

# **MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT**

**Constitution Hall  
Atrium Level, Con-Con Conference Room  
525 West Allegan Street  
Lansing, Michigan 48933**

## **MEETING MINUTES FEBRUARY 12, 2014**

### **PRESENT:**

Diane Hanson, Chairperson, Michigan Commission of Agriculture and Rural Development  
Trever Meachum, Vice Chair, Michigan Commission of Agriculture and Rural Development  
Fred Walcott, Secretary, Michigan Commission of Agriculture and Rural Development  
Bob Kennedy, Past Chair, Michigan Commission of Agriculture and Rural Development  
Dru Montri, Member, Michigan Commission of Agriculture and Rural Development  
Jamie Clover Adams, Director, Michigan Department of Agriculture and Rural Development

### **CALL TO ORDER AND ROLL CALL**

Chairperson Hanson called the meeting of the Commission of Agriculture and Rural Development to order at 9:10 a.m. on February 12, 2014. Commissioner Walcott called the roll with Commissioners Hanson, Kennedy, Meachum, Walcott, and Montri, and Director Clover Adams present.

### **INTRODUCTION AND WELCOME NEW COMMISSIONER**

Chairperson Hanson introduced and welcomed the new Commissioner, Dru Montri from Bath, Michigan.

### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER KENNEDY MOVED TO APPROVE THE MEETING AGENDA FOR FEBRUARY 12, 2014. SECONDED BY COMMISSIONER WALCOTT. MOTION CARRIED.**

### **APPROVAL OF JANUARY 14, 2014, MEETING MINUTES**

**MOTION: COMMISSIONER WALCOTT MOVED TO APPROVE THE JANUARY 14, 2014, MEETING MINUTES. SECONDED BY COMMISSIONER MEACHUM. MOTION CARRIED.**

### **NEXT SCHEDULED MEETING**

The next scheduled meeting will be held on Thursday, March 20, at GreenStone Farm Credit Services, 3515 West Road, East Lansing.

### **COMMISSIONER COMMENTS AND TRAVEL**

**Commissioner Walcott** advised his only travel was for today's meeting.

**Commissioner Kennedy** attended the Bovine Tuberculosis (TB) Update meeting in Saginaw County sponsored by Drs. Averill and Smith of the Department of Agriculture and Rural Development (MDARD), along with the Department of Natural Resources (MDNR).

Numerous grower meetings are held this time of year with agri-business, and several MDARD staff recently gave presentations on the Michigan Agriculture Environmental Assurance Program (MAEAP), Restricted Use Pesticide (RUP) testing, and other pertinent topics. There will be additional opportunities for the department to be in front of growers over the next two months.

**Commissioner Meachum** advised his only travel was for today's meeting. He attended the Michigan Agricultural Cooperative Marketing Association (MACMA) Apple Division meeting last month, which included excellent presentations on two operations that are using H2A labor. Because of the numerous legalities involved, bringing these workers to an operation is a last resort for growers. Labor remains the key issue on the mind of every producer, whether dairy, fruit, or vegetable, where to find those workers to do the hand labor required is a large concern.

As chair of the Michigan Apple Research Committee, he participated in giving \$260,000 to Michigan State University (MSU) for apple research projects. Two out-of-state organizations also received research funding.

The Michigan Vegetable Council hosted an agriculture labor meeting in Grand Rapids, during which excellent information was shared on how to comply with the ever changing legal landscape the agriculture industry faces in this country.

**Commissioner Hanson** advised her only travel was for today's meeting. She attended the Dickenson County Soil Conservation Annual meeting January 21, which included a feature of local products. Yesterday, she was in Bay City for the Michigan Potato Industry Winter Conference, which enjoyed record attendance.

**Commissioner Montri** advised today is her only Commission-related travel. She reported Michigan is the only state in the country that certifies farmers market managers, which is accomplished through the Michigan Farmers Market Association. As of this year, the Association will have certified over 100 farmers market managers in this state. She will be at their satellite campus in Marquette later this month for that program.

She grew up in Frankenmuth, Michigan, the daughter of a butcher, which gives her ties to the meat industry. She spent much of her childhood trucking cattle and hogs and learning about field crops. The large family garden spurred her love of horticulture. She attended MSU for horticulture, traveled to Pennsylvania State for her Masters in production and marketing of specialty crops, worked on a number of small farms, and moved back to Michigan in 2006. She then became the founding director of the Michigan Farmers Market Association and began her PhD program in horticulture and community agriculture, recreation, and resource studies, which she has now completed.

In addition, she and her husband farm in Bath, where they use six production hoop houses to grow vegetables year around.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. SECONDED BY COMMISSIONER KENNEDY. MOTION CARRIED.**

### **DIRECTOR'S REPORT**

Director Clover Adams reported MDARD received notification of the Governor's 15 budget recommendations for the department. That included recommendation for an additional \$1.8 million for the Food and Dairy Program, primarily to increase compliance rates and meet customer needs as that sector continues to grow significantly. The Governor also recommended continued funding for the Strategic Growth Initiative and the department is hopeful that new innovations will result. MDARD is part of the Quality of Life (QOL) Invasive Species Initiative, which is in MDNR's budget recommendation, and will serve as the terrestrial experts on diseases and insects that impact the land. Most exciting, the Governor recommended funding, through the Department of Technology, Management, and Budget's (DTMB) budget, MDARD's request for \$3.8 million for technology upgrades that will provide for a system that integrates inspections and licensing. It is expected that 60-90 minutes per day per inspector increase in productivity can be realized. With smart phones and tablets, an additional 30-40 minutes per day can be gained for each person.

In response to inquiry from Commissioner Meachum, the Director advised there were no additional funds for the P.A. 116 Program in the budget recommendation. The department is presenting to the Legislature regarding the situation and will share results of dialog with the industry on how the administrative portion of that program can be funded.

The Director was in Washington, D.C., last week for the National Association of State Departments of Agriculture (NASDA) winter meeting with colleagues from across the country. The very informative meeting included Administrator of the Environmental Protection Agency (EPA), Secretary of Agriculture for the United States Department of Agriculture (USDA), and Mike Taylor, the Deputy Commissioner for the U.S. Food and Drug Administration (FDA), where each spoke about the various issues that impact food and agriculture. She also had a very beneficial meeting with the Deputy for the Animal and Plant Health Inspection Services (APHIS) and was able to relay concerns of northeast Michigan producers regarding the bovine TB Program. While in D.C., she also had the opportunity to speak with several members of the Michigan Congressional Delegation about implications of the Food Safety Modernization Act (FSMA) for Michigan because it is a new preemptive way of approaching food safety. Enforcement and how government reacts must both change – the best way to approach this is through collaboration and partnerships. She also shared concerns of growers around immigration and agriculture labor – relating that some fruit producers are stating it would be easier for them to remove their trees and convert to corn or beans, and this would be detrimental to Michigan agriculture.

She had the honor of attending the President's signing of the Farm Bill at MSU last Friday. Ben LaCrosse, a grower from the Traverse City area, introduced the President. It was good to see Michigan receive the recognition it deserves for diversity and the importance of food and agriculture to the state's economy. The event also was an excellent way to thank Senator Stabenow for all of her efforts and tenacity that ensured completion of the Farm Bill.

The Director is conducting eight regional staff meetings this month. The meetings are much more positive than last year because of the department's ability to give staff the resources needed to deliver the level of service they want to provide to our customers.

As the budget moves through the legislative process, she testified on the department's budget before the Senate Appropriations Committee yesterday and will be doing likewise before the House Appropriations Committee next week.

She recognized several members of the current QOL Leadership Academy class, which is a leadership training program facilitated by the QOL agencies. From MDARD: Samantha Czubak, Brenda Moore, and Ken Settimo. From the Department of Environmental Quality (MDEQ): Jeremy Hoeh, Amy Peterson, and Jennifer Vanportfleet.

