

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

Prior to the Michigan Commission of Agriculture (MCA) meeting, Commissioners and Michigan Department of Agriculture (MDA) staff toured Ruleau Brothers, Inc. fish processing plant in Stephenson, Michigan. After lunch, the Commission was provided a report on the Michigan Slow the Spread Program (gypsy moth) by Jim Pawlowicz, MDA Region I office. Informational materials were distributed and are on file in the Commission office.

CALL TO ORDER:

Chairperson Shirley Skogman called the MCA meeting to order at 4:07 p.m., August 14, 1996. Meeting was held at the Best Western Pioneer Inn, 2635 Ludington Street, Escanaba, Michigan. Chairperson Skogman introduced the Commissioners, Dr. Gordon Guyer, Dan Wyant, and Jann R. Baugh.

Commissioners Present:

- Shirley A. Skogman, Chairperson
- Douglas E. Darling, Secretary
- David Crumbaugh
- Jordan B. Tatter

Commissioners Absent:

- Norman R. Veliquette, Vice Chairperson

A quorum was present to do business.

MDA Staff Present (during portions of the afternoon):

- Dr. Gordon Guyer, Director
- Daniel J. Wyant, Director Designate
- Keith Creagh, Deputy Director
- Robert Craig, Director, Agriculture Policy and Special Projects
- Dr. Freeman Hayes, Assistant State Veterinarian, Upper Peninsula (U.P.) and MDA Region II Manager
- Jean Valley, Executive Secretary to the Commission

Legal Counsel:

- Jann Ryan Baugh, Assistant Attorney General

U.P. State Fair Board:

- Joanne Stefl, Chairperson
- Richard Breyer
- John Kronemeyer
- Steven Palosaari
- Bill Pesola

Others Present (during portions of the afternoon):

- The Honorable David Anthony, Michigan House of Representatives
- Ann Jousma-Miller, Representatives Anthony, Prusi, and Tesanovich's U.P. Office
- Arnie Rich, Senate Fiscal Agency
- Ray C. Valley, Attorney General's Office

U.P. STATE FAIR BOARD:

Board Chairperson Joanne Stefl welcomed the Commission and MDA staff to Escanaba and invited them to the U.P. State Fair; she also introduced the fair board members (listed above).

APPROVAL OF AGENDA:

There were no additions or changes to the agenda and there was consensus to approve the agenda as presented.

RECOGNITION OF CHAIRPERSON:

Dr. Guyer quoted from an article entitled, "Women in Michigan Who Are Making A Difference," which recognized a number of women, including Chairperson Skogman, for their contributions. He further commended the Chairperson for her positive work for agriculture and MDA in the U.P. and throughout the state.

APPROVAL OF MINUTES:

MOTION:

Commissioner Crumbaugh moved that minutes for the July 9-10, 1996, meeting and the July 25, 1996, special meeting of the Michigan Commission of Agriculture be approved.

(Seconded) **Motion carried**

NEXT MEETING:

unanimously.

The next regular meeting of MCA will be September 10-11, 1996, at the Boulevard Hotel, 521 Lake Boulevard, St. Joseph, Michigan.

Prior to the meeting, there will be a tour of Coloma Frozen Foods processing plant. Meeting will be held in conjunction with the Michigan Grape and Wine Council meeting.

COMMISSIONERS' PER DIEM AND TRAVEL EXPENSES:

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

MOTION:

- August 10-12, 1996--Michigan Bean Shippers Association Meeting, Bellaire, Michigan: Commissioner David Crumbaugh;
- August 22, 1996--Innovative Farmers of Huron County Third Annual Integrated Cropping System Applied Research Plot Tour: All Com-missioners;
- August 23, 1996--Governor's Luncheon and activities at Michigan State Fair, Detroit, Michigan: All Commissioners; and

September 19, 1996--Water Quality Public Policy Tour: All Com-missioners;

(Seconded) Motion carried unanimously.

COMMISSIONERS' COMMENTS:

Chairperson Skogman welcomed the Commissioners to the U.P. and said she is pleased the Commissioners and staff will have dinner in her home.

Commissioner Tatter commented on the exceptionally fine Employees' Awards Ceremony on July 25 and was pleased about the warm reception Dan Wyant received when introduced at this event and the employees' picnic.

Since the last Commission meeting, Commissioner Tatter:

- Attended the International Association of Refrigerated Warehouses and The Refrigeration Research and Education Foundation Annual Committee Meetings in Washington, D.C., August 4-6. Focus was on agriculture, food processing and preservation, and logistical issues dealing with providing an abundant and healthful food supply domestically and worldwide;
- Attended and chaired the Food Processing Industry Roundtable in East Lansing on August 13. Katherine Fedder and Vincent Parris are valuable participants in the emerging efforts and output of this new organization;

In southwest Michigan harvest of all tree fruits, vine, and bush crops is considerably short of last year's yields and this year's conservative estimates; quality and prices are good, however. Harvest is about five to ten days behind schedule. Soil moisture is a little short at this date.

Commissioner Darling reported rain is needed in southeast Michigan; crops are fair considering the dry conditions.

He concurred with Commission Tatter's positive comments about the employee recognition ceremony and picnic and the welcome Director Designate Wyant received.

Farmers are questioning accuracy of initial tests for vomitoxin in wheat.

Commissioner Darling attended dedication ceremonies for the Mud Creek Irrigation District; it was impressive and interesting. Screens are capable of filtering particles as small as 25 microns (talcum powder) and are self-cleaning. Pumping capacity is 10,000 gallons per minute providing water for more than 2,000 acres. This irrigation system is a model for the Great Lakes Basin and some areas of Canada.

