

**Michigan Commission of Agriculture Meeting
Michigan Department of Agriculture
6th Floor, Richard VanDusen Conference Room
Constitution Hall
525 West Allegan Street, Lansing, Michigan**

**MEETING MINUTES
November 7, 2001**

PRESENT:

Jordan B. Tatter, Chair
Douglas E. Darling, Vice-Chair
James Maitland, Secretary
Bill Pridgeon, Commissioner
Nora Viau, Commissioner
Dan Wyant, Director

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

Michigan Department of Agriculture Staff
Ron Zellar, Assistant Attorney General
Ernie Birchmeier, Michigan Farm Bureau
Sheila Burkhardt, Michigan Milk Producers Association
Barbara Brundige, Citizens Against the Misuse of Pesticides
Kenneth Brundige, Citizens Against the Misuse of Pesticides
Jerry Crandall, MIRS
Dee-Ann Durbin, Associated Press
Al Golds, Associated Press
Kathleen Hawkins, Michigan Cattlemen's Association
Erin Hogarth, Representative Dale Sheltroun's Office
Christopher Klaver, Gongwer News Service
Tonia Koppenaal, Michigan Farm Bureau
Ron Nelson, Michigan Farm Bureau
Steve Paradiso, Michigan Farm Bureau
Tim Ruggles, Michigan Cattlemen's Association
Anne Woiwode, Sierra Club
Wayne Wood, Michigan Farm Bureau

CALL TO ORDER AND ROLL CALL

Chair Tatter called the meeting of the Commission of Agriculture to order at 10:24 a.m. on Wednesday, November 7, 2001. Commissioner Maitland called the roll, with Director Wyant and all Commissioners present.

APPROVAL OF AGENDA

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE THE NOVEMBER 7, 2001 MEETING AGENDA AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF COMMISSION OF AGRICULTURE SEPTEMBER 12, 2001 MEETING MINUTES

MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE SEPTEMBER 12, 2001 MEETING MINUTES AS PRESENTED. SECONDED.

MOTION TO AMEND: COMMISSIONER MAITLAND MOVED TO AMEND PAGE 10, FIRST PARAGRAPH, SECOND SENTENCE TO READ "AS PRESENTED BY COMMISSIONER DARLING." SECONDED. MOTION TO AMEND CARRIED UNANIMOUSLY.

THE SEPTEMBER 12, 2001 MEETING MINUTES WERE UNANIMOUSLY APPROVED AS AMENDED.

NEXT MEETING

The next regular meeting of the Commission of Agriculture is scheduled for December 7, 2001, at the Michigan Department of Agriculture, Constitution Hall, 6th Floor, Richard VanDusen Conference Room, 525 West Allegan Street, Lansing, Michigan.

APPROVAL OF DIRECTOR'S OUT-OF-STATE TRAVEL

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE DIRECTOR WYANT'S TRAVEL ON NOVEMBER 16, 2001 TO ATTEND A MEETING WITH THE REGION V ENVIRONMENTAL PROTECTION AGENCY IN CHICAGO, ILLINOIS. SECONDED. MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS' COMMENTS

Commissioner Nora Viau reported that the Upper Peninsula weather during October was cold and wet. Hunters are getting ready for their annual migration to the woods. Commissioner Viau attended the Delta County Michigan Farm Bureau annual meeting held in October. She said that bovine tuberculosis split state status was a topic of discussion, and Upper Peninsula producers continue to be concerned about the marketing of their calves.

Commissioner Bill Pridgeon reported weather in his area has been wet, causing a delay in getting the crops out of the fields. He noted that Branch County did have a bumper corn crop this year.

Commissioner James Maitland reported that the apple harvest in Northern Michigan has been completed, with good quality due to the later rains. He noted that the marketing of apples continues to be a problem. Commissioner Maitland participated in a legislative outing at the Great Lakes Downs in Muskegon during October.

