

**Michigan Commission of Agriculture  
Meeting Minutes  
May 2000**

**Michigan Department of Agriculture  
Commission of Agriculture  
Ottawa State Office Building, 4<sup>th</sup> Floor, Pridgeon Conference Room  
611 West Ottawa Street, Lansing, Michigan  
Meeting Minutes**

**May 10, 2000**

**PRESENT:**

**James Maitland, Chair, Commission of Agriculture  
Jordan Tatter, Vice-Chair, Commission of Agriculture  
Shirley Skogman, Secretary, Commission of Agriculture  
Douglas Darling, Commission of Agriculture  
Deanna Stamp, Commission of Agriculture  
Dan Wyant, Director, Michigan Department of Agriculture**

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

**Ron Zellar, Assistant Attorney General  
Michigan Department of Agriculture Staff  
Ernie Birchmeier, Michigan Farm Bureau  
Patty Cantrell, Michigan Land Use Institute  
Jerry Crandall, MIRS  
Tom Guthrie, Michigan Integrated Food & Farming Systems  
Elwood Kirkpatrick, Michigan Milk Producers Association  
Ron Nelson, Michigan Farm Bureau  
Ken Nye, Michigan Farm Bureau  
Scott Piggott, Michigan Farm Bureau  
Nancy Snow of Vicksburg, Michigan**

**CALL TO ORDER AND ROLL CALL**

**Chair James Maitland called the meeting of the Commission of Agriculture to order at 10:30 a.m., on Wednesday, May 10, 2000. Commissioner Skogman called the roll with Director Wyant and all Commissioners present.**

**APPROVAL OF MAY 10, 2000, MEETING AGENDA**

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE MAY 10, 2000, COMMISSION OF AGRICULTURE MEETING AGENDA AS PRESENTED. SECONDED.**

**MOTION TO AMEND: COMMISSIONER MAITLAND MOVED TO ADD AGENDA ITEM "UPDATE FROM THE RIGHT TO FARM PROCESS COMMITTEE" AS PART OF THE DIRECTOR'S REPORT. SECONDED.**

**AMENDED MOTION CARRIED UNANIMOUSLY.**

**APPROVAL OF APRIL 13, 2000, MEETING MINUTES**

**MOTION: COMMISSIONER TATTER MOVED TO APPROVE THE APRIL 13, 2000, COMMISSION OF AGRICULTURE MEETING MINUTES AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**NEXT MEETING:**

**The next regular meeting of the Commission of Agriculture will be held on Wednesday, May 31, 2000,**

and Thursday, June 1, 2000, in the Michigan Department of Agriculture Pidgeon Conference Room, 4<sup>th</sup> Floor, Ottawa State Office Building, 611 West Ottawa Street, Lansing, Michigan. The business session will begin at approximately 2:00 p.m. on May 31, 2000, and reconvene on June 1, 2000, at approximately 8:30 a.m., adjourning at approximately 12:00 noon.

The May 31-June 1, 2000, meeting replaces the Commission of Agriculture regular meeting originally scheduled for June 14-15, 2000.

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

**MOTION: COMMISSIONER SKOGMAN MOVED TO APPROVE THE FOLLOWING:**

- **COMMISSIONER STAMP'S PER DIEM AND TRAVEL TO ATTEND A BOVINE TUBERCULOSIS ADVISORY COMMITTEE MEETING HELD IN LANSING, MICHIGAN, ON MAY 2, 2000;**
- **COMMISSIONER DARLING'S PER DIEM AND TRAVEL TO ATTEND THE MAY 2, 2000, PUBLIC MEETING ON THE GAAMP FOR SITE SELECTION AND ODOR CONTROL HELD IN LANSING, MICHIGAN.**

**SECONDED. MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONERS' COMMENTS:**

Commissioner Douglas Darling reported that soil conditions in Southeast Michigan are very dry; however, planting is progressing. He congratulated Director Wyant for receiving the Michigan Frozen Food Packers Association Distinguished Service to Agriculture Award. Commissioner Darling commented that area media coverage on the State Fair proposal has been somewhat positive. He attended the May 2, 2000, public meeting to receive comment on the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control. He appreciated the comments and suggestions. He said he continues to receive calls on Michigan's bovine tuberculosis situation and, most recently, about Indiana's decision to require more stringent livestock testing. Commissioner Darling encouraged the Commission to participate in the June 20-21, 2000, Michigan Farm Bureau farmland preservation tour.

