that the DNR is getting the message out statewide about the opportunities available to hunt on private lands.

Commissioner Darling asked about a cooperative program being implemented by the Michigan United Conservation Clubs (MUCC) and Michigan Farm Bureau.

Mike Kovacic of the Michigan Farm Bureau distributed copies of a "Q & A on Deer Hunter Access" and a copy of the form, "Farm Bureau Deer Hunter Access Program." Farmers who enroll their land in the program complete the form and the MUCC takes the information and performs a match with potential hunters.

Dr. Burgoyne stated that the DNR has met with some of the major hunt clubs and received commitments that they are willing to stop feeding deer and hunt antlerless deer.

Commissioner Darling asked whether or not the DNR has any actual numbers on the deer population in the northeast area. He also asked what would be the actual number or goal for herd reduction that they are working toward .

Dr. Burgoyne responded that it is very difficult to assess the deer carrying capacity of that area because, for three or more generations, the deer have been above the natural habitat carrying capacity due to supplemental feeding year-round. The DNR has looked at the harvest and what needs to be done is to change the way the deer are harvested in that area so the population can be turned over quicker. In the past few years, there have been in excess of 30,000 deer taken out of that area, in a ratio of three bucks to two antlerless deer. What needs to happen is to alter the harvest to two bucks for every three antlerless deer. There is a specific goal and that is to get the TB incidence rate in the samples moving downward, below 1 percent in the core area by the year 2003. The important thing is to get the percentage to drop and preventing artificial feeding is a major factor in eliminating transmission of the disease.

Commissioner Stamp asked if another permit would be issued on the spot if a TB infected animal is turned in.

Dr. Burgoyne said that not every officer in the field has the ability to issue replacement permits, but there are offices in the area that will issue another permit for that day.

Commissioner Tatter stated that this information needs to be communicated to hunters and DNR staff.

Director Wyant expressed appreciation to Chairman Charters and Dr. Burgoyne for attending today's meeting. He stated that MDA will do what it can to reinforce DNR's commitment to bringing deer numbers down. It is important that the two communities, farmers and hunters, work together.

It was agreed that the discussion on the proposed regionalization plan would take place after the lunch recess to allow Dr. Chaddock to give the presentation.

UPDATE ON PROJECT GREEN – Dr. Ian Gray, Associate Provost and Director of the Michigan Agricultural Experiment Station, Michigan State University and Dr. Larry Olsen, Project GREEN Plant Coalition Coordinator, Michigan State University

Dr. Ian Gray of Michigan State University updated the Commission on Project GREEN and expressed his appreciation for the support of the Michigan Department of Agriculture. Dr. Gray and Dr. Olsen distributed copies of "Project GREEN," A Summary of the Plant Coalition," explaining "Crop Integrators," as well as the GREEN Operating Budget Request, dated 8/25/98. The \$5 million budget will be treated as plant initiative funding. The Plant Coalition is comprised of 22 members. The director's action team includes Dr. Larry Olsen, Dr. Jim Flore, Gale Arent and Keith Creagh and will provide input on the director's discretionary fund disbursement. The Legislature contributed \$5 million, the industry contributes \$5 million and with the existing Experiment and Extension commitments, the total funding will be close to a \$40 million investment. With those kinds of funds available, there will be programs established to support the industry. This will cause the University and industry to share programs much more than ever before.

Director Wyant reinforced the fact that this industry initiative was generated from the grassroots and it is heavily influenced by industry. The fact that this money is funneled through the department lends support to the positive partnership that exists between MDA and MSU.

RECESS

The meeting recessed at 12:35 p.m.

RECONVENE

The meeting reconvened at 1:30 p.m.

COMMISSION DISCUSSION ON FARMLAND PRESERVATION

Commissioner Darling stated that farmland preservation and land use are major issues and will become more important in the future. He explained that the Michigan Farm Bureau has established a Purchase Development Rights (PDR) Committee to look at purchase of development rights and land use. Commissioner Darling commented that he serves on this committee.