Commissioner Doug Darling reported that crop harvest has been slow this year, with bean yields 30 to 60 percent off from normal. The corn crop survived the dry weather much better than beans. Commissioner Darling received calls regarding the deer baiting issue following the Natural Resources Commission September meeting. He also met with Congressman John Dingell to discuss the KIND Amendment. He believes that it would provide many positive outcomes for the state and for agriculture, but is concerned that the monies would be taken away from the commodity side. He also met with Representative Gene DeRossett. Commissioner Darling said that Ryan Sweeney from Michigan was named Star Agri-businessman at the National FFA Convention held in Kentucky. This is the third time in six years that Michigan has had a Star American farmer.

Chair Jordan Tatter reported that fruit and vegetables are done; corn and soybeans have a long way to go. Standing corn on November 15 will provide deer cover to an extent beyond that of recent years. Most apples that hit the ground stayed there, as the juice mills have not been active purchasers during the harvest. The grape harvest came in at about one-third of a crop. Several large abandoned apple orchards in Berrien County have been pushed out by the owners, after local MDA staff made personal and written contacts with stated deadlines for action prior to the next growing season. Both the property owners and MDA staff are to be complimented.

Since the last Commission meeting, Chair Tatter participated in the following activities:

- Two Southwest Michigan Economic Club meetings, at which Bryant Gumbel and former President Bill Clinton were speakers. Over 2,000 members attended each presentation.
- Van Buren County Extension Council meeting. Chair Tatter serves on the council, representing agricultural support industries in the county.
- MSU Extension and Experiment Station Advisory Council. Chair Tatter serves on the Council, representing four counties in Southwest Michigan.
- A seminar presentation by a candidate for the chairmanship of the Department of Horticulture at MSU.
- The annual feeder cattle sale at West Branch. Fred Hinkley, MSU County Extension Director, provided a tour of Ogemaw County. Several conversations were held with livestock and dairy producers regarding bovine TB and the process for achieving split state status designation by USDA.
- The first of the Fall/Winter/Spring meetings of the Michigan Frozen Food Packers' Association, held at the MSU Southwest Michigan Research and Extension Center.
- The Fall MSU Extension Council Conference for the Southwest Region.
- A Legislative Business Briefing Eye-Opener Breakfast. The local state senator and state representatives spoke, along with Congressman Fred Upton.
- The fall meeting of the MSU Southwest Michigan Research and Extension Center Advisory Committee, held jointly with the Center's Board of Directors. Chair Tatter serves on both groups.

Chair Tatter received several telephone calls on the deer baiting/hunting decision made by the Natural Resources Commission.

He noted that there has been a lot of coffee-shop talk about the deplorable economic condition of Michigan's apple industry. If farmland values falter, Michigan could quickly have a lending situation similar to the late 70s and early 80s. Michigan will test local fruit

farmland values in late November, with the sale at auction of almost 900 acres of a prominent fruit-growing family's total holding in Van Buren County.

Chair Tatter said that the utilization of farm family members who are minors, when the farm is held as a partnership or organized as a corporation, has been called into question by the recent citing of an equally owned farming partnership by federal labor officials in Cass County. This should not be a new legal question and understandable rules should be demanded.

The recently released *Michigan Agricultural Statistics 2000-2001* publication contains MDA's 2000 Annual Report. The statistical publication and the included report is an excellent document that provides real insight into what went on last year, and Chair Tatter recommends that it be shared with legislature, industry, and the media.

Director Wyant assured the Chair that this has been done.

LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison

Brad Deacon, Legislative Liaison, distributed and reviewed the November 2001 Legislative Status and legislative priorities. He also distributed copies of House Bill 5268, a bill introduced by Representative Patricia Birkholz, and assigned to the Committee on Local Government and Urban Policy.

Mr. Deacon explained that HB 5268 provides for a pilot project for the sale and purchase of certain rights to develop land, provides for the financing of the purchase of such rights by certain local units of government in certain circumstances, and provides for the powers and duties of certain local governmental officers and entities. Within six months after the effective date of the Act, the Commission of Agriculture must select not more than five townships in different counties to participate in a development rights market pilot project. The township board of the township selected could adopt a development rights market ordinance, providing for the establishment, financing, and administration of a development rights market program.