#### **DIRECTOR'S TRAVEL**

Director Clover Adams requested approval for travel to Chicago, Illinois, for the FDA meeting with the NASDA Board on February 28. Specifically, they will be addressing an issue with a cantaloupe farmer in North Carolina that is impeding ability to move forward with FSMA. She and her colleague from Oregon, Katy Coba, were assigned to determine how best to move forward with the situation to solve the problem.

**MOTION: COMMISSIONER KENNEDY MOVED APPROVAL OF THE DIRECTOR'S TRAVEL. SECONDED BY COMMISSIONER WALCOTT. MOTION CARRIED.**

#### **PUBLIC COMMENT (AGENDA ITEMS ONLY)**

Commissioner Hanson thanked everyone for being here today. She noted the Generally Accepted Agricultural Management Practices (GAAMPs) review is conducted every year, and although not required, the Commission requested the department to hold a public input meeting and place the draft GAAMPs language on the Internet. The Commission does not attend the public input meetings, because it is a forum for the public and not a Commission meeting. In previous years, a transcript has not always been created; however, with the interest level this year, it was thought best to provide that. The Commission does review all comments received in writing and the full transcript of the public input meeting. In addition, this year that transcript and all public comments have been posted on MDARD's website. Today, the Commission will accept additional public comments on the GAAMPs, will review all information over the next month, and plans to take a vote on the 2014 GAAMPs during their March meeting.

To be fair to all members of the public wishing to speak today, each will be held close to the three-minute time limit allowed. Secretary Walcott will serve as timekeeper, giving a

warning when 30 seconds remains in that three-minute period, as well as signaling when three minutes have expired.

The Commission also accepts written comments during the meetings and if anyone would prefer to offer comments in writing, rather than speaking, the Commission will accept those at this time and they will become part of the official meeting record.

**Debra Taylor, of Tekonsha**, advised she is the clerk of her community. She supports the Right to Farm (RTF) Act and the GAAMPs and believes the proposed changes will assist their community. Over the last three years, her village has been in litigation with a resident who lives in an area zoned residential for over 50 years and is claiming protection of the RTF Act. This resident has a menagerie of livestock on a .39 acre parcel, is less than 130 feet from an elementary cafeteria, and less than 20 feet from his neighbors. The RTF Act was intended to protect farming areas from people moving into rural areas and is now being turned around to encroach on people in the towns. Communities need to be able to enforce zoning and the livestock ordinances they already have in place. She believes the proposed changes to the GAAMPs would turn that responsibility back to the local governments, rather than wasting tax payer money on such lawsuits.

**Gary White, of Tekonsha**, advised he is in favor of the proposed changes to the GAAMPs as they are a great step in the right direction. When communities lose the ability to enforce zoning ordinances that have been in place long before any startup farm began, many in the community suffer. If approved, the proposed changes would help restore confidence in our local governments to enforce rules that the communities have set for themselves. They would also uphold the original intent of the RTF Act by protecting farms existing prior to the expansion of urban population into neighboring farming operations, and still protect the rights of those in urban and residential areas that choose to live in those areas because they don't want livestock in their backyards. Additionally, he would like to see clarification on the ramifications when site selection is ignored, yet land owners, and in some cases the courts, insist they are still granted the protections offered by GAAMPs and the RTF Act.

**Deborah Heiser, of Portage**, stated the RTF Act was created to protect farmers in rural areas and was later reinforced to specifically override local attempts to restrict farming in rural areas. Much land in rural areas is zoned residential and the proposed Site Selection GAAMP changes will affect them. She believes that blocking all residential land from being eligible for protection under the RTF Act is reversing the original intent of the RTF Act and would allow local ordinances to take control even over 50-acre parcels in rural areas. She believes the RTF Act needs to protect all people in the State of Michigan.

**Steven Godbehere, of DeWitt**, reported his severe spinal injury left him unable to work and had to turn to state assistance. To help fill the gaps, he partnered with a neighbor to establish Claddagh Urban Farm, which includes 34 well-cared-for chickens that provide healthy proteins and enough money to pay for feed. The most rewarding thing he feels he can teach his son is kindness, since they give most of their eggs to people worse off than they are. His freedom to farm was taken away and they were chased out of their

home by the City of Perry because of the indifference of the Department of Agriculture. They could have fought it, but just the threat of these revisions was enough for them to abandon their fight. The only affordable properties for his family are zoned residential and these provisions would force them back to the state's assistance plans. They are only fighting to keep their current freedoms and he appealed to the Commission to not make the changes, noting their whole hearted appreciation and respect would be far more rewarding than any other action they will ever take.

**Chris Galido, of Saranac**, reported he purchased a house on 30 acres in Boston Township with the intent to have a hobby farm. They have chickens and are hoping to add goats. He is concerned the proposed changes to the Site Selection GAAMPs could force some of his neighbors on smaller acreage out of farming. He believes a unilateral change such as this would potentially harm small scale farms and the "gift economy" where people share their surplus, which would diminish many communities.

**Jessica Hudson, of Sweet Peas Farm in Williamston**, advised her case is exactly the type of situation that will cause a big problem and she fully opposes the changes proposed to the GAMMPs. She lives in a 70-acre residential community with six houses that is three houses outside of town; and in town, people can have any animal wanted. She feels the township should not be able to prosecute them for having two miniature goats and 20 chickens. She does not support the changes because of this. She feels they are now protected by law and if these changes were made, they would not be.

**Robin Slawnyk, of Pinckney**, advised she is a mother of four and opposes the changes. She and her husband work three jobs, but the cost of raising four children in this world today is such that their small garden and backyard chickens provide healthy food for their family and keep them off state assistance. She is very disturbed that over \$3 million is budgeted to increase compliance to ensure people follow rules when there are starving and homeless people in the state. The new policies seem to be about keeping people from being self-sustaining and it is not fair for someone to tell you what you can do on your own property.

**Belinda Fitzpatrick, of Lansing**, advised she has lived in both rural and urban areas. In the cities she has observed what she terms "rubber neck syndrome." People feel there is a nuisance when there is none, because they stick their noses over the fence into someone else's business. Nuisance requires a trespass of something that interferes with one's use and enjoyment of their own property and she believes in the urban environment, more RTF protection is needed. She quoted the adage that "he who controls the food, controls the people," and feels people need to have the right to use their property to meet their basic human needs.

**Trudy May, of Pinckney**, noted the proposed addition of Category IV to the Site Selection GAAMP states those sites zoned exclusively for residential use are not acceptable locations for livestock facilities regardless of number and that confining livestock in these locations does not conform to the Site Selection GAAMP. As the owner of ten healthy chickens on 18 acres in extremely clean conditions, these additions are extremely troubling because they imply that person such as herself will not be able to legally own chickens or any other livestock even though the township in which she

lives offers her and many others the right to do so. When contacting a person of interest in regard to the proposed Category IV addition, she was informed it would not affect her or any other person in the state whose municipality already has an ordinance in place. Her concern is how people are expected to interpret this differently than they simply will not possess the right to own their own livestock. Journalists are also apparently confused by these changes and reporting that backyard farming will be abolished through this addition. If this is truly not the Commission's intent, then the proposed verbiage of the proposed Category IV should be clarified.

**Jennifer Lowe, of Midland**, advised she supports urban farming, although from a legal perspective, she tries to understand the desire to allow local government to shape their own communities. However, the proposed changes to the GAAMPs will change little for most residents in Michigan in the most populated cities and on large scale farms. She believes what is left is a law of prohibition for small scale farmers in rural communities. It would prohibit farming and restrict liberty of what an individual can do with his or her own land. She has two and one-half acres surrounded by corn and hay fields; however, her entire township is zoned residential, including her several neighboring 100-150 acre farms. They unsuccessfully appealed to their township to change the ordinance; however, were granted permission for six chickens because of the RTF Act. One of the reasons they chose Michigan was the RTF Act in order to bring their children close to their roots in farming. If the GAAMPs are approved, they will no longer be able to keep their animals in their very rural area. She encouraged the Commission to reconsider the broad implications of the proposed changes.

