

AGENDA
STATE BOARD OF AGRICULTURE
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

Thursday, January 25, 2024
10:00 a.m.

2800 N Lincoln Blvd
Oklahoma City, OK 73105

1. Call to Order
2. Roll Call
3. Declaration of a Quorum
4. Introduction of Guests
5. Consideration and Proposed Action on Minutes of Regular Board Meeting of December 6, 2023.
6. Consideration and Proposed Action on Division Reports
 - A. Administrative Services – Dan Ridings
Summary of present financial condition of the agency and monthly activities in the following areas: Finance, Human Resources, Fleet Management, Data Processing and Agriculture Law Enforcement Investigators.
 - B. Laboratory Services – Wade Krivanek
Summary of analytical activities, customer contacts, and other pertinent information related to laboratory operations.
 - C. Forestry Services – Mark Goeller
Summary of activities and accomplishments in resource protection and rural fire defense, forest management and regeneration, water quality, urban forestry, forestry education and law enforcement. Includes statistics on wildfires and law enforcement activity and narrative of forestry program highlights for the month.
 - D. Consumer Protection Services – Kenny Naylor
Addresses stop sale orders on insect and disease infested crops, phytosanitary certificates issued, insect survey summaries, pesticide registration updates, pesticide inspections, seed program and seed laboratory updates, weights and measures reports, scanner inspections, grain warehouses and meetings attended by division personnel.

- E. Animal Industry Services – Rod Hall, DVM
Addresses information and activities of staff related to control and eradication of animal diseases affecting livestock and livestock market audits. It also addresses emergency response preparation and education for response to any outbreak of foreign, emerging and/or eradicated disease.
- F. Wildlife Services – Scott Alls
Summary of activities and accomplishments in wildlife damage management to protect state resources such as agriculture, property, natural resources, and public health and safety from wildlife damage and wildlife threats.
- G. Agricultural Statistics – Troy Marshall
Addresses the current crop conditions and livestock inventory numbers. Also included is a report on the number of information requests received, reports released during the previous month, reports to be released during the current month, and the meetings attended by Division personnel during the previous month.
- H. Market Development Services – Meriruth Cohenour
Summary of the accomplishments, projects and events of Ag in the Classroom, Agritourism, Communications, Domestic Marketing (Made in Oklahoma, Made in Oklahoma Coalition), Diversified Marketing (Farmers Market, Specialty Crop Block Grants, Farm to School), International Marketing, Market News and Rural Economic Development.
- I. Agricultural Environmental Management Services – Teena Gunter
Executive summary that addresses Swine Feeding Operations, registered poultry feeding operations and poultry waste applicators, National Pollutant Discharge Elimination System (NPDES), plus agricultural composting facilities, and Commercial Pet Breeders and Shelters. Includes numbers and statistics on complaint investigations, technical assistance contacts, inspections, enforcement/compliance activities and seminars/meetings attended by Division personnel for the month.
- J. Office of General Counsel – Teena Gunter
Summarizes activities of the division, including rules, collections, legal research, meetings, support for programs, contracts, employment issues, open records requests, farming and ranching incorporations, and informal and formal enforcement actions before the Board, district court, and federal court.
- K. Food Safety Services – Scott Yates
Addresses the inspection of meat, poultry, egg, and milk processing facilities to determine compliance with regulatory standards.
- L. Ag Communications and Outreach Update – Lee Benson
- M. Legislative Preview – JanLee Rowlett

7. Consideration and Proposed Action on Purchases/Contracts
8. Consideration and Proposed Action on Cases Resolved by Stipulations
Agricultural Environmental Management Services
Faith Lee, 6229 W. Portals Ave., Fresno, California
Timothy Rogers, 16135 E. Red Fuller Road, Tahlequah, Oklahoma
Eddie & Richard Robinson, P. O. Box 917, Holdenville, Oklahoma

Consumer Protection Services

7-Eleven, 9001 S. May, Oklahoma City, Oklahoma
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Rid-A-Weed, 184206 N. 2590 Road, Walters, Oklahoma
Reynolds Aviation, 1860 CR 4536, Winnsboro, Texas
Tractor Supply, 1504 S. W. 27th Street, El Reno, Oklahoma
TrueGreen LP OKC, 7016 Camille Ave., Oklahoma City, Oklahoma

****Possible Executive Session (if approved by the required number of members present):**
As authorized by the Oklahoma Open Meeting Act in Section 307(B)(8) of Title 25 of the Oklahoma Statutes, an executive session may be held for the purpose of “[e]ngaging in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act.”

9. Consideration and Proposed Action on Cases Resolved by Consent Order
Agricultural Environmental Management Services
Cal-Maine Foods, Inc., 7859 Highway 1777 South, Sulphur, Oklahoma

Consumer Protection Services

Robison Wildlife Solutions, LLC, 9401 S. Harrah Road, Newalla, Oklahoma
Wheeler Brothers Grain Co., 760 N. Roberts Ave., Kingfisher, Oklahoma

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10. Consideration and Proposed Action on Proposed Permanent Rules
AGRICULTURAL PRODUCTS
Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 10. Agricultural Products
Subchapter 1. General Provisions
35:10-1-3 Handbook and publication editions [AMENDED]

ANIMAL INDUSTRY

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY
Subchapter 3. Animal Health Reportable Diseases [AMENDED]
Subchapter 5. Biological Products and Laboratories [AMENDED]