Chair Tatter asked about the budget implications to the department for this pilot program.

Director Wyant responded that the budget and staff impacts need to be determined, since no funds will be provided to administer the program.

Commissioner Darling believes the program should be multi-municipality, because not every township will be the same. Because of the Purchase of Development Rights program and the PA 116 group, there should not be much of a financial impact on the department's budget. He noted that private monies are primarily involved in the Transfer of Development Rights program.

Commissioner Maitland believes that such a program belongs in MDA because it has the staff expertise in development rights.

Director Wyant encouraged the Commission to read the bill, talk with local resources, and provide feedback to the department.

APPROVAL TO RESCIND FOOD CODE RULES: Brad Deacon, Legislative Liaison

Brad Deacon, Legislative Liaison, explained that based on changes to legislation the following rules have become obsolete, and provisions for these rules are addressed in the Act. He recommended that the following Food Code regulations be rescinded and that the Commission Chair sign Certificates of Adoption. The regulations recommended to be rescinded are as follows:

Regulation 538, Egg Breaking
Regulation 549, Non-Alcoholic Beverages
Regulation 554, Last Day of Sale
Regulation 556, Food Concessions at State and County Fairs
Regulation 557, Food Establishment Licensing
Regulation 558, Temporary Food Establishments
Food Service Sanitation

MOTION: COMMISSIONER DARLING MOVED TO RESCIND REGULATIONS 538, 549, 554, 556, 557, 558, AND THE FOOD SERVICE SANITATION REGULATION AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

Mr. Deacon also explained that based on changes to legislation the following rules have become obsolete and provisions for these rules are addressed in the Act. He recommended that the following regulations be rescinded and the Chair of the Commission of Agriculture sign Certificates of Adoption. The regulations recommended to be rescinded are as follows:

Regulation 530, Controlled Atmosphere Storage for Apples
Regulation 605, Disposal of Christmas Trees

MOTION: COMMISSIONER MAITLAND MOVED TO RESCIND REGULATIONS 530 AND RULE 605 AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

DIRECTOR'S REPORT: Dan Wyant, Director

Director Dan Wyant distributed and reviewed his monthly activities and also discussed the following:

New State Veterinarian: Dr. Joan Arnoldi will head Michigan's animal health and safety efforts. Dr. Arnoldi has worked for the USDA in many capacities, including the country's Chief Veterinary Officer, Associate Administrator of the USDA's Animal and Plant Health Inspection Service, and Director of the National Veterinary Services Laboratories in Ames, Iowa. She is an active member of numerous committees, boards and professional organizations. She recently served on the National Research Council of the National Academy of Science's committee studying bioterrorism in plants and animals. She was Wisconsin's State Veterinarian, in private practice, and worked in biological and pharmaceutical industries. A reception for Dr. Arnoldi will be held December 6, 2001, 3 to 5 p.m. at the Kellogg Center.

MDA Budget: Copies of Executive Order No. 2001-9, were distributed and reviewed. The Governor issued the Executive Order based on revised projected revenues for the fiscal period October 1, 2001 to September 30, 2002. Revenue estimates are now below the prior estimates on which appropriations were based. Expenditure reductions totaling over \$319 million are necessary, and the transfer of unexpended balances and excess revenues from restricted revenue sources totaling over \$144 million will be required to address the shortfall. Director Wyant reviewed the \$2.3 million reduction that will be taken by the department.

Director Wyant agreed to continue his report later in today's meeting to accommodate the scheduled presentations by guests.

DISCUSSION ON DEER BAITING: Wayne Wood, President of Michigan Farm Bureau, Sheila Burkhardt of the Michigan Milk Producers Association, and Tim Ruggles, President of the Michigan Cattlemen's Association

Wayne Wood, President of the Michigan Farm Bureau (MFB), said the Michigan Farm Bureau represents 45,000 Michigan farm families.

Mr. Wood is concerned about the Natural Resources Commission's (NRC) decision to allow deer baiting in DMU 452. MFB policy supports a statewide ban on feeding and baiting of free-ranging deer. The policy was developed based on sound science. Deer baiting carries too great a risk for communicating the disease, and the risks outweigh any potential benefit.