**Kathy Johnson** advised she is legal guardian of **Chris Johnson, of Stockbridge**, and reminded the Commission she recently sent a video and thanked them for taking the time to watch. They are concerned with the animal number change and lifting the protection for residentially zoned areas. Chris advised he really enjoys the horses and lambs they have, adding they help him calm down, especially holding the lambs. Kathy advised they had seven lambs born and Chris was often with them, adding it is such a blessing to him. Their property has been farmed for a long time, although it is zoned residential. Hypothetically, if someone on a township board decides to develop property, that person could change the local ordinance to meet their desires, leaving the families unprotected. The proposed changes will affect families. She pleaded with the Commission not to make those changes.

**Linda Minger, of Stockbridge**, advised she is a community 4-H leader and has witnessed how important small farming is from the youth development point of view. She has seen the decidedly more responsible development of youth who have had that farming opportunity. The impact on the youth is impressive and she hopes the proposed changes to their protection are not approved.

**Jeffery Johnson, of Stockbridge**, advised he is opposed to the proposed changes to the GAAMPs. They acquired their 20-acre farm because of their vision of having animals for their children. They don't have motor bikes, four wheelers, or snow mobiles, they have horses, a wagon, baby lambs and chicks – those experiences are what his children and grandchildren talk about, as well as the fresh food they enjoy. He asked

that the Commission not take away their opportunity to raise those animals and to fulfill their dreams.

**AnnaLisa Johnson, of Stockbridge**, advised she enjoys raising and showing sheep, and had always dreamed of having a farm. She also enjoys their several horses and earns money for college toward an equine career by raising sheep. She can't imagine the farm without the animals and asked the Commission to not make the changes that would leave their farm unprotected.

**Linda Kaluza, of Warren**, advised her grandfather came to the U.S. to escape the tyranny during the potato famine in Ireland and her mother's chickens were taken from her during the German regime in World War II. She lives in a rural area and has four well-cared-for chickens. She believes their rights to sustain themselves would be taken away with passing of the proposed changes. She and most of her family have a military background and have been overseas to fight for American rights, and today, she is fighting for their rights to keep animals so they can sustain themselves.

**Nicole Lux, of Mt. Clemens**, advised she is hoping to obtain 5-8 chickens and interprets the Site Selection GAAMP changes to be a broad "no" to everyone other than big agriculture and feels it is too broad to be helpful. She also believes it to be an opinion, finding no scientific studies referenced. She encouraged the Commission to not allow those changes to move forward. She asked for the ability to be able to move forward on her own property with what is important to her, adding it is not just about her, it is about every resident in the State of Michigan.

**Julie Liberti, Pickney**, advised many thoughts have been expressed. There is mention of research regarding the proposed changes, but she has not seen any. She noted the food supply in the U.S. is in a shambles and the only way to eat healthily is to raise your own food. That also creates amazing reliability and pride in oneself. The more government intervention we have, the more limited that ability becomes. She understands urban issues, and realizes there is always one bad apple; but, asked the Commission to not let one bad apple ruin the opportunity for everyone else.

**George Brueck, of Bancroft/Grand Blanc**, advised he owns two properties and is concerned. He understands the changes don't necessarily ban small farming operations or urban farming, but he believes it definitely sends the wrong message. He is concerned that leaving the decision to local zoning commissions places their rights to have a small farming operation at risk. He has personal experience with planning commissions and if this language supports their authority without affirmative protections for small farming, it can too easily be banned all together. He feels the intent of the language as a whole is not unreasonable in terms of having some type of regulation, but some affirmative protections are needed for the small farming activity. He has heard that the addition of Category IV is not based on science, but rather on policy and feels it needs to be reworked.

**Susan Martin, of Durand**, advised when able, she hopes to have a few backyard chickens in order to have fresh eggs. She believes that should be a person's right in this

country and that the proposed changes are taking away the rights of the average citizen to do what they want on their property as long as not a nuisance to others.

**Wendy Banka, of Ann Arbor**, submitted a letter to the Commission and noted she has been coming to the Commission meetings since July of 2012 to talk about the Site Selection GAAMP, an issue that continues. She still feels the Commission does not have the right to change the meaning of the RTF law, that the law protects them, and it does not restrict the size or place of an operation. If the GAAMP is used to add that type of language, in effect the meaning of the law is being changed. Because of the public comment period which opened on January 6 and closed on January 22, we all know more. The response was extraordinary – over 800 pages of comments were submitted by small farmers in Michigan advocating for their rights. This outpouring of passion for small farming should be recognized by the Commission. Having chickens allows her to be resourceful in ways she would have never had an opportunity to accomplish. The public comments show the people’s knowledge of the rules where they live, their passion, and their needs for self-sustainability. She feels once the Commission has an opportunity to review all of the comments, they will see several reasons to oppose the changes, and if there is a problem with small farming, it should be solved; but, this is not the solution.

**Randy Zeilinger, of Garden City**, submitted a letter to the Commission and advised regarding the Site Selection GAAMP in particular, the guidelines established by the MSU Agriculture Department are good. With all due respect to local zoning officials, they do not have the expertise to provide rules and regulations of this magnitude. There are 83 counties in Michigan and countless cities, townships, and villages with local zoning boards and there would be no consistency possible. He feels there is no sound scientific basis for the creation of zoning laws in the first place and to arbitrarily take an entire area and zone it residential is simply a method for local government to maximize their taxable base. This is why much residentially zoned land is found in areas that had been traditionally rural, regardless of acreage or past land use. Often times, zoning happens without public input, which occurred in his township. If the proposed changes are approved, everyone will be vulnerable, even numerous farms already in existence.

**REVIEW OF PROPOSED 2014 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES (GAAMPs): Gordon Wenk, Chief Deputy Director; Brad Deacon, Emergency Management/Administrative Law Coordinator; and Wayne Whitman, Right-to-Farm Program Manager, Environmental Stewardship Division**

Chief Deputy Director Wenk noted the RTF Act stipulates that the GAAMPs shall be reviewed annually by the Commission of Agriculture and Rural Development. The purpose of that annual review is to ensure that as changes occur with farming, the GAAMPs are updated accordingly.

When the RTF Act was initiated in 1981, he was on staff in the division that actually composed some of the language. As many of the commenters have noted today, it is a broad piece of legislation that deals with nuisance issues and those conflicts in the countryside. That was the intent of the original language and creating the GAAMPs presented an opportunity to define practices. They are not rules, nor laws; they are simply generally accepted agricultural practices.

He was involved in creating the first set of management practices through a series of meetings with farmers across the state. Today, that process is much more refined with experts from MSU and a taskforce that reviews each GAAMP, considers changes within that particular area, and makes recommendations to the Commission on appropriate revisions. Each year, those recommended changes are presented to the Commission and at the subsequent Commission meeting, there is a vote.

About ten years ago, the Commission decided it would be very appropriate to allow for public input sessions and the department was directed to coordinate that; this input meeting is not a requirement of state law. That session is an opportunity for people to share their ideas and concerns regarding the GAAMPs. This year, that session was conducted on January 22. The Commission has been given a transcript of that session, along with all public input received. That same information has also been shared with the GAAMPs committees for their review and consideration of any additional adjustments to the final versions of each GAAMP to be presented in March.

Mr. Whitman reported there is a committee for each of the eight GAAMPs who begin their review process early each year, culminating with proposed drafts that are posted on MDARD's website for a period of time to allow for public comment. The multi-agency task force committees are chaired by MSU faculty with members typically from MSU Extension, MDARD, USDA, MDEQ, and producer and commodity groups. He reviewed changes being proposed to the GAAMPs for 2014. There were no proposed changes for the Nutrient Utilization, the Cranberry Production, or the Farm Markets GAAMPs.