He invited the Commissioners to Monroe County's Farm Visit Day on September 7. Event provides urban residents an opportunity to tour Chapman's sheep and William's dairy farms, Four Star Greenhouse, and Massurant Feed and Grain store.

Monroe County residents were pleased about Dr. Guyer's visit to their fair; there were many positive comments about the visit.

Amendments to the Delaney Clause passed providing some relief to restrictions of the past; this will help farmers and food processors.

Commissioner Darling asked for an update on the Almont Township vs Sam Dome right-to-farm issue. Mrs. Baugh will send information about the case to Commissioner Darling.

Commissioner Crumbaugh

expressed appreciation for the opportunity to be in the U.P. and the warm welcome the Commission receives.

He, too, appreciates the acceptance of Director Designate Wyant and believes he will do very well.

Commissioner Crumbaugh expressed concern about hedge-to-arrive contracts. He asked to be kept informed about this situation.

He attended the Michigan Bean Shippers Annual Meeting with Dr. Guyer. Bean crop is excellent in Gratiot County and appears to be good throughout the state; however, growers will need a late, warm fall.

Commissioner Crumbaugh would appreciate knowing when there are recognition events for Dr. Guyer so Commissioners may attend.

Commissioner Skogman reported she and Dick Ostrander will be judges at Michigan Farm Bureau's (MFB) 1996 Young Farmer District Discussion Meeting September 4 (in Escanaba); topic is hedge-to-arrive contracts. Also, she was invited to be mistress of ceremonies at the U.P. Ag Expo December 4; however, she may have a conflict as there is a seed seminar in San Diego on that date. She relayed an invitation to Dan Wyant to be keynote speaker at the U.P. Ag Expo.

Rainfall has been sufficient so the Skogmans have not had to irrigate this summer. Seed growers were concerned earlier in the season about late potato blight but this has not occurred and it appears there will be a good crop.

Deer are causing considerable damage to crops and special hunting permits are being requested.

The Chairperson called attention to the following invitations:

- Luncheon meeting with representatives of the U.P. Soil Conservation Districts August 15;
- Governor's Day activities at the fair August 16.
- Wine reception and Governor's Luncheon at the State Fair (Detroit) August 23 (Commissioners Darling, Tatter and Crumbaugh plan to attend these events);
- 31st Annual Greater Lansing Urban League Dinner on September 26; and
- MDA employees' dinner at MSU on October 7.

Chairperson Skogman noted a request for information about cranberry production in the U.P. in the minutes of one of the U.P. Soil Conservation Districts; she is pleased to see interest in expanding this crop in the U.P.

PUBLIC APPEARANCE:

Representative David Anthony welcomed the Commissioners and MDA staff to the U.P. and invited them to the fair. He said comments are positive about the fair and stockcar racing at the fairgrounds.

He reported it has been a good year legislatively for agriculture. A number of bills were passed that change the scope of agriculture including expanding the definition of aquaculture to include oysters and shrimp along with traditional species such as salmon and trout. Michigan will be in the forefront in aquaculture as we enter the next century.

Representative Anthony challenged the Commission to remember forestry as it thinks about agriculture. Forestry is not always as visible as other segments of the agricultural industry, but it is economically important to Michigan. In his opinion MDA, Department of Natural Resources (DNR), and Michigan State University (MSU) are doing a good job managing this resource which provides timber, recreation, and hunting in Michigan. People do not understand that if forests are not managed, their value will decrease and forestland may be lost to other purposes; e.g. developed. People are concerned about clear-cutting in other parts of the world but that does not occur to as great an extent in Michigan; however, misinformation causes emotional reactions so there is need for education.

There are concerns about deer damage from farmers as well as maintaining deer populations for recreation. Last year's effort to curtail deer and the severe winter did impact deer population in some areas. The economic benefit generated by sportsmen and crops grown for deer feed is significant, so any perception that herd may be depleted to the level of the 1970s causes concern. It is a sensitive issue and it will be difficult to maintain a balance between the groups.

Dr. Guyer asked about reactions in the U.P. to the Citizens United for Bear (CUB) referendum. Representative Anthony said initially there was apathy, but now people recognize its relationship to all hunting and are concerned. Urban residents are more supportive of the referendum due to a misconception that bear cubs are hunted.

Ann Jousma-Miller greeted the Commission on behalf of Representatives Prusi and Tesanovich.

REGION I UPDATE:

Dr. Freeman Hayes reported on the a number of issues being addressed in the U.P. including tests for tuberculosis in cattle and elk, a mysterious death of a horse, routine inspections made by regional staff, cooperative efforts with MSU and USDA on a National Animal Health Monitoring System, U.P. Laboratory tests, and right to farm complaints. Attachment A is a summary of Dr. Hayes's report.

ADJOURNMENT RECONVENE:

Chairperson Skogman adjourned the first meeting of the August session at 5:10 AND p.m. and reconvened the session at 9:08 a.m., August 15, 1996. Prior to the meeting, Commissioners and MDA staff had a breakfast meeting with Richard Ostrander, Manager, and the U.P. State Fair Board Members: Joanne Stefl, Chairperson; Richard Breyer; John Kronemeyer; Steve Palosaari; and Bill Pesola.