Commissioner Shirley Skogman reported that Dickinson County in the Upper Peninsula is very dry; however, planting is ahead of schedule. She said there was a very positive news article that appeared recently about the Upper Peninsula State Fair. She was not able to attend the Department of Natural Resources meeting held in the Upper Peninsula recently, but heard that it was well attended. Some people feel that if the DNR director does not believe in the scientific data, then they shouldn't either. Comments also have been made that there is no proof there is bovine tuberculosis in the Upper Peninsula, so many are planning to continue to bait the deer.

Commissioner Deanna Stamp reported that the bovine tuberculosis advisory committee continues to meet on a weekly basis to review changes to the Animal Industry Act. Dr. John Kaneene of Michigan State University attended two of the meetings to help define a "whole herd test." It is the committee's desire to use the best science available in making that determination. Dr. Kaneene recommended that, based on the fact the animals have been tested at least once in the areas where there is TB, a "whole herd test" would be all animals, 12 months of age and older. Testing should occur on an annual basis on the farms where animals with TB were found, and testing on all other animals, 12 months and older, should be every two years. Dr. Kaneene is basing that recommendation on three factors: science, economics and logistics.

Commissioner Stamp said that the committee has set a goal that all livestock animals in Michigan must be tested by December 31, 2003. Discussions also were held about baiting and feeding and the serious health threat of bovine tuberculosis to domestic animals. There is no feasible safeguard against the spread of this disease. A recommendation was made to provide more authority to MDA in the baiting and feeding issue where disease is present in wild animals. She said the committee would appreciate the Commission's viewpoints. The goal is to have a completed document by the end of May.

She expressed her appreciation to the GAAMP Committee on Site Selection and Odor Control. The

development of the GAAMP was a difficult job. She agrees with the general concept proposed, but has concern in some areas. Her primary concern is the potential for a day care center to be established in an area where there is a pre-existing operation, thereby diminishing any chance of an operation to expand.

Commissioner Jordan Tatter reported that April temperatures were more typical than those in March in Southwest Michigan; fruit crops are now seven to 10 days ahead of normal. Surface soil moisture is adequate; however, subsurface moisture is seriously short. Pollination conditions were ideal, and we should get the maximum available fruit set from the blooms that survived the late March and early April frosts and freezes. Row crop planting is ahead of schedule and some corn has emerged.

Commissioner Tatter attended a local open house held on behalf of Secretary of State Candice Miller. He also attended two events recognizing Congressman Fred Upton, one at which he was honored by the Boy Scouts of America as their "2000 Distinguished Citizen," and the other was his birthday party. He also was the master of ceremonies at the Michigan Frozen Food Packers Association's Distinguished Service to Agriculture Award Banquet at which Director Wyant was the 44<sup>th</sup> recipient of the honor. Dr. William Taylor, Acting Dean of the College of Agriculture and Natural Resources, was the guest speaker.

The annual meeting of the International Association of Refrigerated Warehouses and the World Food Logistics Organization was held in Phoenix, Arizona, and Commissioner Tatter attended along with more than 700 people from 15 countries.

Commissioner Tatter serves on the Van Buren County Extension Council, and he attended the May meeting at which Dr. Arlen Leholm, Michigan State University Extension Director, was the speaker. Commissioner Tatter was the Honorary Grand Marshal of the Blossomtime Festival Grand Floral Parade. He attended the Food Marketing Institute's U.S. Food Export Showcase in Chicago, Illinois. Director Wyant, MDA staff, several legislators, and Michigan food processors were involved in the Michigan Pavilion displays and in touring this massive food show.

Three more Act 51 Transportation Funding Study Committee meetings occurred since the Commission's last meeting. The committee's draft report is close to 150 pages in length. The final report should be available July 1.