Changes in the Pesticide Utilization and Pest Control GAAMP are highlighted in redline strikeout format. Professor Olson, who is here today and chairs that committee, could answer any questions.

The Irrigation Water Use GAAMP was enacted in 2003 and provides a good standard in terms of a conservation plan to use irrigation water for crop production. Proposed changes are highlighted in the copy. In response to question from Commissioner Kennedy, Mr. Whitman advised the change on page six is simply moving that language from a different section in the GAAMP.

Each chapter of the Care of Farm Animals GAAMP is authored by an MSU expert in that particular livestock species. There were a few changes recommended, the most significant being the recognition of the importance and consistency of Radio Frequency Identification (RFID).

Nearly all of the complaints received by the department are relative to the use of manure and a few changes are recommended for the Manure Management Utilization GAAMP.

The only GAAMP required in the RTF Act provides guidance for site selection and odor control for new and expanding livestock facilities and this particular GAAMP has been reviewed every year since first enacted in June 2000. The chair has held several meetings and conference calls over the last three years in an attempt to address the

concerns about the placement and keeping of farm animals in various locations around Michigan.

Chief Deputy Director Wenk reiterated the Site Selection and Odor Control for New and Expanding Livestock Facilities GAAMP is the only GAAMP required by statute and the law mentions who should be serving on the advisory group to the Commission. In 1999, he was Deputy Director for the MDARD division responsible for assisting in development of the GAAMP language. Brad Deacon was the department's Legislative Liaison at that time and was very deeply involved in the process as well.

The RTF Act was initiated around reducing conflicts as people were moving into more rural areas and encroaching on farming areas and the noise, dust, lights, and odors became conflicts around farming activities. There was a need to institute protection for farmers so they weren't spending all of their time defending their generally accepted practices. This worked very well from 1981 into the mid-1990s. Then a phenomenon occurred across agriculture, seeing growth and consolidation of farming operations. A number of townships passed various ordinances to restrict agriculture because they wanted to regulate the size of agriculture within their townships, specifically livestock agriculture. Farmers advised they couldn't stay in business if they could not expand. The Legislature addressed the issue and added language to the RTF Act that preempted local ordinances – local ordinances could not be in conflict with or extend what the RTF Act or the GAAMPs state. At that same time, they also directed MDARD to develop a site selection GAAMP so the Commission could determine where it is most appropriate for livestock to be located. The first Site Selection GAAMP was created in 2000 and in that language, zoning was implicated as a base in each of the categories within the GAAMP. It provided for new or expanding livestock operations where local zoning allows. Zoning has been a part of the Site Selection GAAMP since its genesis.

As agriculture has changed, and as we have heard from the people here today, we have seen that agriculture has moved in numerous directions, it has grown larger, it became smaller, and it is seen in more locations. As more communities were passing ordinances which allowed for livestock within their cities and as people were placing agriculture and livestock on smaller parcels of land, it became apparent that a deferential change was in order to address these new situations. The current definition of a livestock production facility within the Site Section GAAMP of 50 animal units or more sets the base for where siting is necessary as a practical manner. In agriculturally zoned rural areas, this distinction makes sense because the nuisance risk is low. In more densely populated urban areas, it does not make as much sense because nuisance risk would be higher. Through all of the GAAMPs, nuisance is the issue being addressed and this is most apparent in the Site Selection GAAMP. The greater the density of housing, the greater the restrictions placed on the livestock facility. Over the last several years, we have considered how to address the phenomenon of people keeping livestock on smaller parcels.

In 2012, the Site Selection GAAMP Task Force came forward with a recommendation to the Commission, which said we should reduce the number of animal units to zero in terms of the definition of a livestock production facility. At that point in time, there was concern this would have an impact across the board in areas zoned agricultural as well

as residential; therefore, the Commission sent the GAAMP back to the Task Force for additional work in addressing the issue of livestock moving into densely inhabited areas. Following committee work and consideration of several ideas, the Task Force requested guidance from MDARD and the Commission. Ideas were developed and presented back to the Site Selection Task Force to focus instead on the most restrictive areas. The language as presented in the draft GAAMP is speaking only to those areas exclusively zoned residential.

The Site Selection GAAMP is not a prohibition, it does not ban anything from happening and there was much concern expressed that would be the case. What the GAAMP states is that under siting, it does not make sense in exclusively residential areas (the intent is in high density areas) that without regard to the local community there be livestock allowed under the Site Selection GAAMP. It doesn't mean we do not support communities allowing for livestock, because we do. The department is currently working with the City of Detroit on their livestock ordinance. Many cities do allow for livestock and the proposed changes would have no impact on them. The intent is to clarify for local municipalities their role and allows for local residents to work together with their communities in a win-win situation to create opportunities for livestock ownership and small scale farming. Our intent was not for this GAAMP to cover mixed-use zoning (where agriculture is allowed within a particular residentially zoned area); it only addresses those specific areas zoned exclusively residential. And in that case, the GAAMP only states that the Site Selection GAAMP does not apply in that area – if you were to site something there, it is not an appropriate site under RTF. It does not state that it is an inappropriate site if the local community decides to allow for that use. In addition, regarding people raising food for their own consumption, because the RTF Act states commercial agriculture, one could argue that type of operation is not covered under the law.

The Site Selection GAAMP Task Force continues to work on the language and is meeting again on February 19. They have all of the public input submitted and the department will ensure they address those pertinent comments, especially those received around the meaning of the proposed language. The committee will present their final recommendations to the Commission at their March meeting. Given the interest around this GAAMP, as soon as the committee's final recommendations are available, the Commission will receive them immediately and they will be posted as well on the department's website.

Commissioner Meachum asked because the Site Selection GAAMP Task Force is meeting again on February 19, could there be additional changes to the language. Mr. Wenk advised, yes and any additional changes will be incorporated into the final version. This is true with any of the GAAMPs at this point. The committees may come forward with language different from the drafts presented today based on comments or information submitted to the committees.

Commissioner Meachum asked in reference to RTF, for a quick synopsis of its broad function. Mr. Wenk advised the historical function of the RTF Act is to help reduce conflicts, with a nuisance protection focus. It provides, not a right, but basically an affirmative defense. If there is a complaint, it allows for MDARD staff to actually work

with both the farmer and the complainant in an attempt to resolve the situation and avoid litigation. If a complaint does end up in court, it then provides an affirmative defense for individuals who were meeting requirements of the GAAMPs and the standards of the law. In those cases, the courts normally rule in favor of the farming operation. The Commissioner asked conversely, if neighbors then could be happier knowing a farmer is being a good steward of the land by adhering to the GAAMPs. Mr. Wenk confirmed that certainly is the case.

Commissioner Kennedy inquired if a parcel zoned residential but allows for other agricultural uses would be included in Category IV. Mr. Wenk advised those would not be included in Category IV. The Commissioner also asked if the proposed changes would prohibit livestock on land zoned exclusively residential. Mr. Wenk advised it would not prohibit livestock in residential areas. If a person has livestock and no one complains, there is no prohibition. He also noted the GAAMPs are completely voluntary, they are allowable, not a requirement.