Scott Everett of the Michigan Farm Bureau explained that the committee has been looking at purchase of development rights; i.e., structure, funding, etc. The Michigan Farm Bureau does not want a policy developed for a long-term program without a thorough study of the issue. The committee members have traveled to other states; met with Detroit Mayor Dennis Archer and many others throughout the state to observe and discuss the unique opportunities available for farmland. As a result, the committee recommended that the Michigan Farm Bureau develop an intensive educational effort dedicated to farmland preservation. This effort includes the establishment of a 501-C3, nonprofit arm of the Michigan Farm Bureau, dedicated to farmland preservation. The committee also recommended that the Michigan Farm Bureau Board of Directors meet with the Urban Core Mayor's Association to discuss how the two groups can work together on the issues of land use and urban redevelopment. The structuring and funding of PDRs are the two challenging issues.

Commissioner Darling believes that the Commission should consider adopting a farmland preservation policy



stating where the department stands on the issue and where it should be heading in the future. He distributed copies of suggested language developed by Dr. David Skjaerlund, Executive Director of the Rural Development Council of Michigan. He also distributed copies of a synopsis of the Agriculture Security Bill.

Scott Everett said that PA 116 is a contract between the State of Michigan and the farmer. He said that changes in the Ag Security Area concept will involve local units of government and cause them to be active participants in the contract.

Commissioner Darling explained that this policy had not been previously implemented by the Commission because of the discussion on whether or not it was a stand-alone policy and not a policy that pertained to MDA operations.

Director Wyant agreed that the other Commission policies and/or guidelines were edited and adopted by the Commission. This particular policy was not acted upon because at that time the Commission agreed that it was a stand-alone issue and does not directly affect MDA operational policy.

Director Wyant expressed his interest in the Michigan Farm Bureau's 501-3C educational program and asked how it would be funded.

Scott Everett said that the Michigan Farm Bureau has made a substantial commitment to the program and once an executive director is hired and an advisory board assembled, the Michigan Farm Bureau would come before the Commission to lay out its plans for this effort. Commissioner Darling added that there has been interest expressed by many foundations.

Commissioner Tatter feels that the draft farmland preservation policy reads more like a position statement, rather than a policy. He expressed his concern about some of the wording in the proposed statement sounding like the department may be getting involved in MSU Extension activities by providing assistance to local communities and landowners. Those activities fall under the purview of MSU Extension or the DNR under PA 116. MDA simply does not have the resources and should not duplicate ongoing programs.

Commissioner Darling agreed but added there have been discussions to put the Michigan Farmland Trust under MDA. There are people in both departments that are working on this issue and it may come down to a question of leadership and where it would be best suited to deal with the land use issue--DNR or MDA.

Commissioner Tatter again expressed his concern about that particular task being within MDA. He also asked whether or not Commission policies in the past were drafted by MDA staff, then reviewed and edited by the Commission. He was told that as a matter of practice, the Commission does not initiate these policies.

Director Wyant suggested that since this particular policy does not fall within a policy guideline, the Commission should review the proposed policy and suggested language and then decide whether or not the Commission or staff should develop a position. It is important that consideration be given to the fact that the Michigan Farm Bureau is aggressively pursuing a coordinated policy on this issue that will be presented to its members at the annual meeting in December of 1998. The two policies may need to be melded together and it may be premature for MDA to go forward without reviewing and considering what the Michigan Farm Bureau is proposing. However, MDA does need to continue to be a leader on the issue and continue to be proactive in the legislative debate.

**INTRODUCTION OF DR. JOAN ARNOLDI, ASSOCIATE ADMINISTRATOR, USDA – Dan Wyant and Dr. Michael Chaddock, State Veterinarian and Director of the Animal Industry Division**

Director Wyant introduced Dr. Joan Arnoldi, Associate Administrator of USDA-APHIS to the Commission. Dr. Arnoldi is in Michigan today to meet with Director Wyant and Dr. Chaddock to discuss Michigan's bovine tuberculosis situation.

The Director and Dr. Chaddock left the Commission meeting to meet with Dr. Arnoldi. Deputy Director Keith Creagh replaced Director Wyant.

