

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

Wednesday, September 15, 2021
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 August 11, 2021.
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 –
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 – Morgan Vance

7. Consideration and Proposed Action on Purchases/Contracts
 - Kelly Registration System – ACH Reimbursement - \$33,750.00
 - Required Annual Organic Audit - \$20,000
 - Training for Organic Inspector Dee Raper - \$8,000
 - Window tint for Food Safety field staff vehicles – 30 vehicles - \$6,000
 - FY22 - \$150,000 purchase and repair of mobile/handheld radios and supplies
 - Request approval for purchase of Lacti-check Milk Analyzer Kit - \$5,427.38
 - Purchase of Steam Scrubber Glassware Washer - \$6,723.82
 - Purchase of Petrifilm Plate Reader - \$8,500
 - Pickup and disposal of laboratory hazardous waste - \$8,385.50
 - Purchase of an Autoclave - \$85,000
 - Purchase of a GC/MS - \$110,000
 - Purchase of a service maintenance contract renewal for the HPLC Triple Quad System - \$27,693
 - Purchase of a service maintenance contract for the LECO Sulphur Analyzer and LECO Nitrogen Analyzer - \$6,400
 - Purchase of a service maintenance contract for the ICP - \$8,726.40
 - \$29,040 – OKC Landfill Agreement regarding the removal of nuisance birds
 - \$3,310 – General Services Administration Agreement regarding the removal of feral pigeons

8. Consideration and Proposed Action on Cases Resolved by Stipulations

Consumer Protection Services

7-Eleven, 9416 S. Western, Oklahoma City, Oklahoma
 D's Metal Recycling, 721 Boren Blvd, Seminole, Oklahoma
 Eckles Aircraft, LLC, 330 Airport Lane, P. O. Box, 1015, Holldenville, Oklahoma
 Farmers Cooperative Association, 411 E. Street, Snyder, Oklahoma
 Mid-America Feed, Inc, P.O. Box 11, Talala, Oklahoma
 Sayre Grain, 202 N. Broadway Street, Sayre, 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 Proposed 2022 Board of Agriculture Meeting Dates.
10. Next Board meeting scheduled for Wednesday, October 28, 2021 at Oklahoma City.
11. Old Business
12. 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.
13. Adjournment

**Members of the Board and staff from ODAFF may join for lunch, attend a Senate Interim Study, visit the Market at East Side and Restore OKC, and dinner at Bob's Steak and Chop House, Omni Hotel. On Thursday, September 16, 2021, Ag Board Members and staff will visit the Made in Oklahoma Store Opening at the Oklahoma State Fair. Board Members, staff, tour guides, and the public may discuss program issues during the tour; no votes or action will be taken during the tour.*

**OFFICIAL PROCEEDINGS
OF THE STATE BOARD OF AGRICULTURE
DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

Oklahoma City, Oklahoma
August 11, 2021

The Oklahoma State Board of Agriculture met in regular session at 10:00 a.m., August 11, 2021, in the Agriculture Building, Oklahoma City, Oklahoma. Written notice of this meeting was filed with the Secretary of State. A notice was posted at the Agriculture Building 24 hours prior to the meeting setting forth thereon the date, time, place and agenda for the meeting and an agenda was posted on the agency website.

Members Present: Joe Farris
 Brent Bolen
 Blayne Arthur
 Nocona Cook

Member Absent: Clay Burtrum

Others Present: Kandi Batts, Executive Secretary
 JanLee Rowlett, Deputy Commissioner
 Dan Ridings, Director, Administrative Services
 Scott Huff, Forestry Services
 Kenny Naylor, Director, Consumer Protection Services
 Dr. Rod Hall, Director, Animal Industry Services
 Troy Marshall, Director Agricultural Statistics
 Meriruth Cohenour, Director, Market Development Services
 Teena Gunter, Director, Agricultural Environmental
 Management Services and Office of General Counsel
 Scott Yates, Director, Food Safety Services
 Bailee Williams, Governor's Office
 John Riesenber, State Senate
 Jennie Melendez, eCapitol

Mrs. Arthur called the meeting to order and a quorum was declared.

Ms. Meriruth Cohenour introduced the guests.

A motion was made by Mr. Farris, seconded by Mr. Cook, to approve the minutes of the regular meeting of June 16, 2021, as presented.

The vote was as follows:

| | |
|--------|---------|
| Farris | Aye |
| Bolen | Abstain |
| Arthur | Aye |
| Cook | Aye |

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the division reports with correction made to section A-5.

The vote was as follows:

| | |
|--------|-----|
| Farris | Aye |
| Bolen | Aye |
| Arthur | Aye |
| Cook | Aye |

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Cook, to approve the following purchases/contracts as submitted and contained on pages 4 through 7.