Commissioner Walcott noted that in the 1990s, the Commission changed the Site Selection GAAMP and he asked what the presenters' positions were at that time. Mr. Wenk advised he was Deputy Director for the Environmental Stewardship Division; Mr. Whitman noted he was Environmental Manager of the RTF Program; and Mr. Deacon advised he was the Legislative Liaison for the department as that legislation was moving through the process. The Commissioner noted that each of the presenters has invested a great deal of time since 1981 in the law and the GAAMPs process and have followed it through court cases. He asked about the purpose of the 1999 changes to the Site Selection GAAMP and how those led us to today. Mr. Wenk advised the 1999 changes indicated the preemption; the expressed legislative intent of the Legislature was to preempt local ordinances from being able to control the size and scope of agriculture. It refers to anything that is in conflict or extends RTF or the GAAMPs; they did not want anything more restrictive or anything that would violate any of the provisions of the various GAAMPs. At the same time, they required and gave authority to the Commission to develop a Site Selection GAAMP. They understood that with giving this preemption, there still was risk associated; and whatever the potential might be, a set of standards, including review of the potential nuisances, was needed. The GAAMP actually addresses that and notes there is a risk factor as population becomes denser. From Category I through Category III, the risk factors increase, causing increase in setbacks and requirements on farmers as to where they may place a facility within those locations. This was quite appropriate until the last decade when, instead of people moving into farming areas, we began to see farms and livestock moving into communities and neighborhoods. That brings us to where we are today. This was a situation that clearly was not envisioned in 2000 when this GAAMP was originally developed. These current changes are meant to reflect that new reality. Mr. Deacon added the legislative debate in 1999 was almost exclusively about large scale livestock facilities locating at the edge of a small town or across the street from a subdivision; and that was the main impetus for their directing the Commission to take those kinds of locations into consideration. Mr. Whitman advised more than 380 new or expanding livestock facilities have been approved through the site verification process since June 2000. Mr. Deacon advised that in each of those cases, a wide range of conditions is reviewed, including density of non-farm neighbors, zoning, water, and environmental

issues. And there are times when applicants are told the place they want to locate will not work under these provisions because of the likelihood of nuisance and conflict.

Commissioner Walcott noted much of the written and presented comment today talked about zoning and he asked if this were the first time zoning has been a factor in the Site Selection GAAMP. Mr. Wenk advised zoning has been a part of the GAAMP from the beginning, each of the categories indicates “where zoning allows” and this speaks to what Mr. Deacon was saying, if an area is zoned residential, that is not where you would want to build a large animal facility. Zoning has always been the first factor considered by staff. Even though a parcel is zoned agriculture, numbers of animals may preclude that specific location. The Site Selection GAAMP established limits on where livestock makes sense for RTF protection.

Commissioner Montri asked how that applies to situations where pieces of land have been rezoned, for example some of the public comments indicate some of the land has been rezoned three times in the last 20 years. Mr. Wenk advised traditionally, there is a provision within the zoning that if a person has an established agricultural operation and that land is rezoned, the ability to continue to operate that farm remains, referred to as “grandfathering in” of that particular use as being allowable. Mr. Deacon advised the RTF Act addresses that situation and, independent of conformance with the GAAMP, provides an affirmative defense against nuisance actions for pre-existing agricultural operations.

Commissioner Meachum noted if you are in a township which is entirely residential and the township currently allows you to have livestock, that constitutes mixed-use, and the proposed changes to the GAAMPs will not change that situation. Mr. Wenk concurred that certainly is the intent of the proposed language. Public comments along that line will be highlighted to the Site Selection GAAMPs Task Force to give them an opportunity to include clarifying language.

Commissioner Montri noted much of the public comment was varied and with much opposition, but very few solutions were offered. However, one solution mentioned was to develop a residentially-oriented GAAMP and she asked if that had ever been discussed at the Commission or department level. Mr. Wenk advised the Commission has discussed that during past meetings and the department would like to study what could be done to develop more support for urban agriculture – what are the requirements and what needs to be implemented. The department supports agriculture in all sizes and shapes and wants to ensure there is a process for urban agriculture to move forward in an acceptable and agreeable way with the communities. Currently, some adverse relations are developing between individuals and their municipalities because of livestock; and collectively, everyone would prefer working together toward solutions.

Mr. Wenk advised in March, the GAAMPs Task Force Chairs will make their final presentations to the Commission of the draft 2014 GAAMPs for their consideration. As soon as any of the committees come forward with any additional recommended changes, those will be shared with the Commission, as well as posting to the department’s website.

### **LEGISLATIVE UPDATE: Derek Bajema, Legislative Liaison**

Mr. Bajema advised he needs to leave the Commission meeting to join the Michigan Competiveness Committee where hydroponics in Michigan will be discussed, including some of the growth opportunities in that area.

Much time lately has been spent on the budget and more details will be shared by Ms. Tyszkiewicz later in the meeting. The department was certainly encouraged by the Governor's recommendations.

Senate Bill 685 introduced recently adopts the new National Institute of Standards and Technology (NIST) handbook, which would, among other things, require the department to investigate complaints regarding oil change facilities. That would be an additional regulatory burden on the department and it could affect the excellent compliance rates of gas station inspections. In response to inquiry from Commissioner Kennedy, Mr. Bajema advised Michigan's oil change facilities are estimated to number anywhere from 25,000 to 45,000 or more. The department recognizes the need to ensure the quality customers expect, but is not at a place budget-wise to have capacity in any division to take on more responsibilities without appropriate associated funding.

Senate Bill 730 would place some new requirements on MDARD and on restaurants in Michigan as far as food allergy awareness is concerned. Part of that would require the department to maintain a website listing allergy-friendly restaurants. The department continues to work with the Legislature regarding concerns on that bill.

A bill introduced by Representative LaFontaine would allow the production of wild game sausage. This is an issue in which Commissioner Montri has been actively involved and represents a good example of industry and customers working together to solve problems. A hearing should be held in the near future.

House Bill 5226, currently assigned to MDARD, will most likely be reassigned to MDNR. The legislation would allow farmers who have suffered crop or feed damage from bears to apply for a bear hunting permit.

Another bill introduced, House Bill 5163, addresses a long-standing issue with large carnivores in zoos. It stipulates who can breed and house those animals, creating specific standards to create a science-based breeding program.

### **HOUSING FOR AGRICULTURE LABOR UPDATE: Mark Swartz, Deputy Division Director, and Majed Ghussaini, Migrant Labor Housing Program Manager, Environmental Stewardship Division**

Mr. Swartz provided an overview of the Migrant Labor Housing (MLH) Program, noting about 90,000 migrant workers and their families come to Michigan each year to harvest fresh market fruits and vegetables. MDARD inspects and licenses approximately 760 migrant labor housing sites each year which includes 3,700 living units with a capacity to occupy 22,000 workers. License housing inspections cover structural safety, allowable occupancy, water quality, sanitation, and waste disposal at sites with five or more migrant workers engaged in agriculture.

The year 2013 was one of revitalization for the MLH Program. With the support of agricultural producers, migrant advocates, our Legislature, and the Administration, the program is now back to full staffing levels. A manager, secretary, and three inspectors were hired and began training in 2013, which has allowed for inspectors to spend more time on each farm helping producers. Procedure manuals for licensing and occupancy inspections, as well as corrective action plans have been updated to ensure consistency between inspectors. The plan review procedure for new housing is also in the process of being updated. Early season inspections were used as opportunities for cross training as experienced inspectors teamed up with new staff.

To ensure consistency and increase efficiency, county GIS maps showing camp locations and licensing status were drafted; an electronic document management plan was implemented; staff drafted and distributed newsletters to growers and other interested parties; increased participation was witnessed in stakeholders group meetings; staff is working with the Habitat for Humanity Sustainable Building Department to update standard MLH construction plans and building material selection; and heating and electrical affidavits, as well as other compliance assistance forms, have been updated and made available via the MDARD website.

The program continues to partner with migrant advocacy groups on an Interagency Referral system. The eyes and ears of Spanish speaking outreach workers are our allies in this effort. Being notified of potential problems allows us to address them with a compliance assistance approach. In response to inquiry from Commissioner Walcott, Mr. Swartz confirmed this approach allows the department to resolve problems prior to a potential fine being imposed. In addition, with the capacity now to conduct in-season occupancy inspections and follow-up on corrective action plans, staff is helping housing providers address items that would result in an enforcement action from the Department of Labor (DOL) through our MDARD compliance assistance approach.

