

**Michigan Commission of Agriculture Meeting  
Constitution Hall  
525 W. Allegan  
Lansing, MI**

**MEETING MINUTES  
February 10, 2004**

**PRESENT:**

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

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

Michigan Department of Agriculture Staff  
E.J. Brown, Michigan Association of Fairs & Exhibitions  
Alex Draper, Michigan Deer & Elk Farmers  
Ben Kudwa, Potato Growers of Michigan  
Dan Marsh, Michigan Deer & Elk Farmers Association  
Tonia Ritter, Michigan Farm Bureau  
Andy Such, Fork in the Road  
Tim Ward, Michigan Legislative Consultants

**CALL TO ORDER AND ROLL CALL**

Chair Pridgeon called the meeting of the Commission of Agriculture to order at 9:15 a.m. on Tuesday, February 10, 2004. Secretary Byrum called the roll with Director Wyant, Commissioners Darling, Maitland, Pridgeon, and Jousma-Miller present.

**APPROVAL OF AGENDA**

**MOTION: COMMISSONER MAITLAND MOVED APPROVAL OF THE  
FEBRUARY 10, 2004 AGENDA AS PRESENTED.  
SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF JANUARY 7, 2004 MEETING MINUTES**

**MOTION: COMMISSIONER BYRUM MOVED APPROVAL OF THE JANUARY 7, 2004 MEETING MINUTES. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**NEXT MEETING**

The next meeting of the Commission of Agriculture is scheduled for March 11, 2004 in East Lansing in conjunction with Ag and Natural Resources Week at Michigan State University.

**APPROVAL OF COMMISSIONERS TRAVEL**

Commissioner Darling attended the Michigan Agri-Business Association Annual Meeting on January 12 and EAB public hearing in Wayne County on January 27. Commissioner Jousma-Miller attended the Dickson County Soil Conservation District Annual Meeting; a joint meeting with MDNR, the U.S. Forest Service and Sportsmen on wildlife habitat; and a meeting with Cooperative Extension Directors at the Experiment Farm in Chatham.

**MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE ABOVE TRAVEL FOR COMMISSIONERS DARLING AND JOUSMA-MILLER. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF DIRECTOR'S TRAVEL**

USDA Fruit and Vegetable Advisory Council, February 18-20 in Virginia; National Association of State Departments of Agriculture Annual Meeting, February 20-23, in Washington, D.C.; and a Mexico Apple Trade Mission, March 1-3 in Mexico.

**MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE DIRECTOR'S TRAVEL AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS' COMMENTS**

**Commissioner Maitland** reported that the Grand Traverse Fruit Growers Council Annual meeting was held at the Grand Traverse Resort with good attendance. He stated that the ample snowfall will be beneficial to the spring crops and to the Great Lakes.

**Commissioner Byrum** reported that fertilizer prices are, and will continue, to be high. There is some concern over the availability of liquid fertilizer in the thumb area due to lack of storage. He stated that overall commodity prices are up slightly, and wheat crops should be good due to sufficient snow coverage. He reported that the Wood-McInerney Commission would be releasing recommendations for the Michigan State Fair by February 19. Commissioner Byrum

expressed concern with the number of ethanol facilities planned for Michigan.

(Note: the floor was yielded to Senator Liz Brater at this time)

### **SUGAR TRADE ISSUES**

Senator Liz Brater thanked the Commissioners for their role in assuring that agriculture stays strong in Michigan. Senator Brater expressed her concern with the implications of the Central American Free Trade Agreement (CAFTA) and its impact on the Michigan sugar industry. The CAFTA agreement will allow the importation of sugar into the U.S. to increase two percent per year for the next 15 years. Senator Brater requests the Commission to support an equal playing field for the Michigan and U.S. sugar industry in order that they remain a viable economic force in our state and country. She would like to see other counties meet U.S. standards and assure that the food supply is safe.

**MOTION: COMMISSION BYRUM MOVED THAT A COMMISSION RESOLUTION BE ADOPTED, EXPRESSING CONCERN ABOUT THE ADVERSE IMPACT SOME BILATERAL AND REGIONAL FREE TRADE AGREEMENTS HAVE ON AGRICULTURE. SECONDED. MOTION CARRIED UNANIMOUSLY.**

### **COMMISSIONER COMMENTS CONTINUED**

**Commissioner Darling** attended the Michigan Agri-Business Association Annual Meeting (MABA) and appreciated being able to meet with industry, processors, manufacturers and marketers. Commissioner Darling also attended the EAB Hearing in Wayne County on January 27.