Commissioners Present:

- Shirley A. Skogman, Chairperson
- Douglas E. Darling, Secretary
- David Crumbaugh
- Jordan B. Tatter

Commissioners Absent:

- Norman R. Veliquette, Vice Chairperson

MDA Staff Present (during portions of the meeting):

- Dr. Gordon Guyer, Director
- Daniel J. Wyant, Director Designate
- David Charney, Emergency Management Coordinator, Communications and Emergency Management Division (CEMD)
- Robert Craig, Director, Agriculture Policy and Special Projects
- Jerry Dunn, CEMD
- Fred Heiner, Director, Internal Operations Division
- Wayne Whitman, Pollution Prevention Office, Pesticide and Plant Pest Management Division
- Jean Valley, Executive Secretary to the Commission

Legal Council:

- Jann Ryan Baugh

Others Present (during portions of the meeting):

- Fred Benzie, Marquette County Health Department
- Lynne Boyd, Geological Survey Division (GSD), Department of Environmental Quality (DEQ)
- Brooke Davis, Bresnan Communications, Marquette
- John Droska, MDA-Region I
- Dr. Ron Goldy, MSU-Extension
- Fred Heiner, Director, Internal Operations Division
- Scott Gaffner, Marquette County Health Department
- Patrick Jacuzo, Marquette County Health Department
- Craig Knudson, MFB
- Kellie Konieczny, Bresnan Communications
- Cal Marcoe, Baylands Speedway
- David Martin, Chippewa and Luce-Mackinac-Alger-Schoolcraft Health Departments
- Ann Jousma-Miller, Representatives Anthony, Prusi, and Tesanovich's U.P. Office
- Gerry Olson, Baylands Speedway
- Dr. Peggy Powell, Michigan Veterinary Medicine Association (MVMA)
- Arnold Rich, Senate Fiscal Agency

DIRECTOR'S REPORT:

Attachment B is a copy of the Director's written report. Included in Attachment B is a summary of his remarks to MCA.

Dr. Guyer distributed and commented on numerous items including correspondence commending MDA staff, an Audubon Society program to commend golf courses that become environmentally sensitive, hedge-to-arrive contracts, the final Welcomefest, a cherry summit to be held September 16-17, the department picnic and awards ceremony, recent fair visits and other meetings and appearances, and an upcoming agriculture-related trip to Costa Rica.

He also discussed vomitoxin, a serious, multi-state, wheat problem. Since data is needed on toxicology, agronomic practices, corn implications (associated with minimum tillage), and how to clean wheat, Dr. Guyer distributed a draft resolution calling for a team to study implications of vomitoxin, federal funds for research at MSU, and other states and federal groups to unite to resolve the problem. He requested the Commission take action on the resolution; there was consensus to consider the resolution later in the meeting.

Commissioner Darling complimented Michigan Farm Radio for its educational reports on vomitoxin.

Commission Budget (Attachment C).

Dr. Guyer referred to the Commission's budget report and commended the Commission's efforts to contain expenses.

**National Association of State
Departments of Agriculture**

(NASDA). Dr. Guyer encouraged MDA through its director to continue its participation in NASDA and the Midwest Association of State Departments of Agriculture (MASDA). These organizations provide important learning opportunities; many decisions are made that involve Michigan.

Director's Report (written). Referring to the written report, Commissioner Tatter asked or requested:

- That, in view of the emerging incidence of rabies in raccoons, MDA issue a press release cautioning people about transferring animals into the state.
- Has there been a response from the Federal Emergency Management Agency (FEMA) to Michigan's request that county and intercounty drain damage be eligible for federal funds to repair? [Mr. Charney will respond to this question during his report].
- Have companies been selected for involvement in the special exporting program?
- What is the purpose of survey to clarify status of processors in relation to "grower-owned and controlled processing cooperatives"?

Referring to the investigation, cleanup, and prosecution of Hudson's Pest Control and Susan Hudson for illegal commercial application of methyl parathion to indoor sites, etc. which cost the state thousands of dollars, Commissioner Tatter was astounded that fines were so low (\$9,000 each for Ms. Hudson and Hudson's Pest Control) compared to state and federal costs. Mrs. Baugh will check to determine if fines are established by statute.

Commissioner Tatter challenged the statement about a grower removing tart cherry trees due to poor market opportunities without reporting the number of tart cherry trees planted this year in Michigan.

Finally, he asked if the 119.8 percent increase in racing dates this year refers to live racing.

Crop Estimates. Dr. Guyer distributed and reviewed a report (Attachment D) of major crop estimates (dated August 12).

Drain Assessment Districts. Information about establishment of assessment districts for drainage and flood control had been distributed and is on file in the Commission office. Revision of the drain code is progressing; proposed changes will be presented to the Legislature in September.

Rural Development Council of Michigan (RDCM). A report on RDCM had been distributed and is on file in the Commission office. Council projects are progressing, including U.P. projects at K. I. Sawyer Air Force Base at Kinross and rural health issues. Dr. David Skjaerlund is an excellent director of RDCM.

RIGHT TO FARM:

Generally Accepted Agricultural and Management Practices for Cranberry Production (Practices).

Robert Craig introduced Dr. Ron Goldy, cochair of the MSU Task Force that developed the Practices (copy on file in the Commission office). Copies of the task force membership list were distributed (copy on file in Commission office); task force had broad representation. Cranberry production is complex and the Practices provide regulatory information in addition to production and technical information.

Dr. Goldy reported the cranberry industry is seeking a comeback in Michigan. States that have produced cranberries for many years (Massachusetts and Wisconsin) are just beginning to develop practices such as this draft. It is important to have practices in place prior to beginning an industry because they provide guidelines for entering the business.

The cranberry industry is expanding; it is seeking to expand 10 percent annually for several years. Nationally about 33,000 to 35,000 acres are in cranberry production. Expansion opportunities are limited in Massachusetts and New Jersey, and some of their growers are looking to Michigan.

