

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
December 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
Rob Anderson, Michigan Farm Bureau
Jerry Crandall, MIRS
Mike Fredericks, Senator McManus' Office
Lori Gay, Senator McManus' Office
Tonia Koppenaal, Michigan Farm Bureau
Dr. John Molesworth, MSU-Extension
Ron Nelson, Michigan Farm Bureau
Dr. Steve Schmitt, Department of Natural Resources
State Representative Dale Sheltroun
Pete Squibb, Department of Natural Resources
John Urbain, Department of Natural Resources
Virginia Zeeb

CALL TO ORDER AND ROLL CALL

Chair Tatter called the meeting of the Commission of Agriculture to order at 8:05 a.m. on Friday, December 7, 2001. Commissioner Maitland called the roll, with Director Wyant and all Commissioners present.

APPROVAL OF AGENDA

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

APPROVAL OF COMMISSION OF AGRICULTURE NOVEMBER 7, 2001 MEETING MINUTES

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

NEXT MEETING

The next regular meeting of the Commission of Agriculture is scheduled for January 10-11, 2002, at the Amway Grand Plaza Hotel, 187 Monroe NW, Grand Rapids, Michigan. The meeting will be held in conjunction with the Michigan Association of Fairs and Exhibitions Annual Convention.

APPROVAL OF COMMISSIONERS' PER DIEM AND/OR TRAVEL:

MOTION: COMMISSIONER MAITLAND MOVED TO APPROVE COMMISSIONER VIAU'S AND COMMISSIONER DARLING'S TRAVEL AS SUBMITTED:

--OCTOBER 9, 2001, SOIL CONSERVATION MEETING, RAPID RIVER, MICHIGAN (COMMISSIONER VIAU)

--OCTOBER 29, 2001, DELTA COUNTY FARM BUREAU MEETING, ESCANABA, MICHIGAN (COMMISSIONER VIAU)

--NOVEMBER 2, 2001, 4-H RECOGNITION DINNER, ESCANABA, MICHIGAN (COMMISSIONER VIAU)

--NOVEMBER 28-29, 2001, MICHIGAN FARM BUREAU ANNUAL MEETING, TRAVERSE CITY, MICHIGAN (COMMISSIONERS VIAU AND DARLING)

SECONDED. MOTION CARRIED UNANIMOUSLY.

COMMISSIONERS' COMMENTS:

Commissioner Bill Pridgeon reported that the good November weather allowed farmers to get their crops out of the field.

Commissioner James Maitland reported that weather in Northern Michigan has been warm. The Northwest Michigan Fruit and Vegetable Show will be held on January 22, 2002 at Grand Traverse Resort in Traverse City. Commissioner Maitland represented MDA at the Tree of Hope ceremony held in Cadillac.

Commissioner Doug Darling reported that during September he attended the Farm and Garden Show held in Saginaw. He also participated in the MSU AutumnFest and the Michigan Farm Bureau Annual Meeting in Traverse City where he was a judge in the Discussion Meet. Commissioner Darling commended Director Wyant for his participation and comments he provided on a panel with Director Russ Harding of the Department of

Environmental Quality, and representatives from the Sierra Club and the Environmental Protection Agency EPA to discuss Confined Animal Feeding Operations. Commissioner Darling also attended a welcoming reception for Dr. Joan Arnoldi, MDA's new State Veterinarian. He noted that his farm operation has completed harvesting and it appears that soybeans will be down about 19 bushels per acre from the normal average.

Commissioner Nora Viau reported that the November weather in the U.P. was warm and wet. The hunting season was unseasonably warm. December also has been warm and muddy. Commissioner Viau expressed her appreciation to the Governor, Director, MDA staff, and the Commission for the opportunity to serve on the Commission.

Chair Jordan Tatter reported that due to unseasonably warm hunting weather the local deer processors reported processing only 60 to 75 percent of last year's deer count. A major 850-acre fruit farm sold at auction last week, bringing an average price of only \$2,000 per acre, including three sets of buildings. The farm was split into more than 40 parcels in an effort to present it to as wide a buying audience as possible. Neighboring producers may have to re-evaluate their net worth calculations after this landmark sale.