President Wood referred to the September minutes of the NRC. He is concerned that the minutes state that "the Commission of Agriculture has supported limited baiting in Deer Management Unit (DMU) 452." It was MFB's understanding that the Commission took no formal action.

He agrees that deer numbers need to be lowered because statewide the deer numbers are high. However, baiting is not necessary to lower deer numbers in any given area. He also is concerned about the process followed by the NRC to implement this experimental baiting in DMU 452. President Wood had discussed this issue with Chair Tatter, and reiterated the fact that Farm Bureau policy opposes feeding and baiting. The proposal that was presented by Chair Tatter, and the final baiting order approved by the NRC are very different.

President Wood is concerned that the spirit of the original agreement was broken. Coordination and cooperation between MDA and the DNR are necessary to eradicate this disease. MFB is concerned with the proposed language for the split state status Memorandum of Understanding. There is nothing stating the experiment must be scientifically based or measured. It also fails to state that both the NRC and the Commission of Agriculture must first approve any pilot.

He added that the MFB has attended several industry meetings to discuss bovine TB eradication efforts and the DNR is almost never at the table.

President Wood said we must try to determine what good can come from this decision. It is important to answer the following questions:

- ◆ Will it result in greater numbers of deer taken?
- ◆ With the DMUs having been redrawn over the summer, how will success or failure be determined?
- ◆ In the haste to approve this limited baiting proposal, were the measurement, enforcement, and risks versus rewards of this experiment given adequate time for discussion?
- ◆ Will every deer approaching a bait pile be taken? If not, then isn't this a high-risk opportunity to spread the disease?
- ◆ How will enforcement be increased and improved during this experiment?
- ◆ How soon will we have results?

Sheila Burkhardt of the Michigan Milk Producers Association (MMPA) is representing MMPA President Elwood Kirkpatrick at today's meeting. She distributed copies and read a letter to the Commission from President Kirkpatrick.

MMPA believes the recent decisions by the NRC, supported by the Commission of Agriculture, will be counterproductive to the efforts being made to eradicate TB in both livestock and deer. The decision to allow any baiting, even with restrictions, will only help perpetuate the situation. MMPA policy, approved by its 270-delegate body, states that "aggressive measures based on sound scientific research should be taken to eradicate this disease from all livestock and to prevent further transmission of bovine tuberculosis from whitetail deer and other wildlife to livestock. MMPA supports the statewide ban on both feeding and baiting of deer."

This baiting experiment lacks scientific measure. If and when baiting proposals are brought to this Commission for joint consideration with the NRC, MMPA urges the Commission to recall a comment made by NRC Chairman Keith Charters. He said, "The NRC's number-one responsibility is to the hunting community." MMPA believes that it is up to this Commission to uphold the interests of the agricultural community.

Tim Ruggles, President of the Michigan Cattlemen's Association, said that the Michigan Cattlemen's Association is comprised of more than 7,000 cow/calf and feedlot operators. The Association's policy supports a total ban on feeding and baiting, including supplemental emergency or experiment feeding, of free-ranging deer statewide. This policy was adopted based on sound science and a desire to eradicate bovine TB. Michigan livestock owners are undergoing whole-herd testing in order to comply with the Animal Industry Act. In the past two months, another two beef herds in the core high-risk area tested positive for bovine TB. Because of the ongoing challenges in marketing Michigan cattle, it is in the best interest of the industry to eradicate this disease quickly. As producers are sustaining losses, the Association cannot justify the action taken by the NRC that perpetuates the very problem we are trying to solve.

Mr. Ruggles said that his Association would like clarification on the following:

- ◆ Did the Commission of Agriculture support the baiting proposal passed by the NRC?
- ◆ Are there any studies that indicate TB is being spread by hay bales? An Ames, Iowa study was mentioned several times by the NRC.
- ◆ Has bovine TB become self-sustaining in the Michigan deer herd? Is there any logical explanation as to how this occurred?