At the leadership level, staff is meeting with DOL and working through both technical and interpretative differences between state and federal requirements. Laundry and ventilation issues have been substantial for our housing providers, so those will be addressed first. Information on jointly acceptable systems will be published in the MLH newsletter and communicated to housing providers during inspection. In response to question from Commissioner Meachum, Mr. Ghussaini advised uniform language on the laundry facilities should be in place by spring. The Commissioner advised they are being told they actually need to build a laundry mat on their farm and many questions remain as to specific details regarding operation and maintenance; this is a huge issue for many small to medium-sized growers. Mr. Swartz advised they will continue to work on those details, and will advise growers on the most cost effective way to meet both state and federal guidelines.

Mr. Swartz reported the program's intent is to conduct joint training and several joint pre-occupancy inspections with DOL staff to learn firsthand how they interpret and apply federal requirements. This will dramatically improve MDARD's ability to guide its housing providers toward what they need to do to improve federal compliance. Pre-

occupancy inspections are being emphasized to minimize enforcement risk to the cooperating housing provider.

All of these improvements and activities have the same focus. Our goal is for Michigan's licensed housing stock to stay in compliance with Public Health Code requirements, for DOL not to find any violations when they conduct occupancy inspections, and for the high quality reputation of Michigan's licensed housing stock to attract the migrant labor force needed to grow our agricultural sector.

**FRUIT AND VEGETABLE INSPECTION SERVICE UPDATE: Jeffery Zimmer, Deputy Division Director, Robin Rosenbaum, Plant Industry Section Manager, and Bob McCully, Field Supervisor for the Fruit and Vegetable Inspection Service, Pesticide and Plant Pest Management Division**

Commissioner Meachum expressed appreciation to MDARD's Fruit and Vegetable Inspection staff for their excellent and efficient inspection service, which is a key factor in the success of his operation.

Mr. Zimmer introduced Robin Rosenbaum, Plant Industry Section Manager, and Bob McCully, Field Supervisor for the Fruit and Vegetable Inspection Program, noting Mr. McCully and his staff provide high-quality, outstanding service. Mr. Zimmer reported the Fruit and Vegetable Inspection Service unit provides unbiased third-party grading services and verification of fruit and vegetable quality and condition. In addition, these staff provide Good Agricultural Practices and Good Handling Practices (GAP/GHP) audits and Controlled Atmosphere (CA) storage licensing inspections. This unit exists under a cooperative agreement between MDARD and the USDA-Agriculture Marketing Service (USDA-AMS). Currently, the program is operating with the least number of staff ever in its history.

Each inspector is licensed and trained by USDA and senior MDARD staff to insure nationwide uniformity. All Fruit and Vegetable Program staff must be licensed by USDA for each commodity they inspect. The various types of inspections conducted include market, process, and shipping point inspections, GAP/GHP food safety audits, and CA storage.

Market inspections are those conducted on incoming or outgoing produce to verify Michigan food buyer specifications or USDA standards. In fiscal year 2013, 782 inspections were performed and many involved resolving disputes between producer and receiver. Process inspections are performed to verify the quality and condition of raw produce arriving at receiving points. They are based on USDA standards and/or processor specifications and 392 inspections were performed in fiscal year 2013.

Shipping point inspections are mandatory for fruit and vegetable commodities being exported, sold to the U.S. military, and sold to school lunch programs. The inspection verifies produce meets the grade indicated on the container or bags. In fiscal year 2013, 632 inspections were performed.

In response to inquiry from the Director, Mr. McCully advised there is a minimum fee charged for grading condition and for shipping point inspections, and funding is basically

a 60-40 split between general funds and producer-paid fees. Market inspection fees are set by USDA at a consistent amount across the nation.

Mr. Zimmer advised GAP/GHP food safety audits are conducted at packing houses and farms throughout Michigan and are required for federal contracts, as well as by most major retailers. In fiscal year 2013, 267 audits were performed. Most are conducted at the time product is being harvested and are required by federal contracts, as well as by many major retailers.

In response to inquiry from Commissioner Hanson, Ms. Rosenbaum advised because the department is under contract with USDA, it is not able to conduct Primus audits; however, staff do conduct many harmonized audits. In response to question from the Director, Ms. Rosenbaum reported it is highly recommended that states adopt the fee rates for GAP audits as established by the federal government. In response to inquiry from Commissioner Walcott, Ms. Rosenbaum advised when growers call for an inspection, they pay the fees involved. Retailers are requesting different types of audits and growers have to participate in those audits at their cost. Mr. McCully advised this is not a mandatory program and retailers are the driving force. Commissioner Meachum noted that Primus is an independent company that some retailers feel offers a better level of inspection. The numerous levels of inspections are problematic for producers because each has a different nuance, and it would be extremely helpful to have a single harmonized audit that covers everyone's safety concerns. He also pointed out that contamination of products can also occur at the retailer level, in particular by shoppers looking through produce with unclean hands.

Mr. Zimmer advised the Fruit and Vegetable Program currently has six field staff and one administrative support person, which is currently vacant. This is 46 percent fewer staff for the program than in 2001. The program remains heavily reliant on general fund dollars, which averaged 53 percent since 2001 and was up to 63 percent in fiscal year 2013 because of the record production season. Inspection revenue in fiscal year 2011 was \$404,615, \$382,996 in 2012, and \$315,891 in 2013.

In response to question from the Director, Mr. Zimmer advised the reason for reduction in staffing is based on an unsuccessful attempt to raise inspection fees. Ms. Rosenbaum added fruit and vegetable inspection is challenging because the fewer the staff, the farther they travel for inspections, which in turn increases the fee costs.

**RADIO FREQUENCY IDENTIFICATION (RFID) TASK FORCE: James Averill, State Veterinarian and Director, Animal Industry Division**

Dr. Averill noted, as the Commission knows, the unexpected event of finding bovine Tuberculosis (TB) in a Saginaw County dairy herd led to the discovery of the lack of compliance in the Radio Frequency Identification (RFID) Program. With the Commission's approval in 2007, it was made mandatory for the official cattle identification to be RFID in Michigan. To date, over 3.5 million RFID tags have been placed in Michigan cattle. Michigan is the only state in the country that uses electronic identification in their cattle industry and it leads the nation in traceability capability. It has been a driving force for the advancement and progress we have seen in Michigan's bovine TB Program.

With the discovery of lack of compliance with the RFID Program, an RFID Task Force was established. That group consisted of representatives from the Michigan Farm Bureau (MFB), Michigan Cattlemen's Association, Michigan Milk Producers Association, feedlot producers, livestock markets, MSU Extension, and a veterinarian. The two main objectives were to investigate the program and make any recommendations for changes and to look at the state's identification requirements for cattle imported into Michigan. The second was added because in the spring of 2013, the USDA Veterinary Services (VS) introduced a new Animal Disease Traceability Rule, and although Michigan far exceeded the requirements, it did offer some opportunities.

One of the factors that potentially enabled the noncompliance issues is that six exemptions existed when RFID was introduced in 2007. Cattle could go to a livestock market and be tagged there as long as a TB zone was not crossed, ID was not stipulated from feedlot to slaughter, cattle could be exported without an RFID, cattle could move from farm to pasture without RFID if staying within the same TB zone, feeder cattle could be imported into Michigan on temporary back tags only, and some feedlots were allowed to have cattle sent directly to slaughter without RFID.

The RFID Task Force made recommendations specific to each movement category with respect to movements of Michigan origin cattle within Michigan, cattle imported into Michigan, and cattle being exported from Michigan. Those recommendations were shared in table format with the Commission.