The vote was as follows:

| | |
|--------|-----|
| Farris | Aye |
| Bolen | Aye |
| Arthur | Aye |
| Cook | Aye |

The motion carried.

A motion was made by Mr. Bolen, seconded by Mr. Farris, to approve the Proposed Action on Stipulations as submitted and contained on pages 8 and 9.

Consumer Protection Services

B&B Services, 10944 N. CR. 3260, Pauls Valley, Oklahoma
Bullseye Termite & Pest Control, 3515 W. 7th Street, Elk City, Oklahoma
Miles Termite, 3012 Oakridge Rd. Enid, Oklahoma

The vote was as follows:

| | |
|--------|-----|
| Farris | Aye |
| Bolen | Aye |
| Arthur | Aye |
| Cook | Aye |

The motion carried.

****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.”

There is no Old business presented for the Board to take action upon. Mr. Cook moved, Mr. Bolen seconded, that the meeting be adjourned at 11:03 a.m.

By _____
President

ATTEST: _____
Executive Secretary

AUGUST 11, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Administrative Services

Oklahoma State University - Agriculture Leadership Program for FY22 - \$40,000

This contract is for the purpose of educating and training young leaders in the Oklahoma Agriculture Industry. The program focuses on developing potential leaders through personal and group study sessions. To help potential leaders develop a better understanding of the various systems of economics and government. To help program participants increase and utilize their own knowledge and skills in order to solve problems and to explore opportunities for Oklahoma agriculture. To develop and teach a curriculum including, leadership development; communication; government operations and institutions; economics, resource allocation, marketing and finance problems in agriculture; sociology; religious and cultural studies, major issues that affect Oklahoma and US agriculture, and political process, international trade, water and energy. Legislative directed spending.

Oklahoma State University for FY22 - \$1,000,000

To provide science-based research information developed in cooperation with the Oklahoma State University Agricultural Extension Service and Experiment Stations. The Oklahoma Agricultural Experiment Station conducts research for the purpose of developing technology/practices to address the needs of Oklahomans. Legislative directed spending.

BancFirst for FY22 - \$17,900

ODAFF Financial for FY22. This service allows for agency deposits to be received directly by BankFirst and deposited into agency accounts.

Oklahoma State Fair Park FY22 - \$150,000

Funding to provide facility improvements to Oklahoma State Fair Park consisting of electrical updates and livestock wash rack renovations and improvements. Legislative directed spending.

Food Safety

Settlement Agreement with the USDA/FSIS/OPEER in the amount of \$8,920.09. This is a contract for USDA/FAIM to perform duties when Food Safety Meat Inspection have issues with their federal computers and to replace computers and printers with new ones when issues arise. Also, ordering new computers for new inspectors. All funds are reimbursed 50% with Cooperative Agreement with USDA/FSIS.

Forestry Services

Incident Support Gear: \$7,700

Purchase gear needed to support OFS employees on extended overnight travel supporting emergency responses as directed by the agency. As an agency OFS will make available both equipment and personnel to support incidents in-state and throughout the country at any time of the year. Primarily OFS responds to wildfires but in the past has also provided assistance to winter storms as well as severe storms. During these responses it is important that our personnel are supplied with the necessary gear for a safe and effective assignment. Examples of items to be purchased include gear bags, tents, sleeping bags, cold weather gear and Fireline packs. Acquisition cost for an individual item will not exceed \$350/each. Funding for this gear will be provided from revenue accrued from out of state emergency response.

FY22- \$11,000.00

Settle a Merit Protection Case with Steven Scantling. Forestry Services terminated Steven Scantling last August for several violations He has gone through the Merit Protection process and appealed his termination. His attorney has agreed to drop the case if we allow Steven to resign and pay him \$11,000 of his lost wages. Pre-approved by Sec. Arthur 4/21/21

FY22 - \$10,000 Federal Funds

Renew Oklahoma Gardening Grant. This is a longstanding education and outreach grant sponsoring the popular Oklahoma Gardening program produced by OSU. This grant supports tree related educational programming. **Without** this purchase, we would lose an avenue of support and education. This money will be refunded to us through Federal funding.

FY22 - \$15,000 Federal Funds

Renew nonbinding contract with the Oklahoma Urban and Community Forestry Council to perform services to assist in implementation of the continuing education component of Oklahoma's Urban & Community Forestry program in accordance with federal grant program intent. **Without** this program outreach and education related to urban forest management and individual tree care would be limited. This money will be refunded to us through Federal funding.