Mr. Ruggles said that livestock producers statewide request that the Commission of Agriculture urge the NRC to:

- ◆ Increase surveillance and enforcement of baiting practices, providing no warnings for first offense.
- ◆ Ensure that all future proposals, like experimental baiting, go through the normal NRC procedures and receive formal approval by the Commission of Agriculture..
- ◆ Grant permission to livestock owners to protect the health of their cattle by taking deer without permit if the deer are co-mingling with livestock or invading livestock feed storage.

Chair Tatter suggested that these same presentations be made before the NRC. Mr. Wood, Ms. Burkhardt and Mr. Ruggles responded that these same presentations were made to the NRC at its October meeting.

Commissioner Darling commented that no one know for sure where or when bovine tuberculosis originated. It is not productive to point blame. He believes that it is not a livestock issue and it is not a deer issue. It is a disease issue, and the focus must be on the disease. He also believes that there should be a target date and a goal for eradicating the disease in livestock and in deer. Agriculture and natural resources both need to set the target date and the goal.

Commissioner Maitland noted that this Commission is on record as being opposed to deer baiting. No formal action was taken at its September meeting to change that opposition. The Commission, however, did agree to deer baiting by hunt clubs in DMU 452 during bow season and by permit. Commissioner Maitland said he is interested in hearing Dr. Arnoldi's position on the issue.

President Wood said that Michigan looks to this Commission to represent agriculture in state matters. This issue is especially important to the future of agriculture in this state.

Chair Tatter commented on the importance of having hunt clubs share their data with the DNR and MDA.

Commissioner Pridgeon agreed with the comments expressed by Commissioners Darling and Maitland. He added that while we continue to identify the problem, its elimination appears to be progressing slowly.

Director Wyant emphasized that progress has been made to date. There has been a statewide ban on feeding; Michigan has positioned itself to achieve split state status due to the ability to test all dairy herds; and deer numbers have come down in DMU 452. There are two sides to the issue. One is minimizing nose-to-nose contact, and the other is to bring deer numbers down. Director Wyant agrees that accountability by both MDA and DNR is key. It is important to re-establish that partnership. Split state status cannot be jeopardized because it is too important to agriculture.

RECESS

The meeting recessed at 12:00.

RECONVENE

The meeting reconvened at 1:00 p.m.

UPDATE ON BOVINE TUBERCULOSIS (STRATEGIC PLAN AND PROPOSED ZONING): Dr. Larry Granger and Dr. Nancy Frank of the Animal Industry Division

Dr. Larry Granger of the Animal Industry Division updated the Commission on the state's bovine tuberculosis eradication efforts. He distributed and reviewed copies of the "*Draft Bovine Tuberculosis in Michigan Strategic Plan*," dated October 17, 2001.

Dr. Granger referred to Attachment L of the draft entitled, "*Memorandum of Understanding (MOU) between MDA, DNR and USDA, Animal and Plant Health Inspection Service, Veterinary Services Working Draft, dated 10-31-01.*" A MOU is concurrently being prepared between MDA, USDA and DNR to establish criteria for the maintenance of split state zones for bovine TB in Michigan. He discussed the definitions and specific conditions for maintenance of split state status zones of Modified Accredited infected zones, surveillance zones, and disease-free zones. The Modified Accredited Advanced disease free zone would be split under the MOU to include any area with defined dimensions determined by MDA, in consultation with USDA, to be free of bovine TB.

Dr. Nancy Frank of the Animal Industry Division noted that discussions have been held with other states to discuss the strategic plan.

Dr. Granger explained that there is a process that must be followed to get the zones established. A public notice must be issued and a public comment period granted. The goal is to have the zoning in place before USDA's annual review at the end of December.

He added that the draft strategic plan has undergone many revisions, and has been shared with the bovine TB advisory committee and various constituent groups. A number of meetings also have been held with the producer groups in northeast Michigan.

Director Wyant said a great deal of time has been spent with USDA to develop the parameters of split state status. Meetings were held with industry and changes were made to the Animal Industry Act. Additional public meetings will be held in the future. Director Wyant asked the Commission to review the plan and provide formal support.