Since the last meeting, Chair Tatter took part in the following activities:

- ◆ A multi-agency conference call dealing with the bovine tuberculosis memorandum of understanding.
- ◆ An annual reception and dinner honoring Congressman Fred Upton.
- ◆ A pre-deer hunt reception and dinner gathering of legislators, timber and power company officials, state, county and local officials, all of whom had an interest in natural resource and agriculture issues in the Upper Peninsula. The reception was held in the Sagola area of Dickinson County.
- ◆ A five-day successful deer hunt in Dickinson and Iron counties and visits with the Skogman's and Dr. Guyer. Several days of hunting at temperatures above 50 degrees.
- ◆ The well-attended Tree of Hope tour event in Kalamazoo, held as the nation's Christmas tree made its way from Michigan's Upper Peninsula to Washington, D.C.
- ◆ Part of a group of 15 that were guests of Congressman Upton at the Lions/Bears game in Chicago and viewed from the AT&T box. During a quiet moment he had a discussion with Congressman Upton on the federal Tree Assistance Program funding for Michigan apple growers.
- ◆ The Kalamazoo County MSU Extension Council meeting, where Chair Tatter is a member of the state Extension and Experiment Station Council.
- ◆ A meeting of the Michigan Economic and Environmental Roundtable, on which he is a member.
- ◆ The Great Lakes Fruit Vegetable and Farm Market Expo in Grand Rapids. It was the first time that fruit, vegetable, and farm marketers combined their annual meetings and exposition into a very well attended event.
- ◆ The Natural Resources Commission (NRC) meeting of the whole and public appearance section of its December meeting. The Memorandum of Understanding regarding split state status was presented and discussed.

Yesterday the Michigan Economic and Environmental Roundtable (MEER) released a report entitled "Michigan Land Resource Project." The report projects the future of agriculture, forestry, tourism and mining, if present land use trends continue. The NRC

received the report at its meeting yesterday. As a member of MEER, Chair Tatter distributed the report to the Commission and staff for study and review regarding land use in our state. Chair Tatter thanked The Frey Foundation and the Kellogg Foundation for funding the study and the written publication.

Director Wyant suggested inviting Bill Rustem of Public Sector Consultants to the next meeting to discuss the report.

LEGISLATIVE REPORT: Brad Deacon, Legislative Liaison

Brad Deacon, Legislative Liaison, distributed and reviewed the December 2001 Legislative Status report. He said that HB 5013 (Pollution Prevention) passed the Senate and has been presented to the Governor for signature.

Mr. Deacon asked if the Commission had any concerns about HB 5268 and its role in selecting 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.

The Commission did not have any concerns or comments at this time as selections would be made after receiving recommendations from staff.

DIRECTOR'S REPORT: Dan Wyant, Director

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

New State Veterinarian: Director Wyant introduced Dr. Joan Arnoldi to the Commission. She said that she is looking forward to working with MDA and the industry on current and future animal health issues affecting Michigan.

On behalf of the Commission, Chair Tatter welcomed Dr. Arnoldi to MDA.

Bioterrorism: Staff continues to meet internally to discuss the biosecurity issues. Director Wyant said that the National Association of State Departments of Agriculture has been developing policies on areas of concern that would be communicated to the USDA and FDA. The four areas of priority are education and communication; surveillance; scientific capability, and emergency management planning.

Zero Interest Loan: A hearing was held yesterday on a proposed zero-interest loan program for drought disaster assistance. The bill was passed out of the House Appropriations Subcommittee. The \$200 million loan program would come from the state's common cash funds invested in private lending institutions that would then be loaned to farmers based on disaster loss criteria.

Sugar Cooperative: Discussions have been held to negotiate a legislatively established zero interest loan for the Michigan Sugar Beet Growers Cooperative to purchase four plants in the Thumb area of Michigan.

Confined Animal Feeding Operations (CAFO): Discussions have been held with EPA Region 5 officials on CAFOs. It appears that the final rule will be in place by December 2002. Director Wyant noted that EPA is moving in the direction of mandating a permit system for confined animal feeding operations with 1,000 or more animal units.

Disaster Assistance: Michigan was granted a federal agricultural disaster designation for the heavy crop losses farmers sustained due to this summer's extremely dry and hot weather conditions. Eight-two of Michigan's 83 counties will be eligible for assistance. Keweenaw County is the only ineligible county. Eligible producers will be able to apply for low-interest emergency loans from USDA FSA for up to 80 percent of their weather-related production losses.

**APPROVAL OF ORGANIC REGISTRATION FEE TO REGISTER AS CERTIFYING AGENT:
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 information regarding the licensing of organic product certifying agents. Mr. Rauscher recommended a registration fee of \$200 per year for certifying agents. This fee was discussed at the Organic Advisory Committee meeting on November 28, 2001.

MOTION: COMMISSIONER PRIDGEON MOVED TO APPROVE THE REGISTRATION FEE OF \$200 PER YEAR PER ORGANIC CERTIFYING AGENT. SECONDED. MOTION CARRIED UNANIMOUSLY.

**APPROVAL OF THE JULIAN-STILLE VALUE-ADDED ACT RULES AND REGULATIONS:
Robert Craig, Director of the Agriculture Development Division**

Robert Craig, Director of the Agriculture Development Division, distributed and reviewed the proposed rules for the Julian-Stille Value-Added Act. A public hearing was held November 20, 2001. Mr. Craig recommended final approval of the Julian Stille-Value Added Act Proposed Rules as presented.