FY22 - \$41,000 Federal Funds

Award Federal pass-through funding to communities for the Urban and Community Forestry Grants – Up to \$41,000. These grants support projects related to advancing local community forestry programs. **Without** these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

FY22 - \$23,000 Federal Funds

Award Federal pass-through funding to financially hardship neighborhoods/communities for the Urban and Community Forestry Grants – Up to \$23,000. These grants support projects related to helping lower income neighborhoods recover from the damaged and lost tree cover from recent winter storms. **Without** these projects, we would lose an avenue of community support and education. This money will be refunded to us through Federal funding.

FY21 - \$10,000- Southern Pine Beetle Prevention Program-Twin Meadows LLC

Federal Grant to cover the prevention of Southern Pine Beetle from spreading from one landowner to the next. This is a very invasive insect and without this prevention program the threat to landowner's revenue could be severe.

FY22 \$6,500 (revised \$9,000)

Purchase and installation of re-glazing materials for the Greenhouse at FTIC. The plastic and polycarbonate have deteriorated and were damaged in the recent storms. The last time this was replaced was 10 years ago. We grow containerized pine seedlings to sell to Oklahomans for timber planting and Christmas tree farms. We grow specific genetic families for progeny testing at the FTIC facility. Without this purchase, the seedlings will not be properly protected and may be stressed or not survive for their intended use. \$6,500 was approved at the June Board meeting. However, due to the pandemic supply chain supply and labor issues, prices have increased significantly since the April estimate. This was pre-approved by Secretary Arthur on July 22.

FY22 - \$150,000

For use of P-Cards to repair firefighting equipment including but not limited to dozers, Bambi buckets, UTVs and slip-on units. These purchases will be for repairs more than \$5,000 when a piece of equipment has significant issues and requires Board approval. This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

FY22 - \$150,000

For use of Comdata Cards to repair firefighting equipment including but not limited to transports, engines, pickups, and other rolling stock. These purchases will be for repairs more than \$5000 when a piece of equipment has significant issues and requires Board approval. This will allow the equipment to be repaired quickly after completion of the bidding process and back in service for fire management activities.

Laboratory Services

Purchase of a 10 kg Mass Comparator - \$80,000.00

Purchase of a 10 kg Mass Comparator is necessary for the calibration of Mass Echelon I & II customer and internal standards for the Bureau of Standards. Without purchase of this mass comparator, the Bureau of Standards risks losing capability of calibration which would lead to a significant loss of revenue and a significant annual monetary investment when calibration of the internal standards comes due.

Market Development

FY2022 - Oklahoma Viticulture and Enology Grants - These funds will be used as grant funds for the purpose of increasing the positive economic impact of the wine industry in Oklahoma. Eligible applicants are institutions in Oklahoma, a state agency or governmental subdivision of Oklahoma, or a trade group promoting grape or wine production industries. Eligible projects shall be limited to scientific research, education, product development, or marketing projects. - \$146,166.00. This project is entirely funded by the Oklahoma Viticulture and Enology Center Development Revolving Fund. This grant project with the Oklahoma Grape Industry Council will promote and encourage growth and development of the grape and wine industries in Oklahoma through educational and marketing campaigns along with increasing the positive economic impact of the wine industry in Oklahoma. If this proposed expense is not approved and therefore the project is not completed, the State not only loses money immediately that is important to the grape and wine industry through the economic impact, but also runs the risk of not being awarded money from the Oklahoma Viticulture and Enology Center Development Revolving Fund in the future.

FY22 – Tulsa State Fair – Made in Oklahoma Café - \$20,000.00

Office of General Counsel

FY22 - \$6,942.13

Increase from \$30,000 (June 16, 2021 Board) to a total of \$36,942.13 for GovQA 2022 contract. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval. GovQA is a new product that will allow OGC and the rest of the agency to more easily and efficiently fill open records requests. It will allow all records requests to be filled electronically and will allow large files to easily be transferred electronically. It is an online product. In addition, it will allow ODAFF to invoice the requester for very large requests and allow the agency to recoup some funds for filling the requests.

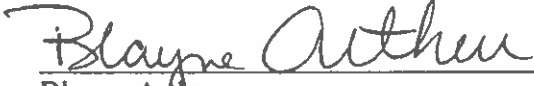
**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

APPROVAL OF CASES

ON THIS 11th day of August 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 11th day of August 2021.