Ronald Zellar of the Attorney General's Office explained that public notice will be placed in the appropriate newspapers, and the item will be on the December Commission meeting agenda to allow for public comment, either in person or in writing.

Commissioner Maitland asked for a one-page summary outlining the process, the time frame involved, and the Commission's role.

APPROVAL OF FRUIT AND VEGETABLE FEES AND NURSERY INSPECTION FEES: Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division

Kenneth Rauscher, Director of the Pesticide and Plant Pest Management Division, distributed and reviewed a November 1, 2001 Memorandum to Director Wyant

and the Commission regarding Nursery and Fruit and Vegetable Fees. He explained that MDA is currently performing certification inspections of plants and plant products at an hourly rate of \$32.00 for the first acre and \$16.00 for each additional acre.

Mr. Rauscher is seeking approval of the following increases in hourly rate fees: \$34.00; Acreage Rate: \$34.00 (first acre), and \$17.00 for each additional acre based on information that staff can inspect approximately 2 acres per hour.

Mr. Rauscher is also requesting approval to increase fruit and vegetable inspection fees as follows:

Hourly (non-contract)	\$20.00 increased to \$24.00
Overtime	\$30.00 increased to \$36.00
Minimum Charge	\$65.00 increased to \$80.00
Weekly Contract	\$600.00 increased to \$630.00
CWT-process products	\$.14 increased to \$.18

The fees were last adjusted in 1995.

Commissioner Darling asked if industry had been involved in the discussion to increase the fees.

Mr. Rauscher indicated that industry has been involved and does not oppose the fee increases.

MOTION: COMMISSIONER DARLING MOVED TO APPROVE THE INCREASE IN FEES FOR NURSERY AND FRUIT AND VEGETABLE INSPECTIONS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

UPDATE ON AGRICULTURAL DEVELOPMENTS IN MICHIGAN: Robert Craig, Director, and Paul Burke of the Agriculture Development Division

Robert Craig, director of the Agriculture Development Division, discussed a number of new value-added agricultural developments that are proposed or underway in Michigan. The developments are the Michigan Ethanol LLC in Tuscola County, Harley Sietsema Farms' \$9 million feed mill in Montcalm County; a \$2.5 million meat processing plant by Dublin Jerky Company in Lake County; and Thumb Oilseed Producers Co-operative's soybean oil processing addition.

He also distributed and reviewed information about the Sunny Fresh egg processing plant in Ionia County. The plant is building a new \$9 million, 35,000-square-foot building, adjacent to the existing plant. The company has applied for an Agricultural Processing Renaissance Zone designation. MDA and the Michigan Economic Development Corporation are facilitating discussions.

Paul Burke of the International Marketing Program distributed and reviewed the Michigan Specialty Crop Block Grant Program. MDA received a one-time \$2.1 million grant designed for the state's specialty crop industry to enhance or develop its markets. Specialty crops are generally fruits and vegetables, but are specifically defined as any

agriculture crop except wheat, feed grains, oilseeds, cotton, rice, peanuts, and tobacco. Grants may be used for promotion, marketing, technical assistance and/or research of new products, new methods of introducing products to market, new marketing channels, or increasing consumption of specialty crops to enhance proper nutrition. They cannot be used to pay for administrative expenses or fixed costs. All specialty crop producers and/or their commodity organization are qualified to apply. Award amounts of the commodity will be determined based on its five-year average percentage value of all eligible specialty crops. A workshop on this grant program will be held November 20 from 10 a.m. to Noon at the Michigan Library and Historical Center in Lansing. Grants applications are due February 1, 2001, with award announcements occurring by March 1.

INITIATE THE ANNUAL REVIEW PROCESS OF THE GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES: Marvin Johansen of the Environmental Stewardship Division

Marvin Johansen of the Environmental Stewardship Division presented the Generally Accepted Agricultural and Management Practices (GAAMP) for Manure Management and Utilization, and the Generally Accepted Agricultural and Management Practices for Nutrient Utilization for Commission approval to initiate the annual review process.