MOTION: COMMISSIONER VIAU MOVED TO APPROVE THE PROPOSED JULIAN-STILLE VALUE-ADDED ACT RULES AND REGULATIONS AS PRESENTED. SECONDED. MOTION CARRIED UNANIMOUSLY.

PUBLIC COMMENT – PROPOSED BOVINE TUBERCULOSIS ZONES

Representative Dale Sheltroun referred to the proposed Memorandum of Understanding (MOU) between MDA, DNR and the USDA. He noted the importance of holding public meetings in Northeast Michigan to hear comments and concerns relative to

bovine tuberculosis. The producers in the area have been hard-hit by the bovine tuberculosis situation. Michigan State University Extension has offered to host the meetings.

Director Wyant responded that MDA would work with MSU Extension to hold public meetings in the Northeast area of the state to discuss and answer questions about the zoning proposals that are part of the proposed MOU.

Copies of the draft Memorandum of Understanding dated 12-3-01 were distributed to the Commission and Representative Sheltroun.

Tonia Koppenaar of the Michigan Farm Bureau (MFB) said MFB appreciates the time and effort put forth by MDA to ensure that those affected by the bovine tuberculosis zones would be involved in the discussions. MFB is generally supportive of the direction the state is taking; however, at its annual meeting the 400-member delegation passed a policy urging the Commission, MDA, and USDA to consider natural boundaries in order to limit the splitting of farms. MFB continues to support funding for all mandatory and whole herd testing. She also said there was discussion on the testing of buffalo and the protocol relative to deer. MFB continues to be concerned about achieving eradication of the disease and how to improve markets for Michigan cattle.

DISCUSSION OF PROPOSED BOVINE TUBERCULOSIS ZONES: Dr. Larry Granger of the Animal Industry Division

Dr. Larry Granger of the Animal Industry Division distributed and reviewed information about the "Establishment of Zones, Identification, Testing, and Movement Requirements" for bovine tuberculosis. He explained that PA 466 requires that a public comment period be held, with notification published in the newspapers in the affected areas.

The Infected Zone includes Alcona, Alpena, Montmorency, and Presque Isle counties. The Surveillance Zone includes Cheboygan, Crawford, Iosco, Ogemaw, Oscoda, and Otsego counties. The Disease Free Zone is the rest of the counties in the state. He explained that official identification is required on any domestic livestock that move from any premises. All herds located in Antrim, Arenac, Charlevoix, Emmet, Gladwin, Kalkaska, Missaukee, and Roscommon counties are required to have a whole herd test between January 1, 2002 and December 31, 2002, except that surveillance testing is not required at terminal operations. Breeding livestock and sexually intact feeders must originate from a herd that has received at least one whole herd test.

Dr. Granger said that setting up zones establishes criteria for different areas. These would be animal identification requirements, herd testing requirements, and movement permit requirements. Establishment of the zones does not alter statewide testing, permitting, or identification requirements that are more restrictive than these requirements in any instance as prescribed by law.

Director Wyant explained that the zones being proposing are the basis for Michigan's ability to apply for split state status. Public input will be received. Michigan would like to pursue application for split state status, which requires a signed MOU. This is a totally

separate issue. It is important to note that MDA will not sign the MOU prior to the 30-day public comment period.

Director Wyant said that a draft MOU is intended to define exactly what the respective roles are if split state status is granted. It is an implementing document that outlines how and what USDA, MDA, and DNR will do with respect to their responsibilities. In addition, additional changes in the Animal Industry Act would be necessary for MDA to enforce a split state status, and MDA is working with industry to perfect that language.

Dr. Granger said it is also important to note that USDA will publish a proposed rule in the Federal Register, allowing for a public comment period. This is an opportunity for other states and interested parties to provide comment. Michigan must show that it can be effective in its enforcing and testing requirements before USDA would even consider an application for split state status.

Chair Tatter referred to the Disease Free Zone Animal Identification bullet and suggested that the word "any" be changed to "all" to be consistent throughout the document. He also suggested that the term "official identification" and "accredited herd" be defined.

Commissioner Darling asked how many beef herds still need to be tested.

Dr. Granger responded that it is a difficult number to identify because the State of Michigan does not require a permit for beef operations as it does for dairy operations. However, there is a methodology laid out in the strategic plan to monitor sales at sale yards where origin herds could be identified and animals could be traced back to determine whether or not that herd had been tested. Approximately 3,000 herds have been tested. The Michigan Agricultural Statistics Service has been asked to do a survey.

Commissioner Maitland asked about the movement of animals within the same zone.

Dr. Granger responded that the TB Advisory Committee had raised this point and the Committee recommended a permit would be needed to move animals from any premises.