In summary, any animal being moved within Michigan needs to have an RFID tag unless going to a livestock market within their zone. Movement from farm to pasture has been tightened, RFID will be required when moving to a different premises. With animals going to exhibit, fairs and exhibitions are being encouraged to record the RFID to assist in the event of disease outbreak. Livestock dealers can sell RFID tags, sending a record of those to the department, which requires manual entry into the department's database. Tagging agreements will be instituted to require dealers to transmit that information in electronic format in the future.

On cattle being imported into Michigan, electronic identification cannot be mandated. We can mandate cattle are received with official identification. However, with the new Animal Disease Traceability Rule, there is a window because when cattle cross into Michigan, a Certificate of Veterinarian Inspection (Health Certificate) is required. Under an agreement with MDARD, feedlot owners may purchase cattle out of state, bring into Michigan on a back tag, and within seven business days advise the department of the official ear tag for each animal, which will be cross-correlated with the back tag. In the scope of allowing agriculture to grow, if cattle are being sent directly to slaughter, an official USDA metal tag will suffice. Calves that come into Michigan to be back-grounded and then moved to a feedlot will require a Health Certificate and an official identification; if subsequently moved, an RFID tag will then be required.

Any cattle exported from Michigan must leave Michigan with an RFID tag. This has been an exemption in the past and is being addressed in the new RFID Program.

Agreements with feedlots and livestock markets are being finalized and the industry's input on this issue is greatly appreciated. Moving forward are communication and outreach efforts toward implementation, which will be coordinated through press releases, industry notifications to their members, and working with the veterinary community.

In response to inquiry from Commission Montri, Dr. Averill confirmed the Michigan Meat Processors Organization plays an important role in collecting the tags at slaughter and improvements in MDARD's collection of those have been implemented, which offers an excellent opportunity to interact with the industry.

In response to question from Commissioner Walcott, Dr. Averill advised there is no TB testing required for cattle being imported into Michigan, unless they are not coming from a TB-free area. Feedlot cattle are tested through slaughter surveillance required in all USDA Food Safety and Inspection Service inspected processing plants.

The Director asked how these changes would be operationalized. Dr. Averill advised the changes will be made official through the communication outreach efforts, as well as working with MDARD dairy inspectors in the field.

**BOVINE TUBERCULOIS (TB) IN SAGINAW COUNTY UPDATE: James Averill, State Veterinarian and Director, Rick Smith, Assistant State Veterinary for Ruminant Programs, Animal Industry Division**

Dr. Smith reported on February 19 last year, a cow was discovered at a slaughter plant that had lesions suspicious of TB and the large dairy herd in Saginaw County was quarantined on February 25. On March 12, testing revealed it was the Michigan strain of bovine TB. Having tested and found a very high rate of 18 percent of the herd responding to TB testing, on March 25, it was designated as the 56<sup>th</sup> TB affected herd.

Trace investigations include herds that have supplied animals to the herd and places that have acquired cattle from this herd over the last five years. As a result, herds in Gratiot and Midland Counties were identified with affected animals and were designated as TB affected on May 1. Later in the summer, an Arenac County feedlot was identified as TB affected. The Saginaw, Midland, and Gratiot County herds have all been depopulated and the Arenac feedlot is in the process of being depopulated.

Public Act 466 requires circle testing around any TB affected herd, typically 10-mile circles. This created three overlapping circles to be tested. On March 26, a special surveillance area was declared around the Saginaw herd, which involved 63 farms. All testing was completed by regulatory veterinarians; and 26 farms were verified as not having cattle and 876 head of cattle on 37 farms were TB tested. No further disease was discovered.

The special surveillance area around the Gratiot and Midland herds was declared on May 6, with 4,415 head of cattle on 48 farms in the Gratiot circle and 5,508 head of cattle on 15 farms in the Midland circle being TB tested. No further disease was discovered in either of these circles.

Because the strain of bovine TB found on this farm is the Michigan strain, an important part of the investigation has been to look at wildlife in the area. MDNR, working together with USDA Wildlife Services (USDA-WS), joined the investigation early on and sampled 80 deer within two miles of the Saginaw herd in March and April of 2013. All 80 of these deer were necropsied and no gross lesions were found. Additionally, all 80 of the deer had culture samples run from tissue samples and all of the cultures have come back negative. MDNR is conducting enhanced surveillance to detect TB in the deer population. If TB is found, they will respond appropriately. That testing, which is conducted during the hunting season, will continue for two additional years.

Genetic testing indicates the Saginaw herd strain is similar to cattle and wildlife in the northeast Lower Peninsula. To date, all wildlife testing in the Saginaw region has been negative. Trace investigation found that the Saginaw herd last purchased female cattle in the mid-90s. TB testing of 6,085 head of cattle from the three source herds was negative. Cattle purchased in the mid-90s are most likely the source of infection. Multiple factors were likely involved, including stress of heat and drought, high concentration of cattle, stress of calving, and feeding unpasteurized milk to calves.

Important lessons have been learned from the Saginaw affected herd. It is critically important to identify all cattle with RFID tags. Bull calves without RFID tags clearly complicated the investigation. Also, raw milk is a viable source of infection, which was the case for two of the three additional farms.

Dr. Averill advised the Saginaw herd was an enormous undertaking by the department, the success of which was made possible by the cooperative efforts from all divisions in the agency. The timeliness of that outstanding effort resulted in USDA agreeing to wait for investigation results before considering Michigan's TB free status. Since there was a single point source of the infection, USDA is not changing the status of any of Michigan's TB free counties. This is very good news for Michigan's dairy and cattle industries, not only from an animal health standpoint, but in creating a non-restrictive environment for movement of milk and meat products around food safety.

Since August 2012, the department has attempted to change the TB status of some of the counties in the state. USDA-VS decided to conduct a risk assessment of the disease in Michigan before considering any further status changes. With that assessment now complete, the department is in the final stages of completing a new Memorandum of Understanding (MOU) in which USDA would conceptually agree to move the seven counties in the Modified Accredited Advanced Zone to TB free status. As soon as that MOU is finalized, the amount of surveillance being conducted in those counties will change immediately, which is good news for the industry in those areas. However TB free status will not be established until the split-state status application is processed through USDA and published in the Federal Register, which will come later this year. Only four counties will remain with the Modified Accredited Zone status and it is hoped they can be moved up in status over the next few years, with the eventual goal of having the entire state returned to TB free status.

Since December will mark 20 years that the state has been dealing with the disease, the Bovine TB Advisory Committee has suggested an historical review study to identify

lessons learned, current gaps, and direction forward. It appears the department will be proceeding with the study.

In response to Commissioner Walcott, Dr. Averill advised the historical study can potentially identify opportunities to more rapidly move toward TB free status for the entire state and hopefully, eradicating the disease from the landscape here in Michigan. Commissioner Walcott complimented Dr. Averill and his team for an excellent job in bringing the MOU on solid footing, noting it is a huge accomplishment; Commissioners Hanson and Kennedy echoed those thoughts.

**BUDGET UPDATE: Maria Tyszkiewicz, Budget Officer**

Ms. Tyszkiewicz reported the Governor's proposed fiscal year (FY) 2015 budget for MDARD is \$82.5 million, of which \$44.9 million is general fund dollars. The proposal reflects a 10.6 percent general fund increase from the FY 2014 budget.

The Food and Dairy Inspection Initiative was recommended at \$1.8 million in general fund dollars. These funds will be used to support 12 new positions in the Food and Dairy Division, specifically eight food inspection staff and four dairy inspectors. This additional funding will assist with improving the rate of compliance by food establishments, as well as meet the growing demands from the dairy industry.