Blayne Arthur
President
State Board of Agriculture

**Exhibit A
Board of Agriculture
August 11, 2021**

Cases Resolved by Stipulation

Consumer Protection Services

| <u>Name</u> | <u>File No.</u> | <u>Division</u> | <u>Amount</u> |
|---------------------------------|------------------------|------------------------|----------------------|
| B&B Service | OGC-21-195 | CPS | \$500.00 |
| Bullseye Termite & Pest Control | OGC-19-1023 | CPS | \$1,000.00 |
| Miles Termite | OGC-20-683 | CPS | \$200.00 |

Oklahoma Department of Agriculture, Food & Forestry

September 15, 2021, Board Report

Administrative Services

Administrative Services – Investigative Services

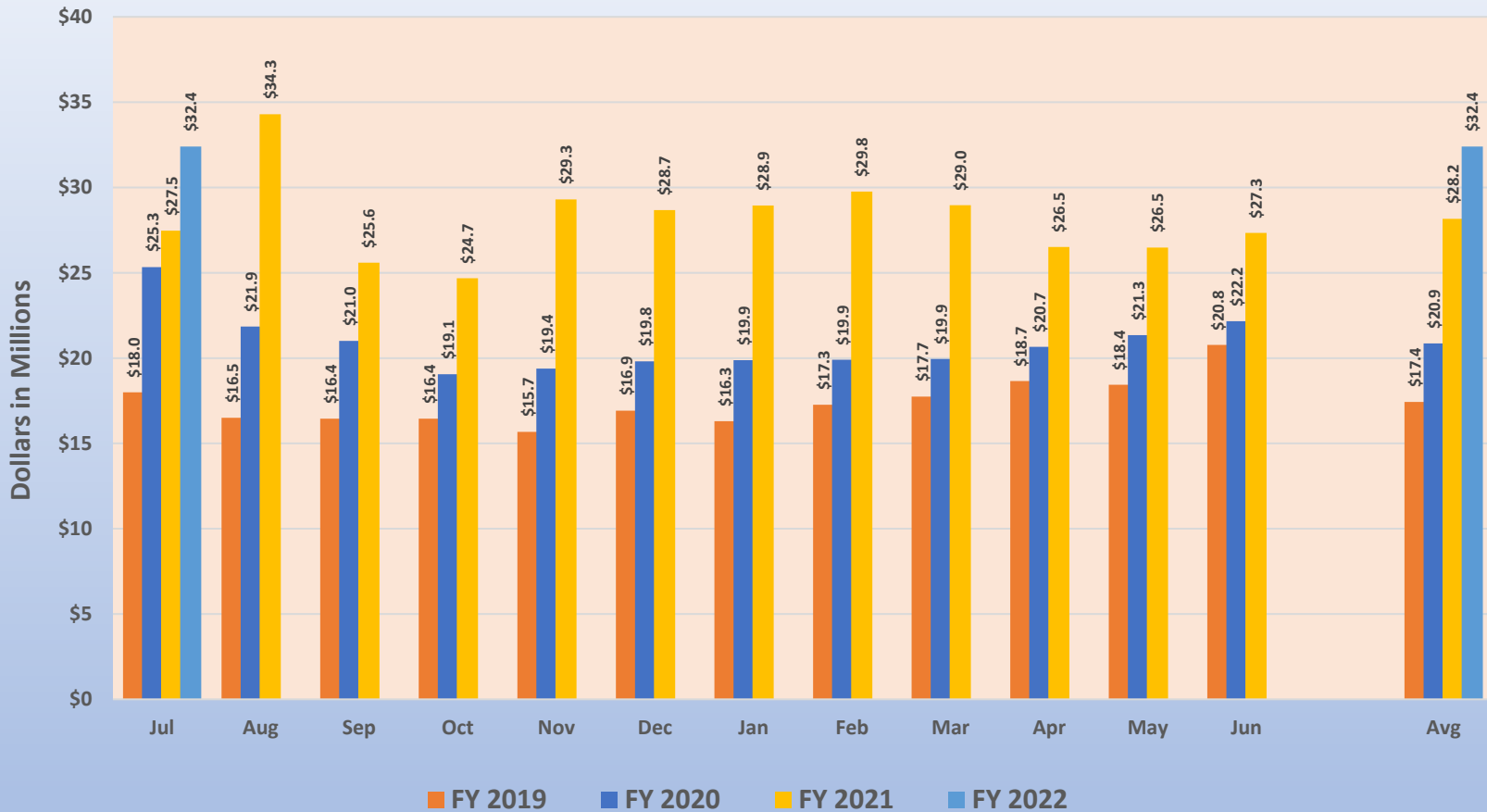
INVESTIGATIVE SERVICES ACTIVITIES

JULY 2021



| INVESTIGATIONS | JULY | YTD | FYTD |
|--|----------|-----------|----------|
| LIVESTOCK | 1 | 22 | 1 |
| FIRE | 2 | 9 | 2 |
| PROPERTY | 5 | 17 | 5 |
| TIMBER | 0 | 2 | 0 |
| AGENCY ASSISTS ODAFF | 0 | 3 | 0 |