Commissioner James Maitland reported that Northern Michigan is very dry and crops are seven to 10 days ahead of schedule. The bloom came and went quickly, and there was not much frost damage. Commissioner Maitland attended the Michigan Grape and Wine Council Industry meeting, held in Traverse City, Michigan. He said there was a good representation of Council members in attendance.

#### LEGISLATIVE REPORT: Brad Deacon

Brad Deacon, Legislative Liaison, distributed and reviewed the "*May 2000 Legislative Report.*" He highlighted the following:

- HB 5196, Food Code--signed into law as Public Act 92 of 2000.
- SB1063, Groundwater Reauthorization--passed the House and has been presented to the Governor for signature.
- HB5671, Pet Shop Regulation--includes non-furbearing animals in regulation of pet shops. This would require additional staffing for MDA if enacted.
- HB5570, Motor Fuels Quality Act--bans the use of Methyl Tertiary Butyl Ether (MTBE) in Michigan. A hearing was held in the House Agriculture and Resource Management Committee. MDA and the Department of Environmental Quality agree that an immediate phase-out of MTBE would be difficult. No action will be taken at this time.
- HB5669, Registration Fees--includes certain farm vehicles in vehicle registration fees, has been referred to the Transportation Committee.
- SB1251, Ag Renaissance Zones--creates renaissance zones for agriculture producers, has been scheduled for hearing today. Copies of the bill will be shared with the Commission and the

**industry.**

Director Wyant discussed HB5570 (Motor Fuels Quality Act) and explained that MDA agrees that MTBE should be phased out. He recommended that the Commission support an eventual phase-out and ultimate elimination of MTBE.

Commissioner Maitland asked that a letter outlining the Commission's position be prepared, signed by the Commission chair, and delivered to Representative Julian.

### **DIRECTOR'S REPORT**

Director Wyant distributed and reviewed his monthly activity report. He highlighted the following:

- ***Bovine Tuberculosis:*** USDA will be in Michigan on May 15 to discuss the national strategy for bovine tuberculosis eradication and the proposal for additional resources for Michigan. These resources would be designated for livestock testing and surveillance. USDA also proposed additional resources for testing, surveillance, and management of wildlife. Congressional approval would be required, and Michigan's Congressional delegation has been informed of USDA's proposal.
- ***Use Value Assessment/Recapture Provision:*** A package of four bills is currently moving through Legislature. A hearing will be held today. Meetings have been held with interest groups. The proposed fund would be administered by MDA, combined with PA 116, and used to match local purchase of development rights programs.
- ***Apple Industry Task Force:*** A meeting was held with the Apple Industry Task Force to share concerns and to prioritize issues. A copy of the concerns expressed and the list of priorities will be shared with the Commission.
- ***Food Marketing Institute (FMI):*** The FMI Show held in Chicago, Illinois, was successful and well attended.
- ***Michigan State Fair:*** The Nederlander Theater Group continues its public relations efforts by meeting with the affected communities surrounding the Michigan State fairgrounds to discuss the auto racetrack noise issue.

Director Wyant recognized and thanked Amy Frankmann of the Michigan Landscape and Nursery Association. He noted that MDA, Travel Michigan and other state agencies are currently working with Michigan's nursery and landscape industry to improve and beautify Michigan's gateways.

### **Director's Written Report:**

Commissioner Tatter asked if Hilltop Orchards was allowed to make its shipment of planting stock to Canada.

Director Wyant said that Gary King of the Pesticide and Plant Pest Management Division would provide that information.

Commissioner Tatter said that his company has a warehouse located in Riverside, Michigan, where it receives packing materials from China. He offered that warehouse as a site where traps could be set for the Asian Long Horned Beetle. He also offered to participate in the upcoming Palisades nuclear power exercise if it would be helpful.

### **Update on Right to Farm Review Subcommittee:**

Commissioner Maitland reported that the subcommittee has met on several occasions. He and Commissioner Tatter feel that the review process has met its objectives by providing a more formal and open review process for Right to Farm GAAMPs. The subcommittee will meet on June 1 for a final review of the new process.