**LEGISLATIVE REPORT – Vicki Pontz-Teachout**

Vicki Pontz-Teachout distributed copies of the September 1998 Legislative Report and pending regulations. She reported that Representative Willard announced yesterday that she will be introducing a drain code bill this fall. Ms. Pontz-Teachout outlined the current MDA legislative priorities: changes in the Racing Law, passage of the Department of Community Health budget that includes \$500,000 for bovine tuberculosis testing, and changes to the Animal Industry Act.

#### SLIDE PRESENTATION OF THE STONY CREEK WATERSHED PROJECTS IN CLINTON COUNTY – Jim Squires and Bill Lasher of Clinton Conservation District

Bill Lasher of the Clinton Conservation District explained that during May of 1997 the Commission had the opportunity to tour Stony Creek Watershed projects in Clinton County. The purpose of today's appearance is to give an update on those projects. He said that the watershed consists of approximately 115,000 acres, with approximately \$37 million in farm gate income. It includes about 5,000 homes within the watershed area. During the 1997 tour, the Commission observed the interface between rural housing and the watershed.

Jim Squires of the Clinton Conservation District presented slides of the projects within the Stony Creek Watershed.

Commissioner Darling thanked Mr. Squires and Mr. Lasher for today's presentation and the update on the projects.

#### PRESENTATION OF RESOLUTION TO BARRY BRAND

Commissioner Darling presented a Commission of Agriculture Resolution and plaque to Barry Brand in recognition of his many years of service to Michigan's agricultural community and his 24 years of service to the Michigan Agricultural Marketing and Bargaining Board.

#### APPROVAL OF REGULATION 641, COMMERCIAL FERTILIZER BULK STORAGE – Gary King and Nanje Osborn of the Pesticide and Plant Pest Management Division and Ben Darling of the Environmental Stewardship Division

Mr. Gary King of the Pesticide and Plant Pest Management Division explained that a public hearing to discuss proposed Regulation 641 was held August 25, 1998. The comments received at the hearing were incorporated into the proposed Regulation 641. The Michigan Agri-Business Association is in support of the regulation with the changes.

Mr. Ben Darling of the Environmental Stewardship Division reviewed the major changes made to Regulation 641.

Commissioner Tatter questioned the wording on page 3, item (9), "department may exempt any person from a requirement under this rule." It may need to be clarified that this applies to the entire regulation, not just to Rule 2.

Ben Darling said that he would check with the Legislative Service Bureau on the proper wording. (Editor's Note: The proper wording should be "...under these rules..." per advice and practice of the Legislative Service Bureau.)

#### MOTION: COMMISSIONER TATTER MOVED TO PROCEED WITH THE LEGISLATIVE PROCESS FOR REGULATION 641, COMMERCIAL FERTILIZER BULK STORAGE. SECONDED. MOTION CARRIED UNANIMOUSLY.

Commissioner Stamp asked if work had begun on regulations for on-farm storage of bulk fertilizer.

Mr. Darling responded that a committee has been formed and meetings have been held prior to holding a public hearing. There is a draft document ready.

#### COMMISSIONER'S COMMENTS:

Commissioner Deana Stamp reported that the dry bean harvest is underway and it appears that yield and price

may be slightly above average. She commented that she is pleased with the changes made in the TB Quarantine Order .

Commissioner Stamp attended the Food Quality Protection Act hearing at the Bean and Beet Research Farm in Saginaw. She said that the Senate Committee, Senators McManus, Byrum and Gougeon, did an excellent job in hosting the hearing and EPA also was on hand to answer questions. One major concern is whether or not imported foods must be regulated and meet the same standards as U.S. grown foods. Another concern is the collection of real pesticide use data and the importance of gathering accurate and credible figures.

Commissioner Shirley Skogman asked about a reported conflict between the Michigan Sportsmen Congress and the Upper Peninsula State Fair.

Keith Creagh, Deputy Director, responded that Mr. Joseph McDonnell, Manager of the Upper Peninsula State Fair has contacted the Michigan Sportsmen Congress, and a mutually agreeable date has been reached for the Michigan Sportsmen's Outdoor Expo for next year.

Commissioner Skogman stated that state Department of Environmental Quality and local health officials recently contacted Mr. Bob Barron of Barron Farms in Gladstone, Michigan, about the burning of his cranberry bogs and a potential public health risk.