**Commissioner Jousma-Miller** reported that she attended a cooperative meeting on wildlife habitat chaired by Natural Resource Commissioner Madigan. This meeting also involved the U.S. Forest Service, MDNR and sportsmen groups from the Upper Peninsula. She reported that the Cooperative Extension Service is working with farmers to report wolf sightings. Commissioner Jousma-Miller reported that the Annual Small Farms Conference will be held in the U.P. the first week of March. This conference gives small farms (40-80 acres) the opportunity to look at specialty crops and develop economic opportunities for their acreage. She reported that the U.S. Forest Service and Upper Central Upper Peninsula Planning and Development are developing a wildfire management plan for the central U.P.

(Note: at this time the floor was yielded to Senator James Barcia)

## **SUGAR TRADE ISSUES CONTINUED**

Senator Barcia addressed the Commission regarding his concern in regard to the Central American Free Trade Agreement (CAFTA) and to state his support for our state and our nation's sugar industry. Senator Barcia supports the sugar growers and is aware that the sugar industry serves as a vital contributor to our local and state economies. Senator Barcia introduced Senate Resolution 175 last fall, urging U.S. trade negotiators to support our nation's sugar industry and to seriously consider the consequences of these negotiations on our domestic sugar industry.

## **COMMISSIONER COMMENTS CONTINUED**

**Chair Pridgeon** expressed concern that the USDA has finalized their BSE report with 11 animals still unaccounted for. He feels that the national livestock identification system is of great importance.

## **2002 CENSUS OF AGRICULTURE: Dave Kleweno, State Statistician**

Mr. Kleweno gave a brief overview of the highlights of the 2002 Census of Agriculture that was released on February 3, 2004. The 2002 Census of Agriculture is the most comprehensive source of uniform agricultural data across the U.S. In the census a farm is defined as any place from which \$1000 or more of agricultural products were produced and sold, or normally would have been sold, during the reference year.

## **DIRECTOR'S REPORT**

**Director Dan Wyant** reported that the 2005 budget is due to be presented on February 12. He will keep the Commission informed when the Department receives further information from the Office of the State Budget.

Director Wyant highlighted key issues occurring since the January Commission meeting. These include:

- Chronic Wasting Disease (CWD)/Privately Owned Cervids, no Executive Order has been issued to date, regarding officially moving the program from MDA to MDNR.
- USDA Memorandum of Understanding authorizing the state to obtain Split State Status for TB.
- MDNR has issued an interim order on supplemental deer feeding in the Upper Peninsula. Feeding will be allowed by permit, from early January to May 15, for Lake Superior shoreline counties in the Upper Peninsula under certain conditions.
- Michigan had some a reported case of Avian Influenza in birds that had already been depopulated. The Department will continue to monitor the site closely.
- The Governor has announced a water legacy proposal. The Department has had on-going conversations with MDEQ on the issue and will be meeting with them for further

discussions.

- Provided a copy of the Governor's State of the State address.
- One of the Governor's priorities is land use and farmland preservation. The Department is looking at alternative proposals to expand and utilize farmland preservation tools in Michigan.
- USDA has funded continuation of EAB efforts through April 30, with further funding possible.
- A settlement was reached with Kropf Orchard regarding failure to remit assessments from the state's apple growers over a two-year period to the Michigan Apple Committee as required by Act 232 of 1965, The Michigan Agricultural Commodities Marketing Act. Negotiations did not resolve the issue and the court settled on triple damages.
- Continental Dairy, a dairy establishment, shipping milk out of Michigan, is challenging the check-off program, saying they receive no benefit from the program. This is an on-going discussion.
- A taskforce has been formed to discuss downward flow (manure that passes through drain tiles).
- The Diagnostic Center for Population and Animal Health is scheduled to open this spring. Commissioners will be invited.
- Michigan Ethanol has had discussion with the Department and MDEQ to resolve some environmental issues.
- Dave Conklin has resigned as director of the USDA Farm Service Agency. A replacement is being sought.
- An announcement is scheduled for February 16 regarding the sale of apples to Mexico.

The Commissioners were also provided with a list of upcoming events of interest to them. Other items briefly reviewed were: BSE, Michigan State Fair, Metro Parks, alpaca production, Homeland Security funding, and the Agricultural Marketing and Bargaining Board.

### **PUBLIC COMMENT**

E.J. Brown, Executive Director of the Michigan Association of Fairs and Exhibitions (MAFE), provided the Commission with a list of the 2004 Executive Directors for MAFE.