| AGENCY ASSISTS EXTERNAL | 0 | 7 | 0 |
| OTHER | 1 | 4 | 1 |
| TOTAL INVESTIGATIONS OPENED | 9 | 64 | 9 |
| | | | |
| CLOSED PENDING ADDITIONAL INFORMATION | 2 | 10 | 2 |
| NO CRIME | 0 | 9 | 0 |
| NO PROSECUTION | 0 | 2 | 0 |
| CLOSED - ASSIST CASE | 1 | 6 | 1 |
| PRESENTED TO DISTRICT ATTORNEY FOR PROSECUTION | 0 | 10 | 0 |
| REFERRED FOR ADMINISTRATIVE ACTION | 0 | 0 | 0 |
| TOTAL INVESTIGATIONS COMPLETED | 3 | 37 | 3 |
| | | | |
| COUNTS FILED | 1 | 24 | 1 |
| VALUE OF LOSSES - ALL CRIMES | \$83,300 | \$406,400 | \$83,300 |
| RECOVERED LOSSES - ALL CRIMES | \$12,000 | \$95,500 | \$12,000 |
| NUMBER OF CATTLE REPORTED STOLEN | 5 | 192 | 5 |
| NUMBER OF CATTLE RECOVERED | 0 | 76 | 0 |

Available Cash at Month End per Allotment Budget & Available Cash Report Months Ending: July 2018 – July 2021

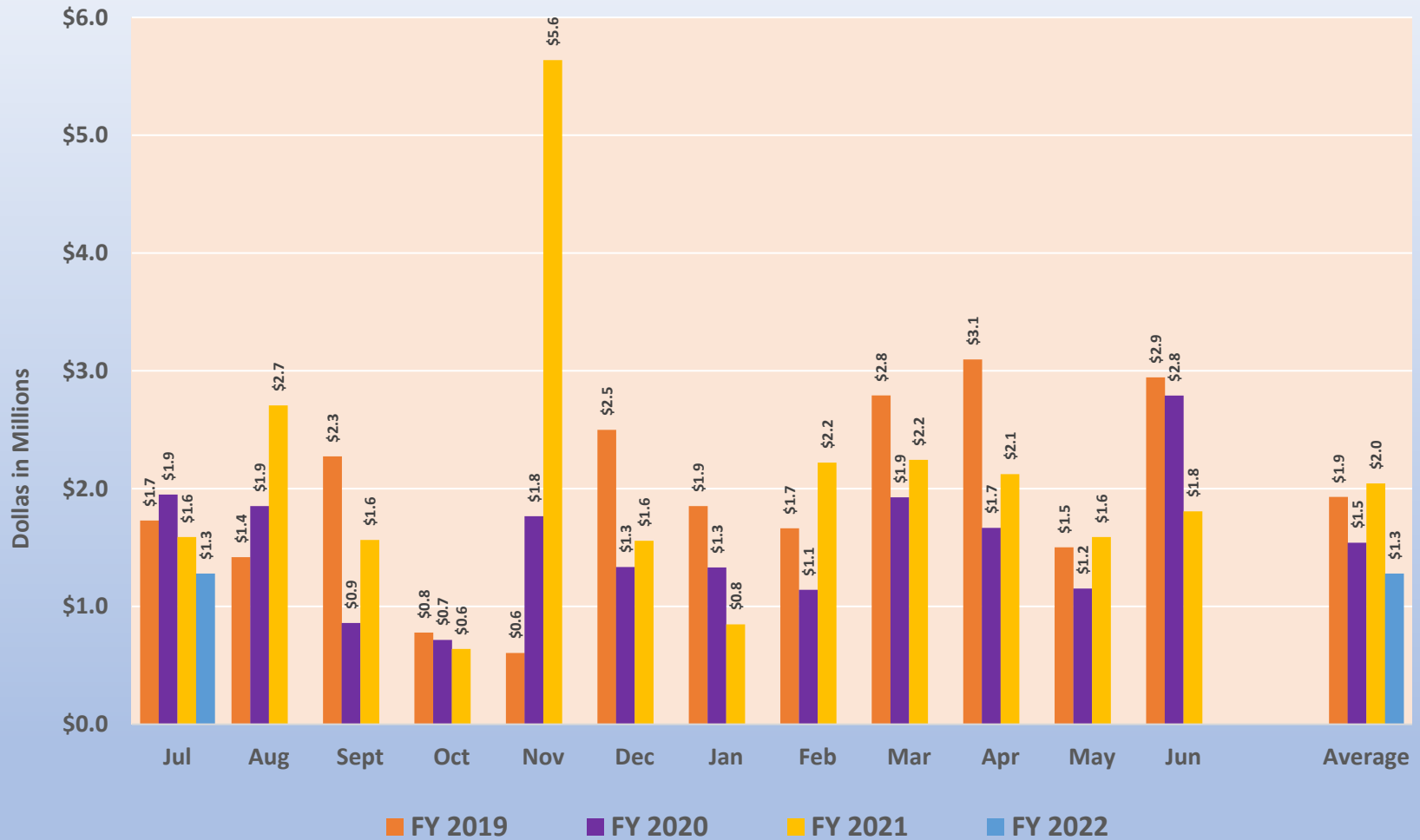


Note: The amounts above include fund 700, Commodity Storage Indemnity Fund, which had a balance of \$11,096,740 as of 7/31/2021.