Keith Creagh said that the Environmental Stewardship Division is aware of the situation and has been working with the Department of Environmental Quality. The issue has been resolved.

Commissioner Skogman reported that potato harvesting has begun and the white potato crop looks good. However, the Burbanks around the country are very small this year. They are still experiencing problems with labor shortage and deer crop damage. Complaints have already been filed against them for shooting deer under proper permits. The local DNR biologist has been talking with neighbors trying to explain the importance to farmers of protecting their crops. The biologist is encouraging those complaining to help the farmer.

Commissioner James Maitland commented again that he was very impressed with both the Michigan State and Upper Peninsula State Fairs. He reported that he attended the Value-Added Conference held in Lansing on September 3 and felt it was a productive conference. He expressed his appreciation to MDA for hosting this worthwhile and informative event.

Commissioner Maitland stated again that he felt the meeting held in Hillman, Michigan to discuss the draft Quarantine Order was very beneficial. He appreciated the way the department ran the meeting and listened to the comments and concerns from producers in the area.

He also reported that the apple crop harvest is beginning in his area. He said the statewide plum crop was good, producing favorable prices and new plantings.

Commissioner Jordan Tatter reported that following the meeting at the Upper Peninsula State Fair, he had an opportunity to view considerable deer damage to potatoes on Commissioner Skogman's farm, some within 100 yards of her home. He added that wind and localized hail caused damage to crops in Berrien and VanBuren counties on August 24 and to trees, power and telephone wires in southwest Michigan, with more hail hitting the area early Labor Day morning.

He attended the Michigan State Fair in Detroit on Governor's Day; the Michigan Food Processors Association Annual Harvest Outing held in Benton Harbor; and the Value-Added Food Processing Conference in Lansing. He reported that he received several telephone calls and a fax on the bovine tuberculosis situation and the pending Quarantine Order 1998-02 scheduled for discussion today. The comments received focused on costs, practicality and fairness concerns of the pending order. In each case, Commissioner Tatter invited the caller to attend today's meeting and/or contact Director Wyant.

Commissioner Tatter reported that the blueberry harvest is winding up almost a month earlier than last year, with about two-thirds of the crop size. Grape harvest has begun almost two weeks ahead of last year and the crop will be 20 to 30 percent larger and of excellent quality. Harvest of fall apple varieties is just beginning with both crop quality and size less than a year ago and prices considerably under 1997. A record Washington state

apple crop has put a lid on fresh market pricing and imports of cheap Chinese concentrate have destroyed the juice market. These factors, coupled with the loss of a major Michigan apple processor, places Michigan apple growers in a serious financial bind this year. He feels that MDA should take the lead in pursuit of a Section 201 Import Relief Appeal or other appropriate avenue of approach. He believes that Dale Sherwin of MDA is very knowledgeable about this action and could pull together Michigan's and other states' apple industry promotion agencies, as well as our Michigan Congressional delegation and through them other states' members of Congress to support a Section 201 appeal to the President.

Commissioner Tatter commented that he found the MDA Internal and External Customer Service Satisfaction data presentation excellent and enlightening. He believes this information should be shared with other state agencies and the Governor.

Commissioner Douglas Darling reported that harvest will begin early this year. His area did receive rain during the month of August that helped the soybeans. Unfortunately, there probably will be only an average corn yield.

He also commented on the Michigan State Fair and how well John Hertel brought in the media to create community ownership. The DNR pocket park dedication was great and this park will be able to be used for many events. He commented that there are many activities that could take place at the fair on a year-round basis.

Commissioner Darling attended the Food Quality Protection Act hearing and he believes the concerns raised are well founded. He believes that there may come a time when the department will need to ask Congress to revisit the August 1999 implementation date. He also attended the Value-Added Conference held in Lansing and was impressed by the number of banking and financial representatives in attendance. He also attended the Corn Marketing Committee's presentation on the feasibility of an ethanol plant in Michigan.

He also said that he had received many calls regarding the TB Quarantine Order.

Commissioner Darling believes that the land use/farmland preservation issue is one that the Commission needs to address.