Commissioner Maitland recognized Tom Guthrie, Executive Director of the Michigan Integrated Food and Farming Systems (MIFFS).

Mr. Guthrie said that MIFFS received a \$5,000 grant from USDA to do a feasibility study for a Farmer's

## **Market in Clare County.**

### **RECESS:**

The meeting recessed at 12:00 noon.

### **RECONVENE:**

The meeting reconvened at 1:15 p.m.

### **UPDATE ON ABANDONED ORCHARDS AND VINEYARDS: Gary King, Pesticide and Plant Pest Management Division**

Gary King of the Pesticide and Plant Pest Management Division distributed copies of Public Acts 72, 82 and 189. The Acts are used to administer the Abandoned Orchards and Vineyards program.

He explained that in the past, MDA had \$100,000 budgeted for orchard and vineyard removal in southwest Michigan. The removal of orchards and vineyards is complaint driven. MDA field staff conducts an inspection and, if a nuisance is determined, a letter is sent to the landowner offering recommendations to mitigate the pest. The owner has 10 days to appeal the recommendations. If the landowner does not address problem, the MDA director has the authority to declare that pest or orchard a public nuisance. If the orchard is declared a public nuisance, MDA has the authority to remove the orchard and/or vineyard. The MDA director also has the authority to recover costs incurred for the orchard removal by placing a lien against the property.

Currently, the program continues to be complaint driven. MDA regional supervisors keep records of all complaints filed, MDA determines which complaints pose the highest risk, and those risks are addressed based on the amount of funding available. In 1999, MDA spent approximately \$17,900 for orchard removal.

MDA is currently consolidating the three public acts into one. Public Acts 72 and 86 will be consolidated into Public Act 189. MDA is also reviewing alternatives to enhance and strengthen the program.

Commissioner Tatter questioned why MDA funds the removal of orchards and vineyards when it is not mandated in the act. Funding should only be given in the absence of the landowner, or the landowner's inability to pay for the removal of orchards and vineyards.

Director Wyant stated that one problem is the local prosecutor's reluctance to prosecute these types of cases. There is a legal question as to whether the act truly does give the authority for the state to remove trees from private property without consent.

Gary King said MDA is working with MSU Extension in determining the definition of a "nuisance," and in determining buffer zones.

Commissioner Tatter believes that the Act, other than its outdated language, does what needs to be done. He does support updating and consolidating.

Commissioner Maitland agreed and said MDA needs to strictly enforce the rules that are in effect. He said that local municipalities could require that fruit trees be removed before subdivisions are platted.

**UPDATE ON BOVINE TUBERCULOSIS: Dr. Michael Chaddock, Director of the Animal Industry Division**  
Dr. Michael Chaddock, director of the Animal Industry, distributed and reviewed information about the current bovine tuberculosis situation in Michigan. He highlighted the following:

- There is a beef herd (1 bull, 24 cows) in Alpena County that has been depopulated. The premises have been cleaned and disinfected, and MDA is working with the owner on trace backs and trace forwards.
- There is a herd in Alcona County (29 beef cattle) that cleared a whole herd test in 1996. At that time, there were only 14 animals. Another whole herd test was on April 25, 2000, exhibiting four caudal fold suspects. Three of the four were cleared, but one was a comparative cervical reactor.

The animal is currently at the MSU laboratory. This animal was in the original herd test in 1996. The animal does have gross lesions consistent with bovine tuberculosis. The MSU laboratory is looking at the tissues, and then they will be sent on to the National Veterinary Services Laboratory in Ames, Iowa. Epidemiologists are on location meeting with the herd owner.

Director Wyant emphasized that every herd diagnosed with bovine tuberculosis thus far is from the original quarantine area.