Administrative Services - Finance

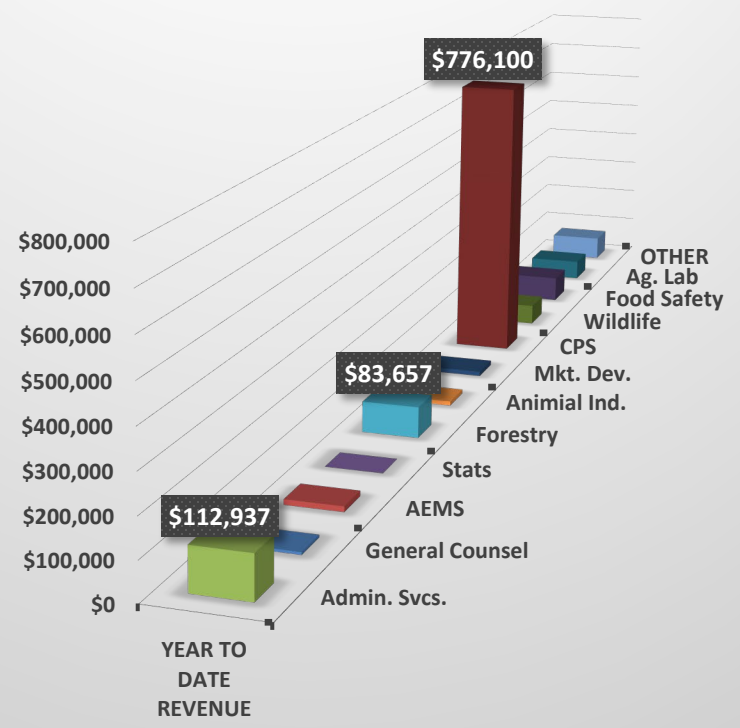
- Cash balance as of 7/31/2021 was \$32.4 million compared to \$27.5 million as of 7/31/2020.

Total Revenue by Month July 2018 – July 2021



Revenue By Division – July 2021

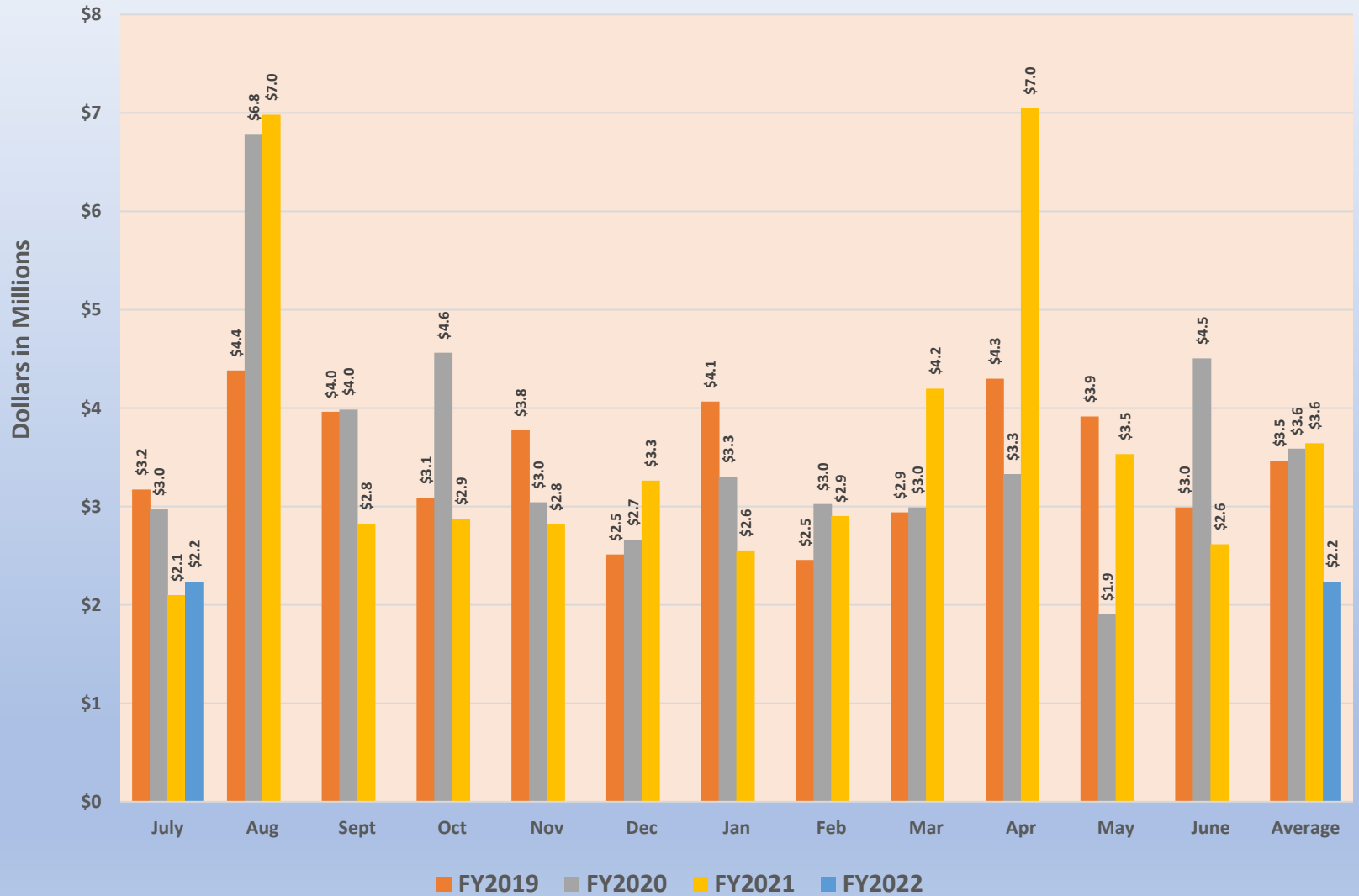
- Admin. Svcs.
- General Counsel
- AEMS
- Stats
- Forestry
- Animial Ind.
- Mkt. Dev.
- CPS
- Wildlife
- Food Safety
- Ag. Lab
- OTHER