Alex Draper, Michigan Deer and Elk Farmers, addressed the Commission regarding his dissatisfaction with the captive cervid industry being under the authority of the MDNR instead of the MDA.

Dan Marsh, Michigan Deer and Elk Farmers Association, provided the Commission with a "history" of the MDA regulatory programs for privately owned cervid operations. He feels that

since the cervid program has been under the authority of the MDA the focus has been on preventing Chronic Wasting Disease (CWD), developing a comprehensive and aggressive contingency plan if CWD is discovered in the state, working with the cervid advisory committee to share information and ensure that emerging deer and elk farming industry issues and concerns are addressed; ensuring full inspections of facilities before registration and every three years thereafter. He feels that if the cervid program is moved to MDNR these issues will not be sufficiently addressed.

**CORN MARKETING PROGRAM OF MICHIGAN COMMITTEE, REDISTRICTING PLAN: Sandy Hill, Commodity Coordinator, Agriculture Development Division and Richard Godfrey, Chair of Committee**

Mr. Godfrey, on behalf of the Corn Marketing Program of Michigan (CMPM) requested Commission approval of redistricting of their board directors. The CMPM voted to adopt a reapportionment of districts on January 21, 2004.

**MOTION: COMMISSION BYRUM MOVED TO APPROVE THE REDISTRICTING OF THE CORN MARKETING PROGRAM OF MICHIGAN AS PROPOSED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**MICHIGAN SOYBEAN PROMOTION COMMITTEE, REDISTRICTING PLAN: Sandy Hill, Commodity Coordinator, Agriculture Development Division and Keith Reinholt, Director of Field Operations**

Mr. Reinholt, on behalf of the Michigan Soybean Promotion Committee requested Commission approval to redistrict their board directors. The Michigan Soybean Promotion Committee adopted the proposed changes to the districts at their December 11, 2003 meeting.

**MOTION: COMMISSION BYRUM MOVED TO APPROVE THE REDISTRICTING OF THE MICHIGAN SOYBEAN PROMOTION COMMITTEE AS PROPOSED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**RECESS:**

The meeting recessed at 11:45 a.m.

**RECONVENE:**

The meeting reconvened at 1:15 p.m.

**WATER USE DISCUSSION: Gordon Wenk, Deputy Director, Environmental Stewardship**

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**Division and Mike Gregg, Environmental Stewardship Division Water Resource Specialist**

Mr. Gregg and Mr. Wenk reported to the Commissioners on Water Use Reporting and the Governor's Water Use Legacy proposal.

Mr. Gregg gave a brief introduction of the Great Lakes Charter/Annex 2001 amendments and their impact on agriculture. The Great Lakes Charter was passed in 1985. One of the key elements of the Charter is that water use diversion greater than five million gallons per day be subject to the prior notice and consultation process. This provides the other states and providences opportunity to review and approve any such new or increased uses. The Annex 2001 is proposing to lower the threshold for this review to three million gallons per day.

As a requirement to participate in the Prior Notice and Consultation process, the Charter requires that a state or providence undertake water use reporting for all withdrawals greater than 100,000 gallons of water per day.

The Governor's message to the Legislature was a comprehensive plan for water policies: water withdrawal, invasive species, open water disposal, water discharge permits and revising the sanitary code. Specific details of the water legacy act are not known at this time. The language is expected to be to the legislature by the end of February. Michigan is the only Great Lake state without a statutory framework in place for water withdrawal.

Mr. Wenk presented a power point on the Water Use Reporting Questionnaire. PA 451 of 1994, the Michigan Natural Resources and Environmental Protection Act was amended by P.A. 148 of 2003 to require farms with the capacity to withdraw over 100,000 gallons of water per day, during any 30-day period, for an agricultural purpose to register and report their water withdrawals on an annual basis by April 1 of each year. The questionnaire and information will be publicized by county extension offices, local conservation district offices, Michigan Farm News, and mailings to commodity groups.

A draft of the water use-reporting questionnaire was reviewed.

PA 177 of 2003, Aquifer Protection and Dispute Resolution addresses the failure or malfunction of a small capacity well believed to be caused by a high capacity well. This act is effective immediately in Fremont, Richland, Lakefield and Jonesfield townships in Saginaw County, all of Monroe County, and will become effective statewide on July 1, 2004. All complaints will go to MDEQ's groundwater withdrawal hotline and they will forward agricultural complaints to MDA. By statute, MDA has two days to contact the complainant and five days to make an on-site investigation. If the complaint is unresolved in 14 days it will be transferred to MDEQ for further investigation possibly leading to a Director's Order against an

irrigator to provide alternate water sources at their expense, plus being liable for the MDEQ cost for investigation up to \$75,000 and civil fines up to \$50,000.