- **USDA has recommended that Michigan retest certain herds that have been identified as higher risk. There is a herd located in the Upper Peninsula that was identified as one that should be retested. MDA retested the dairy herd and one reactor animal was found. The animal was sent to the MSU laboratory, along with seven other suspect animals. The gross pathology on the necropsy did not show any lesions of bovine TB; however, MDA is waiting for additional laboratory results to come in from Ames, Iowa. Dr. Chaddock explained that when a herd does have a reactor animal, whether or not that reactor animal has bovine tuberculosis, the entire herd must go through another whole herd test a minimum of 60 days later after the animal has been removed.**
- **The State of Indiana has imposed stringent testing requirements on Michigan. The Indiana Animal Health Board is requiring:**

**1) A whole herd test,**

**2) An individual animal test within 60 days prior to going into Indiana,**

**3) A post entry test, 90 to 120 days later.**

**4) Animals cannot go into Indiana to an auction saleyard. The animals would go into Indiana, remain on individual premises, and clear the 90 to 120 days test before going to a saleyard. No feeder animal would be allowed to go into a terminal operation or a feed lot without completing those testing requirements. Indiana will allow animals to come in for exhibition if they had a whole herd test, an individual animal test, and did not stay in Indiana longer than 10 days.**

Director Wyant noted that he has met with the livestock industry to discuss these requirements and to discuss marketing their cattle.

Dr. Chaddock said that Dr. Debbi Donch of the Animal Industry Division talked with Indiana officials this morning. She was informed that the emergency rule was approved on April 27, 2000, by the Indiana Board of Animal Health, filed with the Secretary of State on May 1, 2000, and signed within 24 hours with immediate effect. Indiana will allow a one-week grace period (the week of May 1), expecting full compliance beginning the week of May 8.

Dr. Donch also was informed of the following:

- **Finished fat cattle from Michigan would be allowed to enter the Indiana livestock auction markets provided they are sold for slaughter only. Cattle will be allowed into the markets without meeting the TB testing requirements provided they are hung on the rail within seven days. The stockyards in Indiana have been informed and Indiana regulatory officials will be monitoring them closely.**
- **Cull cows from Michigan would be allowed to enter the Indiana livestock auction markets provided they are sold for slaughter only, and hung on the rail within seven days.**
- **Feeder cattle from Michigan may not enter the Indiana livestock auction markets directly. They must meet the importation requirements detailed in the emergency rule.**
- **Newborn calves will be allowed to enter the Indiana livestock auction markets provided they come directly from a herd of origin that has completed a negative whole herd test within the previous 12 months.**
- **Dairy heifers may not enter the Indiana livestock auction markets directly. They must meet the importation requirements detailed in the emergency rule. However, if the dairy heifers are part of**

a single production unit that has facilities in both Indiana and Michigan, an exemption may be granted. Each individual operation must submit to the Indiana State Veterinarian a proposal of how they intend to handle such movements.

A public hearing will be held on July 13, 2000, at the Indiana Board of Animal Health offices in Indianapolis, Indiana.

Dr. Chaddock said that a meeting of the State Veterinarians from the North Central states would be held next week in Columbus, Ohio, to discuss the situation. Dr. Chaddock said he has held several conversations with the National Cattlemen's Association in Washington, D.C., and a representative from the association will attend the Ohio meeting.

Commissioner Stamp asked about the Wisconsin and Iowa requirements for show animals.

Dr. Chaddock responded that Iowa is requiring that animals imported into Iowa for exhibition purposes originate from a herd that has been found negative to a whole herd TB test, and administered not more than 12 months prior to arrival in Iowa. Animals imported into Iowa must:

- Have been included in the herd at the time of the whole herd test.
- Test negative for TB within 30 days before entering.
- Go directly to a premise or destination other than a livestock concentration point.
- Be under permit in order of quarantine on the first premises of arrival in Iowa.
- Be accompanied by a certificate of veterinary inspection showing individual identification, results of the whole herd test, and the individual animal test.
- Have an import permit within 15 days of the animal entering into Iowa. Animals will be released from permit in order of quarantine after a negative re-test for TB in Iowa 60 to 120 days after arrival.

Iowa is allowing exhibition animals to enter, but those animals would need the two negative tests.

Dr. Chaddock said he believes Wisconsin will be in attendance at next week's meeting in Columbus, Ohio. He will report the outcomes from the meeting to the Commission and to the Director.