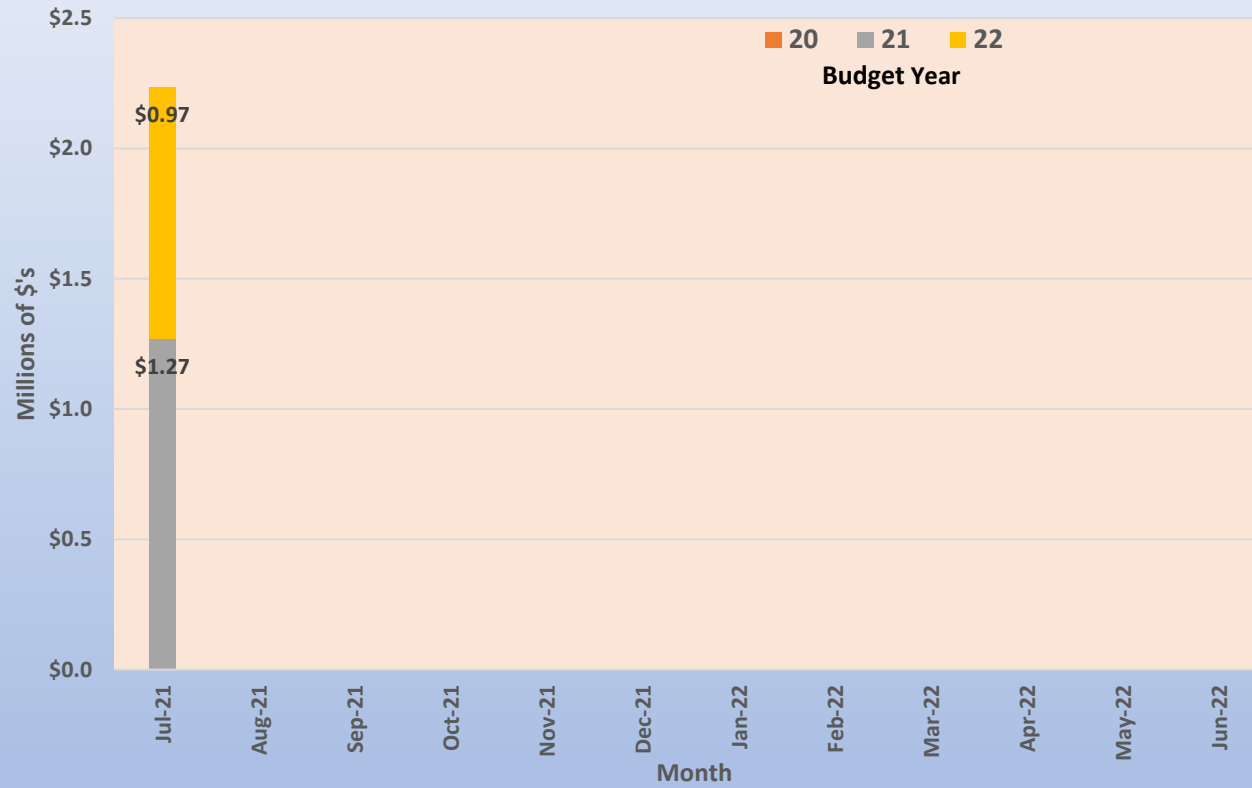
Administrative Services - Finance

- Revenues (excluding appropriations) for July 2021 totaled \$1.3 million.
 - This is a decrease of approximately \$300,000 from July 2020.