Director Wyant re-entered the meeting.

## PUBLIC COMMENT

Ron Nelson of the Michigan Farm Bureau expressed his concern about the discussion held this morning with Natural Resources Commission Chairman Keith Charters. Mr. Nelson stated that the deer are not always in the fields. Once the crops are gone from the field, the deer move from the fields to alternative sites. Mr. Nelson believes that these round hay bales are exactly where they need to be because there are some farmers who use the woods as a shelter in the winter for their livestock. When the snow gets deep, it is more of a challenge to move the bales to the livestock. He believes that there may be some very good reasons why the farmers have not brought these bales to the barn. Mr. Nelson stated that he is not suggesting that agriculture should not take a second look at the placement of the bales, but he is suggesting that farmers may already have done so and determined that these bales are where they need to be. One concern is that if bales are moved to the barn, the deer may move to the barn as well. If the DNR feels strongly that these bales need to be moved, it may need to help pay for the containment to keep deer out of the hay.

Mr. Nelson further stated that the hunting of deer is as close as we can get to the answer of eradicating the tuberculosis problem. The issue is much bigger than farmers taking the bales out of the fields. We have to look at the hunting season and why it has not been extended and why there is only one permit issued per day.

He expressed his appreciation to MDA for the aggressive action taken on the TB Quarantine Order and for listening to the farmers at the Hillman meeting.

Commissioner Maitland referred to MDA's Enforced Restriction Order, paragraph 3, which reads "effective May 1 a person shall not allow feed used for livestock to remain in areas frequented by wild free-ranging white-tailed deer and elk unless the area is occupied by livestock actively consuming the feed on a daily basis and unless the feed is covered so as to prevent wild free-ranging, white-tailed deer and elk from getting access to the

feed." He believes that the rule has already been adopted to cover the round bales of hay and it is now an enforcement issue. The question now needs to be answered on how this rule can be enforced. MDA needs to make every effort this first year to do all it can on the side of agriculture to alleviate this problem. If agriculture does its part, hopefully, the DNR will do what they can on their side. If it doesn't happen that way during the first year, then we will be blaming each other. Commissioner Maitland does not want agriculture to be the one that gets blamed.

Mr. Nelson responded that he is not taking issue with this point. However, if livestock are frequenting the area then there may be reason to have those bales there under this particular enforcement order. He did not hear this recognition from Chairman Charters this morning and possibly this should be reviewed with him. If in fact the deer are frequenting the area, it would indicate that the bales could be there for access by the livestock. Enforcement is always a difficult issue. Mr. Nelson said that the reason for his comments was to balance what was said this morning.

Director Wyant recommended that information be provided to the producers that it is in their best interest to move the hay bales because of the disease potential if deer are frequenting that hay. Many of the producers have already taken the precautions necessary because they do not want the deer coming in contact with livestock. Director Wyant said that if the deer are frequenting the hay bales, and there is evidence, action needs to be taken. The department must enforce this rule or lose its credibility. It may be prudent to publish a definite date when the department expects to see those hay bales moved out of the field.

Commissioner Stamp asked about the statement made by Chairman Charters about enforcement beginning on January 1, 1999. Director Wyant responded that he would get clarification from Chairman Charters.

Commissioner Maitland asked which division in the department enforces the Enforced Restriction Order. Director Wyant responded that the Right to Farm inspectors of the Environmental Stewardship Division are responsible for enforcement.

Commissioner Maitland said that farmers need to know about this Enforced Restriction Order and that it will be enforced, which may encourage them to comply voluntarily.

Dr. John Molesworth said that it was his understanding that if deer are frequenting a bale, then a farmer is in violation. However, if deer are not frequenting a bale, then the farmer is not in violation. He said that there are various reasons why these bales are not all taken into the barn, and one reason is fire. If there is a fire, caused by lightening or other cause, a farmer would lose his entire hay feedstock.

Mr. Nelson asked Scott Everett to give a brief overview of the deer hunting season. Mr. Everett said that massive hunting changes in the state's regulations have taken place during the last two to three years. The difference between Deer Management Area 452 and the rest of the state is a 10-day early season. There also is frustration about the limited permits issued.