MOTION: COMMISSIONER VIAU MOVED TO INITIATE THE ANNUAL REVIEW PROCESS OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR MANURE MANAGEMENT AND UTILIZATION, AND THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION. SECONDED. MOTION CARRIED UNANIMOUSLY.

Letters to Dr. Maynard Hogberg, Chair of the GAAMP for Manure Management and Utilization Committee, and to Dr. Lee Jacobs, Chair of the GAAMP for Nutrient Utilization Committee were signed by Chair Tatter.

DIRECTOR'S REPORT (continued):

Bioterrorism: Since the September 11, 2001 terrorism events, MDA has been very active in reviewing Michigan's bioterrorism response program. It is important to note that Michigan has had an emergency response plan in place prior to 1976. MDA is responsible for food safety, animal health, plant health and disease, pesticide use (training and certification), aerial application licensing, feed additives, and feed pharmaceuticals. MDA has emergency response plans in place in the areas of communication and education of food safety and regulatory responses, Foot-And-Mouth Disease, ongoing surveillance; scientific capabilities and emergency management planning. Dave Charney, Emergency Management Coordinator, has met with a number of constituency groups to discuss the state's bioterrorism response program.

Dave Charney, Emergency Management Coordinator, added that the food and agriculture industry has been receptive and anxious to participate in the program, and response plans for terrorist activities have been in place for at least 2-1/2 years. One

plan spells out the department's working relationship with the Department of Community Health and the second is a bioterrorism plan aimed at food, feed, plant health and animal health.

Director's Written Report – October 2001

Chair Tatter referred to page 3 of the October 2001 Director's Report. He asked about the hazard of static charge build-up by the use of cell phones causing gasoline fires at service stations.

Commissioner Maitland asked if signage should be posted by the State Fire Marshal.

Staff will research this issue and reply to the Commission.

ANNUAL REVIEW OF FY01 RIGHT-TO-FARM PROGRAM: Wayne Whitman of the Environmental Stewardship Division:

Wayne Whitman of the Environmental Stewardship Division distributed and reviewed the *Right to Farm Program FY01 Overview Report*. MDA received a total of 157 new environmental complaints during FY2001; 95 were verified complaints and 62 were non-verified complaints. The majority of new complaints involved large animal livestock farm operations.

REVIEW OF RIGHT-TO-FARM CASES: Wayne Whitman of the Environmental Stewardship Division

Wayne Whitman of the Environmental Stewardship Division reviewed a Right-To-Farm case in Charlevoix County. The case involves a former dairy farm operation that is now owned and operated by Penny Cremer. The complaint concerns manure mismanagement and potential manure runoff. To date, MDA has not been able to verify a substantial effort by the owner to correct the problem. Mr. Whitman is recommending that the case be referred to the Michigan Department of Environmental Quality for appropriate enforcement action.

MOTION: COMMISSIONER MAITLAND MOVED TO REFER THE PENNY CREMER DAIRY FARM OPERATION OF CHARLEVOIX COUNTY RIGHT-TO-FARM FILE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY. SECONDED. MOTION CARRIED UNANOUSLY.

Mr. Whitman also reviewed a Right-To-Farm case in Kent County. The case involves Northland Farms, an equine facility owned and operated by Paul and Valerie Irvine. The complaint concerns manure mismanagement and runoff. To date MDA has not received an acceptable corrective action plan to address the problems.

MOTION: COMMISSIONER VIAU MOVED TO SEND A WARNING LETTER TO PAUL AND VALERIE IRVINE OF GRAND RAPIDS, MICHIGAN, ADVISING THEM TO IMPLEMENT AN ACCEPTABLE CORRECTIVE PLAN WITHIN 30 DAYS TO ADDRESS THE MANURE

MISMANAGEMENT AND MANURE RUNOFF PROBLEMS.
SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF COMMISSION OF AGRICULTURE RESOLUTION

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE A COMMISSION OF AGRICULTURE RESOLUTION HONORING PATRICIA ANN RISDON AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF COMMISSION AWARD OF EXCELLENCE