**INGHAM COUNTY FAIR REQUEST TO JUDGE PRIOR TO FAIR DATES: Barb Hensinger, Director, Fairs, Exhibitions and Racing**

Ms. Hensinger requested that the Commission approve Ingham County Fair's request to judge some entries prior to the official start of the fair. The fair has been shortened from nine days to six days and therefore precipitated this request.

**MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE INGHAM COUNTY FAIR TO JUDGE THE FOLLOWING 4-H PROJECTS PRIOR TO THE OFFICIAL START OF THE FAIR: TRASH BARRELS, PERFORMING ARTS AND CLOWNING. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**FOOD SECURITY SUMMIT: Katherine Fedder, Director, Food and Dairy Division and Dr. John Tilden, Food Safety Epidemiologist**

Ms. Fedder and Dr. Tilden gave an update on the Michigan Food and Agricultural Protection Strategies outlining the goals, objectives and strategies. Industry concerns for food safety and national events led to the development of plans for food emergencies and securities and potential intentional attacks. A number of agencies, organizations, and commodity groups had worked independently to address some of these concerns, but the framework to pull it all together was missing. Last spring the Director commissioned an initiative to bring together over 60 different organizations to develop some guidelines. A voluntary, cooperative effort came together to address 'what can we do with what we've got, and make a difference'. The strategy was included in a state homeland security strategy and a steering committee met this January to address implementation of the strategy. Four items were identified to work on in 2004:

- Threat assessment,
- Vulnerability assessment,
- Threat and vulnerability reduction plan, and
- Security and preparedness training for stakeholders.

**ANIMAL HEALTH UPDATE: Dr. Nancy Frank, Deputy Director, Animal Industry Division and Dr. Mike VanderKlok, Bovine TB Eradication Coordinator**

Dr. VanderKlok gave an update on Bovine TB. All herds in the state were required to complete a whole herd test by the end of 2003 (16,662 herds/750,000 animals). An additional



100,000 animals were tested for sale or movement purposes. There are 150 herds yet to be tested. Mandatory statewide surveillance random testing has also taken place on 837 herds. There are 33 herds in northern Michigan that have been infected with Bovine TB since 1997, one was a privately owned cervid herd, 26 were beef herds, and six dairy herds. An electronic identification program has been implemented in the TB quarantined area (72,000 animals have been identified).

Dr. Frank reported that the MDNR is trapping free ranging deer, drawing blood, and collaring them. If the blood test is positive for TB then the animal will be tracked and destroyed. Plans are to collar 200 deer in the initial stage, to determine if the program will work on a larger scale.

**BOVINE SPONGIFORM ENCEPHALOPATHY (BSE) UPDATE: Dr. Nancy Frank, Deputy Director, Animal Industry Division and Ken Rauscher, Director, Pesticide and Plant Pest Management Division**

Dr. Frank reported that the USDA has completed the BSE trace out investigations. There have been 189 premises of concern. Two hundred twenty-five animals from 10 farms were determined to have been from the source herd in Canada. All these animals have been euthenaised, all tested negative for BSE. Of the 255 animals, 28 were confirmed to be from the original 80 head that came from Canada along with the infected cow. The International Review Committee has met and affirms that USDA's response was highly effective. The committee recommends that the U.S. enhance their surveillance of BSE, recommending more laboratories be approved to test for BSE, and that the feeding ban be expanded to state that no mammalian proteins can be fed to ruminants.

Mr. Rauscher reported on feed and BSE inspections. Fourteen Canadian feed manufacturers have been issued notices banning import of feed into the U.S. This means that when the feed arrives at the border a hold is placed on it until Canada can certify that the feed is not derived from mammalian protein.

A sampling program for animal feed has been put into place for early spring. The Pet Food Institute and the National Grain and Feed Association favors the restriction or banning of specific risk materials (SRM) from all feed.