Cranberries are native to Michigan; they are a wetland plant with specific requirements. They need an acid wetland with flooding and good drainage capabilities. Plants are shallow-rooted and water-dependent requiring between 8- to 10-acre feet of water per year. Contamination of water is a concern and must be addressed. Practices outline the specifics so growers do not make the start-up investment required (\$25,000 to \$30,000 per acre) and then find they cannot produce berries. Michigan has the right kind of soils and necessary water to produce cranberries. At present there are nearly 100 acres in Michigan; it is anticipated there will be 200 acres in 1997 and 500 acres in two years.

Commissioner Tatter cautioned that cranberry growers must address marketing issues at the same time they are planting so supply and demand will be kept at levels to maintain a profitable industry.

MOTION:

Commissioner Tatter moved that the draft Generally Accepted Agricultural and Management Practices for Cranberry Production be received and distributed for comments during the next month. Further, he moved that formal action be taken on the Practices at the September 10-11, 1996, Commission of Agriculture meeting. (Seconded) **Motion carried unanimously.**

Commissioner Tatter requested Mr. Craig invite Drs. Goldy and Eric Hanson, Messrs. Ron Bodtke and Mike DeGrandchamp, and others to the September meeting when the Commission takes action on the Practices.

Dr. Goldy invited the Commissioners to the September 9 tour of six sites that have potential for cranberry production and the dedication program for the newly created cranberry research plots at Southwestern Michigan Research and Extension Center.

Dr. Guyer complimented Dr. Goldy for the education he has provided during the developmental process of this industry.

PERSPECTIVES OF DIRECTOR DESIGNATE: Attachment E is a summary of Director Designate Daniel J. Wyant's comments to MCA. During the next six weeks, he has scheduled 40 meetings with Michigan food and agricultural leaders and MDA division directors. The Commission requested a list of persons with whom he will meet.

RECESS AND RECONVENE: Chairperson Skogman recessed the meeting at 10:45 a.m. and reconvened it at 10:56 a.m.

COMMUNICATIONS AND EMERGENCY
MANAGEMENT DIVISION:

Disaster Update. David Charney distributed maps (dated August 7) depicting primary and contiguous counties named in the Presidential Declaration. MDA was successful in convincing FEMA to recognize drains as a public infrastructure and eligible for public assistance. FEMA engineers and county drain commissioners are surveying drains for site-specific damage to estimate costs and effort to repair drains to pre-flood condition.

After damage assessments are completed, federal assistance will be available on a 75-25 percent federal-state, cost-share basis. In the past the Michigan Legislature passed an appropriation for 12.5 percent of the total costs and local units of government are responsible for the remaining 12.5 percent.

An additional 15 percent of the total federal disaster payment will be made available for mitigation projects (things to assure this type flood will not recur). Meetings are being held on mitigation issues; e.g., construction of grassways along drains, and for public education. Michigan Department of Transportation (for disaster-related road damages) and other affected local units of government will be competing for the mitigation funds.

The map entitled 1996 Agricultural Disasters as of 7-26-96 (included in Attachment F) addresses the current status of Secretarial Agricultural Disaster Designations. In addition to the 14 counties originally contained in the Governor's June 27, 1996, Secretarial Disaster request, 13 additional counties have supplied crop loss data. USDA Farm Service Agency is reviewing the additional requests to determine if they qualify for assistance. Mr. Charney anticipates a positive review and expects all eligible counties to be approved by the end of August. Potential contiguous counties, based on all principal counties being approved, are shown on the map.

Commission of Agriculture Policy No. 11, Emergency Management.

Commission Policy on Emergency Management was adopted October 5, 1993. After reviewing, Mr. Charney redrafted the policy to reflect the present federal-state-local disaster interface circumstance and presented the revised policy (Attachment G) for Commission approval. Dr. Guyer supports the revised policy and request for adoption.

MOTION:

Commissioner Tatter moved that Commission of Agriculture Policy No. 11, Emergency Management, as revised, be adopted. (Seconded)
Motion carried unanimously.

PUBLIC APPEARANCES:

Lynne Boyd, GSD, DEQ, reported on permits related to the oil and gas industry which is regulated by GSD-DEQ. Attachment H is a summary of her comments.

During the discussion, Dr. Guyer pointed out the need for compensation for loss of soil productivity for years as a result of installation of pipelines, post- production costs (responsibility of DNR) that offset income, and the inclusion of MDA on the task force developing management practices.

AMENDMENT OF AGENDA:

There was consensus to amend the agenda and hear public comments at this time.

PUBLIC COMMENTS:

Dr. Peggy Powell, Craig Knudson, and Joseph Shebuski of the Miracle of Life Exhibit at the U.P. State Fair, were welcomed to the Commission meeting. Dr. Powell said the exhibit is presented by MVMA and sponsored by BCBS, MFB, and a grant through MDA. Exhibit is a unique educational display featuring live births or newly born piglets and calves and a chick hatchery.

Mr. Shebuski, BCBS, thanked the Commission for the opportunity to bring the presentation to this fair; he hopes it is the beginning of a long relationship with the U.P. State Fair. BCBS is pleased to participate in the exhibit and believes it is a subtle educational tool for wellness and health; children exposed to modern veterinary medical practices will transition this into the fact that everyone needs to practice proper health care.

Mr. Knudson, MFB, agreed with Mr. Shebuski's remarks. He, too, appreciates the cooperative effort among MDA, BCBS, MFB, and the MSU Agricultural Experiment Station.

Commissioner Tatter said it is ironic that we have such a strong animal health program and yet the lowest child immunization level in the nation and he asked why this is a reality. Dr. Powell said it is related to education; veterinary associations dedicate significant time and effort to quality assurance programs. As the medical associations become more involved in getting information (education) to the public, human health will improve. The Miracle of Life Exhibit helps promote healthy living through healthy nutrition and vaccinations, etc.