#### **COMMISSION RESOLUTION TO SUPPORT FURTHER RESTRICTIONS ON ALL FORMS OF THE FEEDING AND BAITING OF DEER AND ELK IN MICHIGAN**

Director Wyant distributed and reviewed a proposed Commission Resolution to support further restrictions on all forms of the feeding and baiting of deer and elk in Michigan. He recommended Commission approval of the following:

**WHEREAS, Bovine Tuberculosis was diagnosed in Michigan's wild, free-ranging white-tailed deer in 1995 in Alpena County and has since been confirmed in other animal species and other counties in the northern half of Michigan's lower peninsula; and**

**WHEREAS, the State of Michigan is committed to the eradication of Bovine Tuberculosis from this state; and**

**WHEREAS, the Natural Resources Commission has specific responsibility for the scientific management of wild game animals in Michigan, and the Michigan Department of Agriculture has regulatory authority for domestic livestock within Michigan; and**

**WHEREAS, the Michigan Commissions of Agriculture and Natural Resources resolved on March 11, 1999, to urge the legislature to ban statewide supplemental feeding of wild, free-ranging white-tailed deer and elk for the good of the natural environment; and**

**WHEREAS, the legislature enacted and the Governor signed into law Public Act 66 of 1999 (House Bill 4499) requiring the Natural Resources Commission to issue an order that prohibits all deer and elk feeding in all or part of the state if it becomes necessary to properly manage wildlife populations to**

**control or eradicate disease; and**

**WHEREAS, the Natural Resources Commission, with the support of the Agriculture Commission, adopted Wildlife Conservation Order No. 14 of 1999 on September 9, 1999; and**

**WHEREAS, it is scientifically proven that feeding and baiting contributes to the spread of bovine tuberculosis in cattle and wildlife; and**

**THEREFORE BE IT RESOLVED, that when the disease is found in an additional area of this state, feeding and baiting of wild, free-ranging white-tailed deer and elk should be prohibited in that area, and/or statewide; and**

**FURTHER BE IT RESOLVED, that the Michigan Commission of Agriculture requests that the Natural Resources Commission support more stringent requirements for feeding and baiting of wild, free-ranging white-tailed deer and elk to minimize any further disease transmission; and**

**FURTHER BE IT RESOLVED, that the Michigan Commission of Agriculture requests that the Natural Resources Commission establish a strategy to phase out the feeding and baiting of wild, free-ranging white-tailed deer and elk statewide by April 1, 2001.**

**MOTION: COMMISSIONER TATTER MOVED TO ADOPT THE COMMISSION RESOLUTION TO SUPPORT FURTHER RESTRICTIONS ON ALL FORMS OF THE FEEDING AND BAITING OF DEER AND ELK IN MICHIGAN. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC COMMENT – Generally Accepted Agricultural Management Practices (GAAMP) for Site Selection and Odor Control**

**Elwood Kirkpatrick of the Michigan Milk Producers Association said that the Michigan Milk Producers Association board of directors discussed the proposed GAAMP for Site Selection and Odor Control. A letter dated May 2, 2000, was sent to Mr. David Charney to be included as public comment. Mr. Kirkpatrick said the Association supports the GAAMP with the following modifications:**

- 1) Category 1 site indicates that these sites are located where there are three or fewer non-farm residences within a radius of 2000 feet. Recommending that the distance be changed to 660 feet.**
- 2) Clarification is needed in the section outlining drinking water sources under the section defining Category 3 sites.**
- 3) New and/or expanding buildings and manure storage structures should not be constructed within 75 feet of existing known private domestic wells. This needs further clarification as to the type of wells.**
- 4) A site could be reclassified from a Class 1 site to a Class 3 site if a hospital, church, day care facility, etc., moves into the area after the livestock facility has been established.**
- 5) Use of one set of GAAMPs for both new and existing livestock facilities. Allow more time to discuss regulations for existing facilities.**

**Commissioner Stamp agreed that clarification is needed in the GAAMP for existing facilities.**

**Commissioner Tatter asked if a better definition of "facility " is needed.**

**Mr. Kirkpatrick agreed.**

**Patty Cantrell of the Michigan Land Use Institute distributed and reviewed information on Michigan's Generally Accepted Agricultural Management Practices for Site Selection and Odor Control. Ms. Cantrell complimented the Commission on a very clear and well-publicized process. She referred to her written comments and offered the following recommendations for improvements:**