**PLANT HEALTH UPDATE: Ken Rauscher, Director, Pesticide and Plant Pest Management Division**

Mr. Rauscher reported that on December 31, Michigan was notified by New York that geranium rootings received from Michigan were positive for Ralstonia. It was determined that the plants had been shipped to Michigan from Guatemala. At that time 48 firms in Michigan were put under emergency action orders and the infected material disposed of by a cooperative

effort of MDA and USDA staff. A stakeholder meeting was held January 23 for the floriculture, horticulture and potato industries to discuss concerns and look at solutions. Growers feel that compensation should be made available to cover losses resulting from these infestations and subsequent regulatory actions.

Mr. Rauscher reviewed the final report for the 2003 Slow the Spread Gypsy Moth Trapping Program. Gypsy Moth is an exotic pest that Michigan has been dealing with for 30 years. The western part of the Upper Peninsula is still infested with Gypsy Moth. The entire state is under a Gypsy Moth quarantine for nursery stock. Annually Michigan is involved with a Gypsy Moth Suppression Program designed to provide relief to homeowners in heavily infested areas. Federal funding is received on a cost-share basis that is then extended to counties. This is the second year that Michigan's Gypsy Moth population has re-emerged as a significant pest. About 25,000 acres, in 11 counties, are currently participating in the GM Suppression Program.

An agreement with Mexico for shipment of Michigan apples to Mexico is complete. Seven shippers are enrolled in the program and have apples ready for shipment. Controlled atmospheric storage is a requirement. Mexican inspectors were on site when apples were put in sealed storage, and will be on site when the storage units are opened and apples are shipped to Mexico. Mexico is a desirable market for Michigan apple shippers.

Mr. Rauscher provided the Commission with the Determination of Ash Host Plant Nuisance and Public Hearing Notice of Proposed Eradication Measures, and Notice of Eradication Action: Government Sponsored Removal of Ash Trees. There are currently 10 to 12 Emerald Ash Borer (EAB) outlier areas targeted for action this year. The director must first declare EAB as a nuisance pest and then announce what the Department's intentions are for eradication of the pest. Four public hearings were held January 21 – 27, 2004. The Director signed the Determination on February 9, 2004. Two local public hearings will be held to inform the public of the removal process prior to tree removal.

Mr. Rauscher gave a power point presentation on the current core area and the potential revised core area.

### **DR. DAVE SMITLEY, MICHIGAN STATE UNIVERSITY ENTOMOLOGY DEPARTMENT**

Dr. Smitley reported on Michigan State University's research and evaluation of insecticides to control Emerald Ash Borer adults and larvae. He gave a brief overview on the objectives, study sites, products and application methods, preliminary results and factors to consider when selecting a control strategy. MSU continues research on insecticides for EAB control, as well

as other EAB related projects related to EAB biology, host range, resistance and dispersal. Scientists from the USDA APHIS and other universities and agencies also have EAB research underway. New research results are available on the multi-agency EAB web site at [www.emeraldashborer.info](http://www.emeraldashborer.info).

### **PUBLIC COMMENT**

Tonia Ritter, Michigan Farm Bureau gave a brief overview of the MFB Policies 2004, adopted at the MFB Annual meeting in December. Highlighted were: Agriculture Pollution Prevention Methods and Authority; Well Setback Distances; Livestock and Poultry Health; Michigan Department of Agriculture; Michigan Equine Industry; Privately Owned Cervidae, and Water Use in the Great Lakes Basin policies.

Andy Such, Fork in the Road, Executive Producer, reviewed for the Commission a video with excerpts of "Fork in the Road", a Michigan based food show that showcases Michigan's diverse specialty crops. The show has recipes, menus, cooking tips and visits to food production areas throughout the state. The program is a 30-minute weekly TV program produced by OmniSports, Inc. in partnership with WKAR-TV, the public television station (PBS) of MSU. Mr. Such is seeking local underwriters for continued production of the show.

### **ADJOURNMENT**

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

**Meeting was adjourned at 4:50 p.m.**

### **ATTACHMENTS**

- A - Agenda*
- B - January 7, 2004 meeting minutes*
- C - Director's Report - February 2004*
- D - 2002 Census of Agriculture Release*
- E - Legislative Report - February*
- F - Corn Marketing Program of Michigan Committee Redistricting Plan*
- G - Michigan Soybean Promotion Committee Redistricting Plan*
- H - Ingham County Fair Request to Judge Prior to Fair Dates*
- I - Water Use*
- J - Food Security Summit*

*K – Animal Health Update*  
*L – Plant Health Update*  
*M – Emerald Ash Borer Research*  
*N – Sugar/Resolution*  
*O – MAFE 2004 Executive Committee*  
*P – Cervid – Alex Draper and Dan Marsh*  
*Q – Fork in the Road*