Commissioner Tatter also commented that Michigan has the highest medical mal-practice insurance rates and asked if high malpractice insurance rates and low immunization rates are related.

Mr. Shebuski reported programs for child immunization and caring for children in Michigan are promoted at the exhibit and information about immunization is available. The caring for children program provides health care for people who are employed but do not have health-care benefits for children (up to age 18). There have been considerable inquiries about this program.

PUBLIC APPEARANCES (continued):

Fred Benzie, Environmental Health Division, Marquette County Health Department, and Dave Martin, Chippewa Health Department and Luce- Mackinac-Alger-Schoolcraft Health Department. Mr. Martin represents environmental health programs for two eastern U.P. health departments covering a large geographical area.

Prior to the transfer of the Food Service Sanitation Section to MDA, there were numerous cooperative efforts among MDA, Michigan Department of Public Health, and local health agencies. An example of a major project in northern Michigan involved development of an improved food delivery system to Mackinac Island.

Changes will be made to programs as reductions in funding create the necessity to streamline programs. Focus will be on handling products and time and temperatures for preventing foodborne illness. To help with this he anticipates adding new technology; e.g., use of laptop computers during inspections to provide clear and efficient reports to the industry.

Commissioner Tatter asked if an inspector can computer-generate a license at time of inspection. Mr. Martin explained inspectors may issue temporary licenses at time of inspection. Because investment to open a restaurant is sizable, a coordinated process has been developed with local building inspectors. Plans for the kitchen component are submitted to the local health department for review and inspectors work with the owner-operator. On-site visits are made during construction. When construction is completed, the permit can be executed. The annual licensing process is not yet that efficient, however.

Mr. Benzie reported his agency has local program responsibility closely related to MDA's responsibilities; e.g., food program, groundwater education and protection, soil erosion, and rabies. He introduced Patrick Jacuzo and Scott Gaffner of his staff who do food inspections in Marquette County.

Mr. Benzie is pleased with the opportunity to develop a uniform rules and inspection process. For many years there were memorandums of understanding among state and local agencies which created multiple nuances and confusion. He hopes a single uniform license, administrative policy, and rules can be developed which will eliminate confusion and double standards and will provide better service to the industry and public.

Marquette County Health Department has been a leader in groundwater education and protection. Staff are specifically dedicated to this program, and MDA is providing opportunities to continue this practice.

In the area of soil erosion, he believes there is need for coordinated efforts, particularly related to communicating information among his department, the soil conservation district, and MDA.

Dr. Guyer assured Messrs. Benzie and Martin that MDA will work toward uniformity among the agencies; he is pleased with the association between MDA and their agencies.

Baylands Motorsports. Cal Marcoe reported that racing began at the U.P. State Fairgrounds on July 17. There were a few small problems, but these have been resolved. Delta County residents are supportive and positive; people want to be involved.

Gerry Olson reported they are working to develop local participants. This year they had to bring in outside sanctioning bodies to produce events. Attendance will increase as local and northern Wisconsin participants increase. It was expected it would take three years to get the program under way.

Six races have been held to date and three more are scheduled for this year. Because it was late getting started this season, Baylands increased the purse and provided tow money to attract racers to Escanaba. There was a positive response to the motorbike races on August 12 (fair preview night). Mr. Ostrander has been helpful and they have a good working relationship with him. The facility is excellent and attractive. Racing will open May 17, 1997; there are plans for 16 consecutive weekly races and six special events. The 1997 purse is set at \$1,000 to win. In addition to IMCA sanctioned cars, they plan to introduce a car sanctioned by another group.

Mr. Olson said he spoke with Sharon Martin, Michigan Liquor Control Commission, prior to this meeting and he related that the Baylands' liquor license was approved August 12.

Ann Jousma-Miller, again, greeted the Commissioners and will join them for lunch.

CHERRY MARKETING:

Dr. Guyer asked Katherine Fedder to inform the Commission about MDA's role in the Red Tart Cherry Federal Marketing Order. She reported MDA has no formal role in the process. USDA will oversee the administrative board elected to make decisions regarding supplies, reserves, quality standards, inspection, marketing, and promotion. MDA is hopeful the order will help stabilize the industry .

Chairperson Skogman requested a report on the marketing order; Ms. Fedder will provide this information to the Commissioners.

COMMISSION RESOLUTION:
MOTION:

Commissioner Tatter moved that the Michigan Commission of Agriculture adopt the following resolution:

WHEREAS, Wet weather conditions, combined with warm temperatures in Michigan, have created the worst outbreak of wheat scab (*Fusarium graminearum*) in 100 years which can produce a mycotoxin called vomitoxin; and

WHEREAS, Michigan winter soft white wheat is a critical component of Michigan's highly successful milling and pastry industry, and vomitoxin can impact flavors in foods and baking quality; and

WHEREAS, Livestock refuse feed infected with vomitoxin which significantly affects weight gain; and

WHEREAS, Michigan winter soft white wheat receipts for Michigan farmers are over \$117 million; and

WHEREAS, There is a void of information about the toxicology, agronomic implications, and technology related to handling infected grain.

THEREFORE, BE IT RESOLVED, That the Michigan Commission of Agriculture commends Michigan State University for the multidisciplinary partnerships developed under the Wheat 2000 Initiative and encourages its utilization to determine and

expedite future research; and

FURTHER, IT IS RESOLVED, That this Commission encourages Michigan State University, other states, and federal agencies to provide appropriate leadership and immediate action to protect and enhance the wheat production and milling industry in Michigan and the Midwest; and

FURTHER, IT IS RESOLVED, That this Commission supports the Michigan Department of Agriculture in its role to resolve the issue by facilitating discussions central to the issue and encourages appropriate agri-business interests to participate in development of action plans.