- The minimum setback distances suggested by the committee.**



- **Clarification on how MDA will evaluate the proposed Category 2 facilities and evaluate and use the site analysis and manure management plans the committee recommends the livestock producers submit.**
- **Minnesota researchers developed the Minnesota Odor Setback Estimator Model. This model has been tested and could be used by MDA to assess a livestock operation's site analysis and manure management plans.**
- **Modification of the setback estimator. This may require funding from the legislature. A committee could be established to identify the research and data needed to modify the Minnesota model to Michigan.**
- **Category 3 is good because it spells out where new and expanding operations are not well suited.**
- **GAAMPs under the Right to Farm Act should go through the rule making process so producers and the public have objective, measurable standards.**
- **Operators should enroll in the Michigan Agricultural Environmental Assurance Program to help the producer select environmentally suitable sites.**

**Commissioner Stamp expressed her concern about existing operations being unable to expand if a day care facility is established nearby.**

**Ms. Cantrell agreed that new establishments must be aware of the existing operations in the area. However, if an operation expands and produces more odor, then those already living in those neighboring locations must also be protected. This is where local zoning would be helpful.**

**Commissioner Tatter said that the terms "corporate" farm and "factory" farm are being used indiscriminately in many publications, when in reality they are "family" farms in Michigan.**

**Nancy Snow of Vicksburg, Michigan, had submitted written comments to Mr. Dave Charney, dated May 8, 2000. She said that she lives about 867 feet from a 3,500 swine nursery facility. She noted that if the GAAMP is adopted as it now reads, this operation could double in size. Ms. Snow indicated that Dr. Kevin Janni of the University of Minnesota said it would cost approximately \$8,200 to install a biofiltering system. The odor impact from swine is approximately twice that of poultry, and three to four times as powerful as dairy or beef.**

**Ms. Snow emphasized that the Commission must balance individual rights against social responsibilities. The shortcomings in the GAAMPs must be remedied. She said to allow Michigan residents to be assaulted by odors commonly emanating from confined animal feeding operations is beyond reason and justification. Ms. Snow commented that she does appreciate the amount of effort put forth in establishing these GAAMPs.**

**Commissioner Stamp commended the GAAMP committee for its work and noted that the GAAMPs for Site Selection and Odor Control are probably the most important written to date.**

**Commissioner Tatter asked how the verbal and written comments received from the public would be presented to the GAAMP committee.**

**Vicki Pontz-Teachout of the Environmental Stewardship Division said that all comments received would be sent to Dr. Maynard Hogberg to be distributed to members of the task force. Two additional, four-hour committee meetings are scheduled between now and the next Commission meeting for the committee to review the comments received.**

**Commissioner Darling commended the GAAMP committee for tackling a difficult issue. He noted that some believe the GAAMP goes too far, while others feel it does not go far enough. He also shares concern about the expansion of existing facilities. He said his family farm has been at the same location since 1833. It has been a livestock operation, milking cows for 157 years at that same location. People choose to move in the country for the rural lifestyle. There needs to be some consideration given for the existing operation and/or the historical livestock operation. He said day care facilities are**

not regulated by local governments, but rather by the state. There are no local or state site regulations that pertain to day care centers.

Commissioner Tatter said there have been specific public comment references to scientific knowledge and to the assertion the knowledge is proven and acceptable. He hopes that the committee would respond to those claims.

Commissioner Maitland agreed with Commissioner Darling's concerns about pre-existing operations. He also asked that better definitions be included in the text.