MOTION: COMMISSIONER PRIDGEON MOVED THAT THE DEPARTMENT PROCEED WITH THE PROCESS IN THE DESIGNATION OF THE PROPOSED BOVINE TUBERCULOSIS ZONES. SECONDED. MOTION CARRIED UNANIMOUSLY.

Keith Creagh, Deputy Director, informed the Commission that the Natural Resources Commission (NRC) voted to approve the signing of the MOU by both NRC Chair Keith Charters and DNR Director K. L. Cool.

John Urbain of the DNR distributed and reviewed the "2001 Firearm Deer Season Harvest Estimates." Estimates show that there were 283,000 deer taken, of which 167,000 were antlered and 116,000 were antlerless. This estimate is 16 percent below the previous five-year average. He noted that through December 3, 2001, 2,172 deer were taken from DMU 452.

Dr. Steve Schmitt of the DNR said that so far this year the DNR has tested 21,834 deer for TB, compared to 22,335 last year. Dr. Schmitt distributed and reviewed the "2001 Bovine Tuberculosis Surveillance in Free-Ranging White-Tailed Deer" map.

APPROVAL OF THE GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES: Wayne Whitman of the Environmental Stewardship Division

Wayne Whitman of the Environmental Stewardship Division distributed and reviewed the Generally Accepted Agricultural Practices (GAAMP) for Manure Management and Utilization. Mr. Whitman recommended approval of the GAAMP as presented.

MOTION: COMMISSIONER MAITLAND MOVED TO ACCEPT THE DRAFT GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES FOR MANURE MANAGEMENT AND UTILIZATION AND MAKE THEM AVAILABLE FOR PUBLIC REVIEW. SECONDED. MOTION CARRIED UNANIMOUSLY.

Mr. Whitman also distributed and reviewed the Generally Accepted Agricultural Practices for Nutrient Utilization. He recommended approval of the GAAMP as presented.

MOTION: COMMISSIONER MAITLAND MOVED TO ACCEPT THE DRAFT GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES FOR NUTRIENT UTILIZATION AND MAKE THEM AVAILABLE FOR PUBLIC REVIEW. SECONDED. MOTION CARRIED UNANIMOUSLY.

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

Wayne Whitman of the Environmental Stewardship Division presented the Generally Accepted Agricultural and Management Practices (GAAMP) for Pesticide Utilization and Pest Control for Commission approval to initiate the annual review process.

MOTION: COMMISSIONER DARLING MOVED TO INITIATE THE ANNUAL REVIEW PROCESS OF THE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES FOR PESTICIDE UTILIZATION AND PEST CONTROL. SECONDED. MOTION CARRIED UNANIMOUSLY.

Chair Tatter signed a letter to Dr. Larry Olsen, Chair of the GAAMP for Pesticide Utilization and Pest Control.

PUBIC COMMENT:

Ron Nelson of the Michigan Farm Bureau referred to the crop damage tour that was held throughout the state. He noted that the weather severely affected commodities, especially dry beans, grapes and pumpkins. He said that in the past the zero interest loan program worked well for farmers. Michigan Farm Bureau policy asks that the state revisit that program.

Mr. Nelson discussed HB 4009 that was reported out of the House Appropriations Subcommittee on Agriculture and provides a zero-interest loan for agriculture. He said that this affects the farmer, the agri-business sector, the agriculture lenders, and the rural communities. The harvest is complete and the federal government has announced 82 of 83 counties will be eligible for assistance. MFB appreciates the efforts of Director Wyant and MDA.

ADJOURN:

MOTION: COMMISSIONER MAITLAND MOVED TO ADJOURN THE MEETING AT 10:28 A.M. SECONDED. MOTION CARRIED UNANIMOUSLY.

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 November 7, 2001 Meeting Minutes
Attachment B	"Michigan Land Resource Project"
Attachment C	Director's Report – December 2001
Attachment D	Legislative Status Report – December 2001
Attachment E	"Organic Registration Fee to Register as a Certifying Agent"
Attachment F	Julian Stille-Value Added Act Proposed Rules
Attachment G	Memorandum of Understanding dated 12-3-01
Attachment H	"Establishment of Zones, Identification, Testing, and Movement Requirements for Bovine Tuberculosis"
Attachment I	2001 Firearm Deer Season Harvest Estimates
Attachment J	2001 Bovine Tuberculosis Surveillance in Free-Ranging White-Tailed Deer
Attachment K	Draft Generally Accepted Agricultural Management Practices for Manure Management and Utilization
Attachment L	Draft Generally Accepted Agricultural Management Practices for Nutrient Utilization
Attachment M	Draft Generally Accepted Agricultural Management Practices for Pesticide Utilization and Pest Control