(Seconded) **Motion carried unanimously.**

PUBLIC COMMENTS (Continued) AND
ADJOURNMENT:

No one wished to speak at this time; therefore, Chairperson Skogman adjourned the meeting at 12:15 p.m.

The Commissioners, Dr. Guyer, Mr. Wyant, and MDA staff attended a luncheon meeting with representatives of the U.P. soil conservation districts. Following lunch, the Commissioners visited the U.P. State Fair.

On Friday, August 16, Commissioners Skogman, Darling, and Crumbaugh participated with Brian Swift, Governor's Northern Michigan representative, in the Governor's Day activities at the fair.

I, Douglas E. Darling, Secretary of the Michigan Commission of Agriculture, do hereby certify that I have read the minutes of the August 14-16, 1996, session of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

Douglas E. Darling, Secretary

I, Gordon E. Guyer, Director of the Michigan Department of Agriculture, do hereby certify that I have read the minutes of the August 14-16, 1996, session of the Commission of Agriculture and they are a true and accurate description of the proceedings thereof.

Gordon E. Guyer, Director

Approved on September 10, 1996.

For information about the Commission of Agriculture, please e-mail the MDA webmaster from MDA's home page.

Attachment A

SUMMARY OF REPORT ON MDA REGION I BY DR. FREEMAN HAYES, ASSISTANT STATE VETERINARIAN, TO MCA, August 14, 1996, Escanaba, Michigan.

Dr. Freeman Hayes reported:

- All trace-back tests on Michigan cattle in response to last year's finding of

tuberculosis in a Wisconsin heifer were negative;

- There was concern about TB in elk after a bull elk was brought to the U.P. from the Lower Peninsula for breeding purposes. All elk were tested and found negative. (A year ago one elk in a herd near Fremont tested TB positive and further testing found three additional elk that were positive.) This issue will be followed closely due to increased numbers of captive cervidae in Michigan;
- There has not been a positive field strain of brucellosis in Michigan for many years; however, animals in other states have the disease so Michigan maintains a surveillance program;
- There are 15 to 20 cases of Equine Infectious Anemia in the Lower Peninsula but none to date in the U.P. (more than 1,800 horses were tested);
- There was a "mysterious" horse death a month ago. The U.P. owner stabled her horse in Wisconsin, and it developed symptoms suggestive of botulism. The horse received extensive and expensive testing and treatment at the University of Wisconsin but to no avail. Owner questioned the feed (purchased at a local feed mill), and MDA submitted feed samples to MSU which were subsequently sent to the University of Pennsylvania for analysis. Tests for a number of diseases, including rabies and central nervous system diseases, were negative. A fish oil in the feed is suspected to have caused botulism, type E, but tests results have not been received yet.

Due to the TB incident in the heifer in Wisconsin last year, and the tremendous expense MDA and livestock producers incurred for testing cattle in order to maintain our TB-free status, Dr. Hayes is visiting every U.P. livestock dealer and trucker to check records and assure they are current. Good records save considerable epidemiological work and expense if an incident of a disease occurs.

Regional staff routinely inspect 20 dog pounds, six riding stables, and six pet shops in the 15 U.P. counties in addition to responding to animal cruelty complaints, poor sanitary conditions, etc.

Staff also worked cooperatively with USDA and MSU on a National Animal Health Monitoring System study designed to provide the dairy industry with research information on the nation's milk cows. The first report was released; focus was on Johnes disease, E. coli, bovine leukosis virus, neospora, and digital dermatitis in adult dairy cows. Staff collected blood and fecal samples and surveyed producers on management practices at six U.P. dairy herds. Beginning in September Dr. Hayes and his staff will work with MSU on a Johnes study concentrating on Michigan dairy cattle. Study will involve farm visits to gather information about management practices and to collect blood and soil samples (pH of soil may affect prevalence of Johnes disease).

U.P. dairy inspectors routinely inspect approximately 280 dairy farms and four dairy plants. There were two incidents of listeria in ice cream during the past year which resulted in listeria-related illness in one person.

The U.P. Laboratory conducted 1,863 Coggins, 519 pseudorabies, 597 brucellosis, 2,515 raw milk, 3,023 finished dairy products, and 250 to 300 farm water tests during the year.

There were two right-to-farm complaints this year; both involved runoff into a stream. Circumstances causing the complaint were corrected in one case and the complaint could not be verified in the other case.

Attachment B

SUMMARY OF DR. GORDON GUYER'S REMARKS TO MCA, August 14, 1996, Escanaba, Michigan.

Dr. Guyer distributed and commented on copies of:

- Correspondence from U.S. Attorney Saul Green commending Dr. Larry Sullivan for assisting in the investigation and prosecution of Richard and Jeffrey Gorr for transporting pseudorabies-infected hogs (copies on file in the Commission office);
- Memo from Dr. Charles Cabbage regarding establishing cranberry sites (copy on file in Commission office);
- Background information about vomitoxin, including MSU's paper entitled, "A Partnership for Michigan's Future--**Wheat 2000**" (an excellent document but it does not address vomitoxin or scab on wheat). Vomitoxin is a serious, multi-state problem. Most wheat in Indiana, Illinois, Ohio, North and South Dakota, and Michigan is infected. Vomitoxin has been found at levels of 50-60 parts per million (ppm) in midwestern wheat; Michigan is experiencing 15-20 ppm (federal allowance is 1 ppm). Little is known about vomitoxin; a data search was conducted, including a check of the Internet, and nothing is available. The milling industry has taken severe action (Kellogg, Michigan's largest outlet for white wheat, will not buy Michigan wheat). Data on toxicology, agronomic practices, corn implications (associated with minimum tillage), and information on how to clean wheat are needed. Dr. Guyer distributed a draft resolution on the severity of the vomitoxin problem and requested Commission adoption. If adopted, resolution will be distributed to the Michigan Legislature, agriculture directors and commissioners in other states, and Michigan's congressional delegation. He recommended a team be created to study implications of vomitoxin and federal funds be provided for research at MSU. He also distributed copies of a memo on "Head Scab of Wheat--Vomitoxin" summarizing the problem (copy on file in the

Commission office).