The Licensing and Inspection Information Technology (IT) System Replacement Project was recommended at \$2 million. The Executive Recommendation includes a \$3.8 million allocation in the DTMB budget to support the replacement of the department's multiple outdated licensing and inspection IT systems. This allocation will be split over two fiscal years with \$2 million to be allocated in FY 2015 and \$1.8 million for FY 2016. MDARD issues approximately 40 different types of licenses to more than 100,000 businesses around the state, including food establishments, pesticide dealers, nursery stock owners, and retail gas stations. The department also completes approximately 80,000 inspections of these businesses annually. An updated system will improve data sharing, increase efficiencies for the field staff, and help us meet our goals and improve customer service in our licensing and inspection programs throughout the department.

Continuation funding of \$2 million in general fund dollars was recommended for the Food and Agriculture Industry Growth Initiative. This program is designed to remove barriers and leverage opportunities identified by food processors, agri-business, and those in agriculture productions critical to business development and growth in the food and agriculture sector. This funding maintains this administration's commitment to fund this program at \$3 million for the second straight year.

The FY 2015 proposal includes continuation funding to support the administration of the Qualified Forest Program. This program provides grants to conservation districts to support 17 foresters covering 42 counties in order to provide landowners with assistance in managing their forestland. This assistance will increase the number of acres under a sustainable forestry management plan, as well as the amount of timber brought to harvest each year.

Also recommended was \$800,000 in general fund dollars for the Pesticide and Plant Pest Management Division. These funds will be used to stabilize commitments to the industry for inspections of agriculture products including fruits and vegetables, animal feeds, fertilizers, and pesticides, and for the detection of and response to exotic pest plants. These funds will also be used to support certification of products exported from Michigan to more than 85 different countries.

The Governor's proposal includes a reduction of \$724,500 in restricted funding authorization for the Farmland Preservation Program. Revenue to this program has been declining over the last four years and this adjustment brings the appropriation into alignment with actual and projected revenues. The FY 2015 budget proposal also removes the \$300,000 in one-time funding for the Ottawa County Water Resource Study.

The Governor's FY 2015 budget proposal includes \$6 million in funding in the MDNR budget to support a collaborative effort between the three Quality of Life agencies (MDNR, MDEQ, and MDARD) to prevent, detect, and manage both terrestrial and aquatic invasive species.

The Governor's recommended budget is just the first step in the overall budget process and legislative deliberation on the proposal began this week. The department will continue to keep the Commission updated on the status of the budget negotiations as they transpire.

### **COMMISSIONER ISSUES**

Commissioner Hanson reviewed a retirement resolution before the Commission recognizing Nick Almasy.

**MOTION: COMMISSIONER KENNEDY MOVED THE RESOLUTION FOR NICK ALMASY BE ADOPTED WITH BEST WISHES FOR HIS LONG AND HEALTHY RETIREMENT. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

In follow-up to discussion at last month's meeting regarding policy focus topics for future meetings, the Director asked for guidance on what topic the Commission would initially like to address. Commissioner Montri asked that broadband be included under the rural development topic and urban agriculture be added as a potential topic. Following discussion, it was decided that workforce/labor/immigration would be the initial focus topic, with recognized expert presenters invited for the May meeting. The draft schedule of presenters will be shared with the Commission for approval and additional input.

Discussion also ensued regarding frequency of future meetings. It was decided to eliminate the April, June, August, and December meetings and to schedule a meeting during May. The meetings are anticipated to be longer in duration, and should a topic need attention between scheduled meetings, a Special Commission meeting will be convened. A revised schedule reflecting those changes was considered.

**MOTION: COMMISSIONER MEACHUM MOVED THE REVISED PROPOSED 2014 MEETING SCHEDULE BE APPROVED AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

**PUBLIC COMMENT**

**Don Hinkle, of DeWitt**, confirmed he is opposed to the proposed changes to the Site Selection GAAMP. If a GAAMP specific to urban is possible in the near future, he believes the addition of Category IV to Site Selection could be tabled in the interim; that delay would not cause significant harm and would allow that new GAAMP to address some of the unique issues.

**Jennifer Lowe, of Midland**, spoke to the question if the proposed changes to the GAAMPs would prohibit farming; and she feels that it would, because it says unless the ordinance allows it, there is no farming in those areas. Because her area has always been residential, her family would be prohibited. She urged the Commission to postpone action on the Site Selection GAAMP.

**Julie Liberti, of Pinckney**, advised she feels the best solution would be to look at a specifically residential or urban GAAMP; and when the decision is left to local governments, quite often that becomes a power issue and those officials don't always have the information needed. She feels it would be much easier on everyone involved to again table the changes and develop something that makes sense and is not harmful to so many.

**Kathy Johnson, of Stockbridge** – it was reported that she had left the meeting.

**Wendy Banka, of Ann Arbor**, noted she has been speaking to the Commission since the summer of 2012 in brief three-minute segments and feels if they could actually have a dedicated two-way conversation, it could be productive and the Commission would have a better view of the situation. Just the respect gleaned from that would be greatly appreciated. In response to people offering solutions, she feels the problem has never been identified – nuisance is discussed, but she has not heard of it being a nuisance issue. As far as small farmers can tell, they are doing very little harm. She feels the department supports big agriculture being a nuisance to their neighbors, but doesn't support small farming operations. Although Mr. Wenk advised there have always been zoning aspects to the Site Selection GAAMP, she feels the type of language being proposed is exclusive language that means 80 percent of the state living in residential areas will have no recourse – nothing they can do to have a single animal on their property. The small farmers want to work with the department. She wants to be regulated, farm well, and not be a nuisance to her neighbors. She encouraged the Commission to reconsider and not approve the proposed changes to the Site Selection GAAMP.

**Deborah Heiser, of Portage**, feels the local townships do not have the resources or the professionals available to them; they look to the state to provide them guidance and she encouraged the department to continue in that role. Referring to comment made that the department supports all sizes and shapes of agriculture in Michigan, she ask the department to prove that statement, to support the small farmers too. If changes will be

based on science, she questioned where the science is in the proposed Site Selection GAAMP changes. Zoning has always been a part of that GAAMP, however the animal unit numbers were also a part of that; fewer than 50 animal units provided exemption from siting. The people here today are talking about very small numbers of livestock. She realized the changes are saying they only don't have protection to farm, but she feels that is the same as not being able to farm at all.

**Randy Zeilinger, of Garden City**, advised he has found that every presenter at every meeting has had good information to share. In the Commission's policy manual it states, "Effective and efficient administration requires a significant degree of interaction." He interprets that to mean amongst all commodities. He feels it is a disservice to the public to reduce the number of Commission meetings. He would like to see more interaction with and respect from the Commission to the public. He feels the Commission should be working not only for large corporate agriculture, but for all farmers in Michigan.

## **ADJOURN**

**MOTION: COMMISSIONER KENNEDY MOVED TO ADJOURN THE MEETING. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

The meeting was adjourned at 1:13 p.m.

### Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes January 14, 2014*
- C) *Director Jamie Clover Adams – Issues of Interest Report*
- D) *Public Comments – Debra Taylor.*
- E) *Public Comments – Gary White and Steven Godbehere*
- F) *Public Comment Letter – Randy Zeilinger, Vice President, Michigan Small Farm Council*
- G) *Public Comment Letter – Wendy Banka, President, Michigan Small Farm Council*
- H) *Proposed 2014 Generally Accepted Agriculture Management Practices (GAAMPs)*
- I) *GAAMPs Public Input Meeting Report*
- J) *GAAMPs Public Input Meeting Transcript*
- K) *GAAMPs Public Comment Received by Jan. 22, 2014, 5:00 p.m. Deadline*
- L) *Legislative Status – February 2014*
- M) *Migrant Labor Housing Inspection and Licensing Program Overview and Annual Report*
- N) *Fruit and Vegetable Inspection Service Update*
- O) *Movements of Cattle within Michigan*
- P) *Exporting Cattle from Michigan*
- Q) *Cattle Imported into Michigan*
- R) *Bovine Tuberculosis Update*
- S) *Retirement Resolution for Nick Almasy*
- T) *Revised Proposed 2014 Meeting Schedule*