**REVIEW OF STANDARDS FOR PRIVATELY OWNED CERVIDAE FACILITIES: Keith Creagh, MDA Deputy Director, Pete Squibb, Department of Natural Resources, and Dr. Mike VanderKlok of the Animal Industry Division**

Keith Creagh, MDA Deputy Director, reviewed the draft "*Operational Standards for Privately Owned Cervidae Facilities*." He also referred to House Bill Substitute 4427. Mr. Creagh explained that MDA must make regulatory decisions for the industry. Although the industry had requested written GAAMPs, the Legislative Service Bureau and Attorney General's office recommended that GAAMPs not be used for regulatory programs since GAAMPs are voluntary under the Right to Farm Act. Mr. Creagh said that the workgroup consisted of members from the Michigan United Conservation Clubs, the Safari Club, the Michigan Farm Bureau and industry. The workgroup developed the operational standards and is requesting approval by the Commission.

Pete Squibb of the Department of Natural Resources explained that the workgroup process was created at the request of the directors of the departments of Agriculture and Natural Resources. The objective was to bring people together to identify the issues. A Memorandum of Understanding (MOU) between the two departments and signed by the Commissions of Agriculture and Natural Resources will be required once the bill has passed. The MOU clarifies the rules and responsibilities between the two agencies in administering the act, identifying the areas of support that each agency can provide, identifying the areas of cooperation within the two agencies, and identifying the areas of joint interest in legislative mandates. It provides a means by which the two departments will work together as partners in the best interest of agriculture and natural resources. It also allows the industry to expand while protecting the animal health and natural resources interests.

Dr. Mike VanderKlok of the Animal Industry Division reviewed the standards with the Commission and said that the operational standards address the following areas:

- Facility Standards,
- Records,
- Individual Animal Identification,
- Recovery Protocol for Animals which become Released,
- Oversight Responsibilities and Reporting, and
- Limited Registration Guidelines.

Commissioner Tatter suggested the following changes to the document:

Page 1, paragraph 1, line 2, remove the word "good".

Page 1, paragraph 1, line 4, the wording should read "no less than on a monthly basis and following any possible physical damage."

Page 1, paragraph 1, line 6, should read "openings not to exceed 6 inches square shall be present at....."

Page 2, item 7, should include disposal method and site standards.

He also questioned why review would not occur until 2005.

**Mr. Creagh said that when the date is changed, the legislation also would need to be changed before MDA could enforce the standards as the regulatory agency. The legislation does, however, give the department the authority to promulgate rules.**

**Commissioner Tatter suggested the additional changes to the document:**

**Page 3, paragraph 3, line 3, to read "one year of age or breeding age, whichever occurs first."**

**Page 4, item 1, should read "to be allowed to be removed from the herd."**

**Page 5, item 2, line 5, a clearer definition for the wording "direct contact." Page 5, item 3, the wording "exempt from record keeping an individual animal identification requirements for animals" is unclear.**

**He also said that he could not find a "Section D" as referred to in that item.**

**Director Wyant said that the operational standards have gone before the industry and the Act clearly states that MDA, after consultation with DNR and concurrence of the Commissions, may amend the Act or promulgate a rule.**

**Commissioner Maitland expressed his concern that no opportunity will be given to receive public comment.**

**Mr. Creagh said that the legislative process is a public process and that the impacted industries have been included in the formation of the document. This has been an ongoing process for almost one year. He added that until the document is adopted and endorsed by the Commission, changes could be made.**

**Director Wyant recommended placing the "Operational Standards for Privately Owned Cervidae Facilities" as an agenda item for the May 31, 2000, meeting. Time will be set aside to receive public comment prior to the Commission taking final action.**

**MOTION: COMMISSIONER TATTER MOVED TO RECEIVE THE OPERATIONAL STANDARDS FOR PRIVATELY OWNED CERVIDAE FACILITIES. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**ADJOURN:**

**MOTION: COMMISSIONER STAMP MOVED TO ADJOURN THE MEETING AT 4:40 P.M. SECONDED. MOTION CARRIED UNANIMOUSLY.**

**ATTACHMENTS:**

**The following documents are on file in the Commission of Agriculture office and are available upon request:**

- Attachment A Commission of Agriculture**
- Attachment B Legislative Report – May 2000**
- Attachment C Director's Report – May 2000**
- Attachment D Public Acts 72, 82 and 189**
- Attachment E Information and Maps Relating to Bovine Tuberculosis in Michigan**
- Attachment F "Operational Standards for Privately Owned Cervidae Facilities"**