In the past there has been a perception that golf courses are not environmentally sensitive. Dr. Guyer circulated a report about an Audubon Society program to commend golf courses that conduct self-assessments, place birdhouses, and keep records in addition to making a contribution. MDA is working in conjunction with MSU and Department of Environmental Quality on this new program.

Dr. Guyer distributed a news release from Farmers Commodities Corporation regarding hedge-to-arrive contracts which must be met (copy on file in the Commission office). Contracts must be met and are an issue throughout the grain belt; billions of dollars are involved.

The third Welcomefest at the Clare Welcome Center will be August 23-25; it is hoped even more commodity groups will be involved in this final event. Dr. Guyer complimented MDA staff for their work on these events.

Dr. Guyer distributed an article (copy on file in Commission office) focusing on Michigan's bountiful and diverse agriculture products and the U-Pick Directory.

A cherry summit, coordinated by MSU, MDA, and MFB, will be held September 16-17; information about the meeting will be sent to the Commissioners when it is available.

Commissioner Darling complimented Michigan Farm Radio for its educational reports on vomitoxin.

National Association of State Departments of Agriculture (NASDA). Dr. Guyer encouraged Mr. Wyant to participate in NASDA and MASDA activities. Messrs. Wyant and Creagh will attend in the NASDA meeting in September. Major issues discussed at these meetings are economics, marketing, and international movement of products. Other states' departments of agriculture have more control of their international marketing; Michigan needs to be more involved in international marketing efforts. Right-to-

farm is another issue; Michigan's law puts it ahead of other states. North Carolina and Iowa have serious problems in this area. NASDA and MASDA provide important learning opportunities and many decisions are made that involve Michigan.

MDA Picnic and Awards Ceremony. The Director expressed appreciation for the Commission's participation in these and other events around the state.

Fair Visits. The Director visited Ionia, Monroe, and Osceola county fairs during the last month; these were excellent public relation events. Legislators are involved and the Governor participated in the Ionia fair. After the Osceola fair visit, he toured Dean's dairy plant.

He commended Marilyn Thelen for the excellent job she does managing MDA's fair program; the fairs appreciate her outstanding work, also.

Meetings and Appearances. In addition to the Michigan Bean Shippers Association meeting, the Director met with the Michigan Dairy Foods Association earlier in the week. Positive comments were heard at both meetings about the Commission, MDA, and the Legislature for progress made this year. The emergency management coordinator's quick and thorough response to the disaster was commended and appreciated.

The Director participated with the Food Bank Council of Michigan in preparing a video emphasizing MDA's role in getting high-quality agricultural products to less-fortunate people.

The Director also was involved in numerous media appearances which provided opportunity to emphasize the positive nature of the change in leadership and support from the Legislature.

Early in 1997, Dr. Guyer and MSU President M. Peter McPherson will sponsor an agricultural tour of Costa Rica.

Attachment E

SUMMARY OF PERSPECTIVES OF DIRECTOR DESIGNATE DANIEL J. WYANT TO MCA, August 15, 1996, Escanaba, Michigan.

Mr. Wyant expressed how pleased and honored he is to be named director of MDA. He reviewed his background which includes being raised on a farm and involvement in 4-H and FFA; formal education in agriculture at MSU; and employment in agri-business (marketing at Ralston Purina and import/export responsibilities at Lowe International). For 10 years he has worked with Governor Engler, MDA Directors Bill Schuette and Gordon Guyer, and the Legislature.

In his opinion, MDA is facing exceptional opportunities. The Governor understands agriculture, the Legislature is proactive and has great farm leadership, and a solid foundation has been put in place by Dr. Guyer. Michigan is an agricultural state and agriculture is a \$37-billion industry. We lead the nation in production of eight commodities and are in the top 10 in producing 56 others. Our microclimates, proximity of markets, and abundant water resources are critical to the future of agriculture as we enter the 21st century.

There also are challenges that will affect agriculture's future; e.g., viability and profitability which will attack the industry from many angles. Some of these include vomitoxin, hedge-to-arrive, pests and diseases, marketing opportunities, and environmental challenges.

Mr. Wyant expressed appreciation for this transition period. He has scheduled 40 meetings with Michigan food and agricultural leaders during the next six weeks as well as meetings with all division directors to discuss what has worked well and their ideas. He will meet with each Commissioner to discuss his or her thoughts, ideas, and MDA's role in the future of the food and agriculture industry. The October 7-8 employee meeting will be an excellent opportunity to look at what is being done well and identify a vision and mission for the future.

MDA's employees are exceptional, their work is outstanding, and morale is high. Mr. Wyant also reviewed some of the major activities under way in the regulatory divisions to consolidate programs, acquire technology, maintain uniform and consistent laws, revise or eliminate obsolete rules and laws--all of which improve quality and wholesomeness of the food supply. He pointed out that Michigan's environmental stewardship program is recognized by EPA as a model throughout the country.

Mr. Wyant also acknowledged the leadership and efficiency of MDA's administrative divisions and the assets they are in creating a synergy within the industry.