Subchapter 9. Livestock Special Sales
Part 3. Livestock Special Sales [AMENDED]
Subchapter 11. Importation and Exportation of Animals [AMENDED]
Part 1. General [AMENDED]
Part 13. Equine Piroplasmiasis [REVOKED]
Subchapter 13. Testing And Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]
Subchapter 15. Equine Infectious Anemia (EIA)
Part 1. General Provisions [AMENDED]
Part 3. Procedures [AMENDED]
Part 5. Change Of Ownership of Equidae [AMENDED]
Part 7. Requirements For Approved Markets [AMENDED]
Part 9. Equine Exhibitions [AMENDED]
Subchapter 17. Bovine and Bison Brucellosis
Part 1. Definitions and General Provisions [AMENDED]
Subchapter 18. Equine Piroplasmiasis [NEW]
Subchapter 19. Poultry Regulations [AMENDED]
Subchapter 22. Swine Pseudorabies and Brucellosis
Part 1. General Provisions [AMENDED]
Part 5. Requirements For a Validated/Qualified Herd [AMENDED]
Part 7. Requirements For Swine Exhibitions [AMENDED]
Subchapter 38. Bovine Trichomoniasis [AMENDED]
Subchapter 40. Bovine Tuberculosis
Part 1. Definitions [AMENDED]
Subchapter 44. Farmed Cervidae [AMENDED]
Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
Part 3. Herd Certification Standards [AMENDED]
Subchapter 49. Miscellaneous Animal Diseases [AMENDED]

WATER QUALITY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry
Chapter 17. Water Quality
Subchapter 5. Registered Poultry Feeding Operations
35:17-5-1 Purpose [AMENDED]
35:17-5-3 Registration, Nutrient Management Plan (NMP) required [AMENDED]
35:17-5-3.1. Setbacks for new or expanding construction of poultry barns [AMENDED]
35:17-5-3.2. Cancellation of poultry feeding operation registration [AMENDED]
35:17-5-4. Soil and litter tests required [AMENDED]
35:17-5-5. Nutrient Management Plan [AMENDED]
35:17-5-7. Record keeping [AMENDED]
Subchapter 9. Agricultural Compost Facilities
35:17-9-2. Definitions [AMENDED]
35:17-9-3. Permit provisions and application [AMENDED]
35:17-9-4. Siting of composting facility [AMENDED]
35:17-9-6. Leachate and storm water control [AMENDED]
35:17-9-9. Closure of licensed compost facility retention structures [AMENDED]

FORESTRY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 20. Forestry

Subchapter 3. Rural Fire Protection Program Fund Act

Part 5. Matching Grant Program [AMENDED]

CONSUMER PROTECTION

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 30. Consumer Protection

Subchapter 4. Thousand Cankers Disease [REVOKED]

Subchapter 6. Emerald Ash Borer Quarantine [REVOKED]

Subchapter 13. Imported Fire Ant Quarantine [AMENDED]

Subchapter 17. Combined Pesticide

Part 1. Commercial, and Non-Commercial, and Private Categories of Pesticide Application [AMENDED]

Part 6. Pesticidal Product Producing Establishments [AMENDED]

Part 9. Minimum Standards for Contracts and Keeping of Records [AMENDED]

Part 12. Minimum Residue Levels for Termiticides Applied to Soil and Permitted Tolerances for Pesticide Tank Mix and Concentrate Sample Analysis [AMENDED]

Part 18. Minimum Standards for The Use of Termite Baits and Baiting Systems for New Construction and Existing Structures [AMENDED]

Part 21. Standards for Disposal of Pesticide and Pesticide Containers [AMENDED]

Subchapter 24. Oklahoma Industrial Hemp Program [AMENDED]

Subchapter 30. Soil Amendment [AMENDED]

Subchapter 31. Lime [AMENDED]

FOOD SAFETY

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 37. Food Safety

Subchapter 5. Poultry Products Inspection

Part 1. General Provision [AMENDED]

Subchapter 17. Produce safety [AMENDED]

Subchapter 19. Homemade Food [AMENDED]

MARKET DEVELOPMENT

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 40. Market Development

Subchapter 25. Oklahoma Winter Storm Grant Program

35:40-25-1. Purpose [NEW]

35:40-25-2. Definitions [NEW]

35:40-25-3. Applicant eligibility [NEW]

35:40-25-4. Evaluation criteria [NEW]

35:40-25-5. Application requirements [NEW]

WATER QUALITY STANDARDS IMPLEMENTATION PLAN

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 45. Water Quality Standards Implementation Plan

Subchapter 1. Water Quality Standards Implementation Plan

35:45-1-1. Section I - Statutory authority, definitions, standards, jurisdiction, beneficial uses and protocols [AMENDED]
35:45-1-2. Pertinent definitions, abbreviations, and acronyms [AMENDED]
35:45-1-3. General statement of policy; responsibility for WQSIP document [AMENDED]
35:45-1-4. Pertinent water quality standards [AMENDED]
35:45-1-7. Animal waste programs [AMENDED]
35:45-1-8. Pesticide program [AMENDED]

COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

Title 35. Oklahoma Department of Agriculture, Food, And Forestry

Chapter 55. Commercial Pet Breeders and Animal Shelters

Subchapter 1. Licensing

35:55-1-4. License application [AMENDED]

35:55-1-6. Inspections [AMENDED]

35:55-1-8. Fees [AMENDED]

35:55-1-9 Annual report [REVOKED]

Subchapter 3. Standards Of Care

35:55-3-2. Watering [AMENDED]

Subchapter 7. Recordkeeping And Sales

35:55-7-1. Records [AMENDED]

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11. Next Board meeting scheduled for **Wednesday, March 13, 2024**, at Oklahoma City.
12. Old Business
13. New Business – Under the Open Meeting Act, this agenda item is authorized only for matters not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda.
14. Adjournment

**Members of the Board and staff from ODAFF may join for lunch. Board Members, staff, and the public may discuss program issues during lunch; no votes or action will be taken during the luncheon.*