MOTION: COMMISSIONER MAITLAND MOVED TO AWARD THE COMMISSION AWARD OF EXCELLENCE TO P. DAVID CHARNEY AND DR. DEBBI DONCH AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

APPROVAL OF THE 2002 COMMISSION OF AGRICULTURE MEETING SCHEDULE:

MOTION: COMMISSIONER VIAU MOVED TO APPROVE THE 2002 COMMISSION OF AGRICULTURE MEETING SCHEDULE AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT:

Chair Tatter said that as a taxpayer he is concerned about the decision by the legislature to award \$5 million to build an ethanol plant as a grant. He believes that the state should loan the money as a non-interest loan, and not suffer the balance sheet accounting result of a grant versus a loan. This would reduce the state's deficit by \$5 million.

Barbara Brundige, Citizens Against the Misuse of Pesticides, distributed and read a statement dated November 7, 2001 regarding the problem with excessive aerial spraying in St. Joseph County, Michigan. Mr. and Mrs. Kenneth Brundige expressed their concern about the health and environmental risks associated with aerial spraying.

Tonia Koppenaar of the Michigan Farm Bureau said that Michigan Farm Bureau policy opposes deer feeding and baiting. She said that the Michigan Farm Bureau recognizes that the Commission of Agriculture took no formal action at its September 12, 2001 meeting allowing baiting in DMU 452. Ms. Koppenaar referred to the September minutes of the Natural Resources Commission. She quoted page 2 of the minutes where they state that "The Commission of Agriculture, during a recent Commission meeting, concurred with allowing baiting in DMU 452 only for bow season." She also referred to page 22 of the minutes where they state "...the Commission of Agriculture concurred with limited baiting in order to reduce the herd." Ms. Koppenaar expressed her concern that these comments are part of the official record. She was present at the Commission of Agriculture September meeting during the Commission of Agriculture's discussion with Chairman Charters.

ADJOURN:

The meeting adjourned at 3:25 p.m.

ATTACHMENTS:

The following documentation is on file in the Commission of Agriculture office and is available upon request by contacting Vicki Burke, Commission of Agriculture, Post Office Box 30017, Lansing, Michigan 48909, (517) 373-1085.

Attachment A	Commission of Agriculture September 12, 2001 Meeting Minutes
Attachment B	Legislative Report – November 2001
Attachment C	House Bill 5268
Attachment D	Certificates of Adoption (Regulations 538, 549, 554, 556, 557, 558, Food Service Sanitation, 530 and 605
Attachment E	Director's Report – October 2001
Attachment F	Director's Report – November 2001
Attachment G	Executive Order No. 2001-9
Attachment H	Written Comments – Wayne Wood, Michigan Farm Bureau
Attachment I	Written Comments – Elwood Kirkpatrick, Michigan Milk Producers Association
Attachment J	Written Comments – Tim Ruggles, Michigan Cattleman Association
Attachment K	Draft Bovine Tuberculosis in Michigan Strategic Plan, October 17, 2001
Attachment L	Memorandum regarding Nursery and Fruit and Vegetable Fees
Attachment M	Sunny Fresh Egg Processing Plant Information
Attachment N	Michigan Specialty Crop Block Grant Program
Attachment O	Letter to Dr. Maynard Hogberg, Chair of the GAAMP for Manure Management and Utilization Committee
Attachment P	Letter to Dr. Lee Jacobs, Chair of the GAAMP for Nutrient Utilization Committee
Attachment Q	Right-to-Farm Program FY01 Overview Report
Attachment R	Letter to Penny Cremer, Ortonville, Michigan
Attachment S	Letter to Russell Harding, Director, Michigan Department of Environmental Quality
Attachment T	Letter to Paul and Valerie Irvine, Grand Rapids, Michigan
Attachment U	Commission of Agriculture Resolution Honoring Patricia Ann Risdon
Attachment V	Commission of Agriculture Award of Excellence Honoring P. David Charney and Dr. Debbi Donch
Attachment W	2002 Commission of Agriculture Meeting Schedule
Attachment X	Information and Written Comments – Barbara Brundige
Attachment Y	Excerpts from Natural Resources Commission September 2001 Meeting