In conclusion, Mr. Wyant said he was looking forward to working with Dr. Guyer during these next few weeks and with the Commission. He sees tremendous opportunity and promise within the industry and MDA; there are exceptional opportunities for young farm families in Michigan. MDA is unique in state government; this fact was borne out many times during his work on the Secchia Commission. MDA employees are problem solvers--builders and helpers--quality individuals; it is a can-do department which provides many challenges with a multiplicity of programs.

Mr. Wyant also commended Dr. Guyer for his exceptional administrative team--Keith Creagh, Bob Craig, and Vicki Pontz-Teachout; he is pleased to have this team in place as he takes office.

Attachment H

SUMMARY OF COMMENTS BY LYNNE BOYD, GSD-DEQ, TO MCA, August 15, 1996, Escanaba, Michigan.

Ms. Boyd reported on permits related to the oil and gas industry, which is regulated by GSD-DEQ.

Authority for the Soil and Sedimentation and Erosion Control Act is in the Natural Resources and Environmental Protection Act. The process dealing with permitting and inspection and who has jurisdiction for soil and sedimentation erosion control permits at oil and gas sites are in the process of change. Unchanged, however, is the requirement that there must be a Soil and Sedimentation Erosion Control Plan for Oil and Gas Development.

Historically, rules were promulgated for Act 347 in 1975. Since then there has been confusion about who has jurisdiction over all facilities associated with oil and gas sites. Prior to that, the supervisor of wells had exclusive jurisdiction over everything that happened within an oil and gas site.

Rules state: "A landowner or developer who contracts for, allows, or engages in earth changes in the state shall obtain a permit from the appropriate enforcing agency prior to an earth change which is connected with any of the following land-use activities which disturb one acre or more land or if the earth changes within 500 feet of a lake or stream of this state." Numerous earth changes are listed. Ms. Boyd referenced the following: "Oil, gas, and mineral wells, except the installation of those wells under permits from the supervisor of wells and wherein the owner-operators found by the supervisor of wells to be in compliance with the conditions of the sediment acts." The term ". . . installation of those wells. . ." has generated a controversy as to what is meant to install wells. In the past it was narrowly interpreted as the well pad only--not access roads, flow lines, tank batteries--but only the well head. Other times it was interpreted to be the well head and access roads. It is rare when a site is not more than an acre and soil and sedimentation control permits are required.

As a result, industry is often required to obtain two permits--one from GSD for drilling (covers soil and sedimentation erosion control at the well head) and a soil and sedimentation control permit (under part 19) for everything else associated with the operation. This resulted in two agencies having jurisdiction (county enforcement agencies [CEAs] and GSD) and two different permits.

The issue of jurisdiction resurfaced due to the Antrim Formation development. In April 1996 Russell Harding, DEQ Director, issued a directive to DEQ staff to clear the issue of responsibility and provide direction on the intent of permit. This states, in part:

. . . jurisdiction of Part 615 extends to all phases of oil and gas drilling and production operations and is not limited to the wells alone. Access roads are necessary and an integral part of the drilling and production operations.

At present if a Part 615 permit is obtained to drill and operate, a Part 91 permit for well pad, flow lines, surface facilities, and road constructed for access is not required. This exemption is in effect only when adequate soil erosion and sedimentation plans are submitted with the drilling application, plans are reviewed and approved by GSD, and conformance to all conditions in Part 91 is required.

Mr. Harding established a task force with representation from CEAs, industry, and DEQ to formulate uniform requirements for soil erosion and prevention measures to be included in drilling applications and address the role of CEAs. Much time has been spent determining roles of DEQ and CEAs.

Presently a subcommittee of the task force is developing best management practices

which will summarize all practices applicable to oil and gas sites. This manual will have greater impact on assuring compliance with Part 91 conditions. It will provide information on preparing and implementing an appropriate plan.

At present GSD reviews and approves soil and sedimentation erosion control plans as part of a drilling permit. The best practices document will assist GSD and help provide uniformity in the plans.

Agriculture and mining are exempted in the statute and the rules provide further exemptions.

The jurisdictional issue pointed out the lack of uniformity in plans and is providing impetus to provide direction to the industry about what must be submitted to DEQ or CEAs. The jurisdictional issue has not been settled. It is possible CEAs will have a greater role than at present or there may be legislative changes to provide "one-stop shopping" (consolidation of permits regarding locations of tanks, flow lines, and access roads at the same time as the soil and sedimentation and erosion control plan is submitted).

Dr. Guyer concurred about the importance of uniformity and said agriculture would like a uniform soil conservation policy--sensitivity to good soil preservation. He asked Ms. Boyd if she were aware of the issue raised by Representative Gernaat regarding installation of pipelines through agricultural lands. Compensation is made to farmers for immediate damage (short-term loss of land); however, soil productivity may be affected for 40 years which results in significant economic losses to producers. He expressed concern that MDA was not invited to participate in the task force so this and other issues could have been considered.

Dr. Guyer, recognizing this is a DNR issue, stated that if there is to be "one-stop" permitting, the post-production cost issue must be addressed. This hurts farmers and they are disturbed. People will not sign leases if they know about the disruption of property related to drilling and if post-productive costs are so unreasonable they offset income received. He said legislation is being considered to provide compensation to farmers for as long as soil productivity is affected.

Dr. Guyer assured Ms. Boyd that MDA wants to be a full partner in these efforts. Ms. Boyd will relay MDA's concern about representation to appropriate DEQ staff and see if MDA can be added to the task force preparing the best practices document.

Commissioner Darling suggested productivity of land disrupted by pipelines may be improved if there were a requirement in the agreement that during construction, compost be incorporated into the top two-to-four feet of soil covering the pipeline.

Regarding post-production costs, Ms. Boyd said this issue is under DNR jurisdiction. Post-production costs do impact DEQ's program but, unfortunately, she cannot provide

information on that issue.

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