Mr. Nelson said that the Michigan Farm Bureau will work with MDA to do what it can to get information out to the farmers about the round hay bales.

CONTINUATION OF DISCUSSION ON BOVINE TUBERCULOSIS IN MICHIGAN – Dr. H. Michael Chaddock, State Veterinarian and Director of the Animal Industry Division

Dr. Michael Chaddock distributed a documentation book that has been prepared to send to USDA on the proposed regionalization plan. He said that today's meeting with Dr. Joan Arnoldi was very informative. She provided many suggestions and feedback on how Michigan should present its plan to USDA. Dr. Arnoldi suggested using a term other than "regionalization." Dr. Chaddock said that Michigan's strategy is to ask USDA to reinstate its accredited-free status for the entire state except for the northeast area. It is understood that epidemiology and traceback must be completed on the one positive cow before USDA will consider reinstatement.

Dr. Chaddock said that a letter to USDA/APHIS has been prepared asking that all areas of the state be classified as an accredited-free state with the exception of the northeast area. Documentation will be included with the letter detailing Michigan's plan to assure that bovine tuberculosis remains isolated to the defined area

of northeast, lower Michigan and specifying plans for eradicating the disease. Hopefully, USDA will reinstate Michigan's accredited-free status based on the documentation provided. Dr. Chaddock explained that there is an open comment period, expiring October 13, 1998, to receive comments on the interim rule published by USDA in the Federal Register that gave notification of Michigan's suspension.

Dr. Chaddock said that Dr. Arnoldi believes the TB issue should be an open discussion at the U.S. Animal Health Association Meeting that will be held the first week of October. Dr. Chaddock explained that this is an opportunity for discussion on animal health issues between USDA and the states, the industry, even internationally. Dr. Chaddock stated that if Michigan presents the documentation book as a comment to the interim rule now, USDA would not be permitted to participate in these discussions.

Director Wyant added that Michigan will submit the documentation to USDA as an informal request for feedback that would be used to perfect the plan.

Dr. Chaddock said that Dr. Arnoldi indicated that USDA is very open and willing to work with Michigan. She also said that another risk analysis should be done and USDA resources would be made available. She indicated that additional personnel would be sent to Michigan. USDA has also agreed to reconsider additional research dollars needed in respect to the captive cervidae situation. He said that USDA is very supportive of Michigan's efforts so far and Dr. Arnoldi complimented Michigan for the aggressive action it has taken.

Commissioner Tatter encouraged Dr. Chaddock to include DNR's data after the close of the hunting season in the next risk analysis.

Dr. Chaddock agreed and said that discussions have already begun with DNR.

Commissioner Darling expressed the appreciation of the entire Commission to Dr. Chaddock and his staff for the time and effort given to this issue. He also thanked Director Wyant and MDA staff for the commitment given to the tuberculosis situation.

Director Wyant recognized Dr. Chaddock and the Animal Industry Division staff for the incredible amount of work over the past two weeks. He also thanked staff and Commissioner Maitland for attending the Hillman meeting.

## ADJOURN

The meeting adjourned at 3:50 p.m.

## ATTACHMENTS

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

Attachment A Commission of Agriculture August 20-21, 1998, Meeting Minutes

Attachment B Director's Report - September 1998

Attachment C Draft Michigan Department of Agriculture Animal Industry Division

Quarantine Order 1998-02, dated 9-9-98

Attachment D "White-tailed Deer and Elk Feeding Ban, Enforced Restriction Area  
Order, Normal Agricultural Practices, May 1998

Attachment E "Q & A on Deer Hunter Access"

Attachment F "Farm Bureau Deer Hunter Access Program"

Attachment G "Project GREEN, A Summary of the Plant Coalition and

Crop Integrators"

Attachment H "GREEN Operating Budget Request," dated 8/25/98

Attachment I Draft Farmland Preservation Policy and Suggested Language

Attachment J Legislative Report – September 1998

Attachment K Resolution Honoring Baert "Barry" Brand

Attachment L Regulation 641, Commercial Fertilizer Bulk Storage

Attachment M Documentation Book "Bovine Tuberculosis Situation in Michigan"