 - Decrease due to timing differences, as August revenue is up.

Total Expenses by Month July 2018 – July 2021



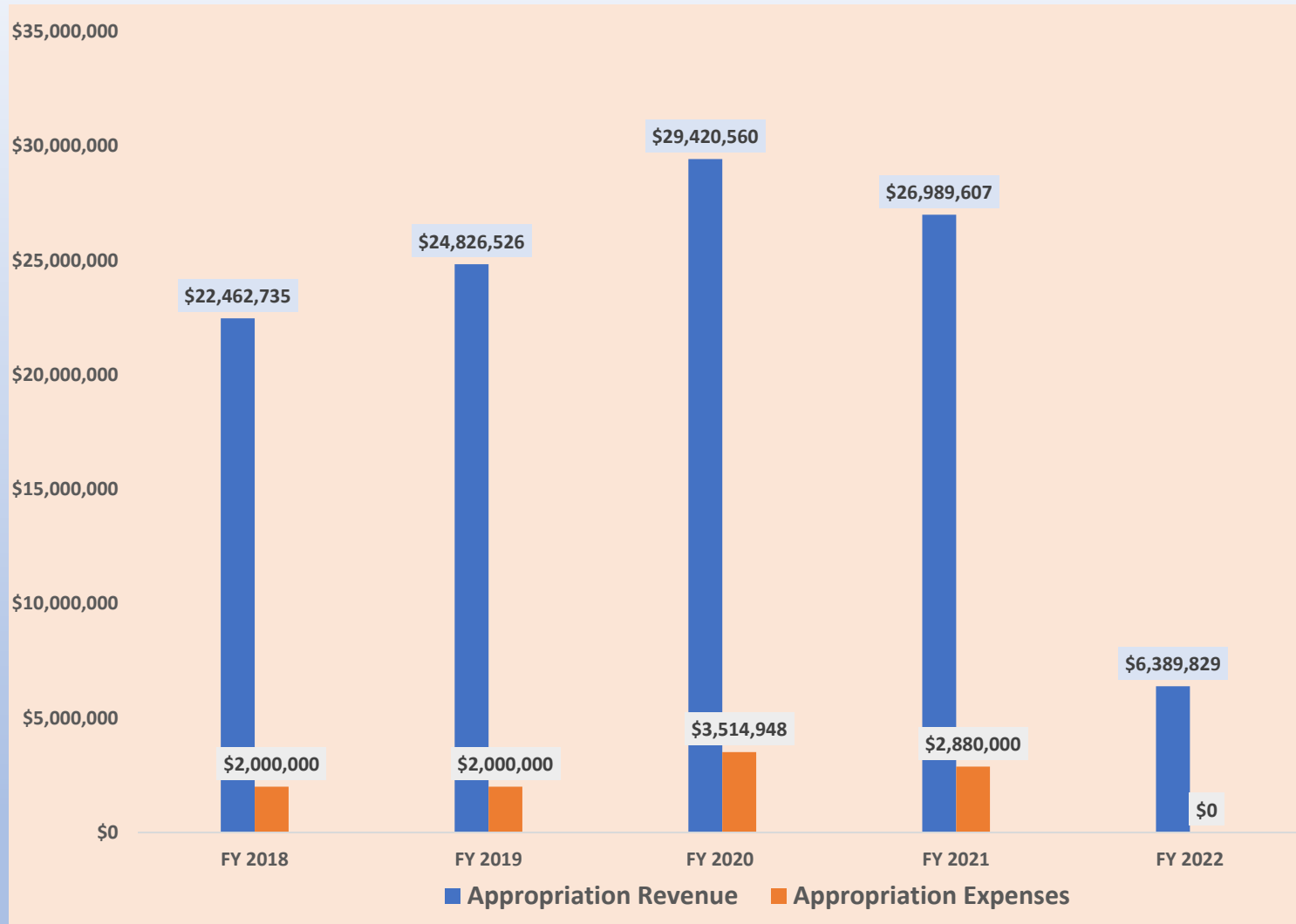
FY 2022 Total Expenses by Month with Budget Year



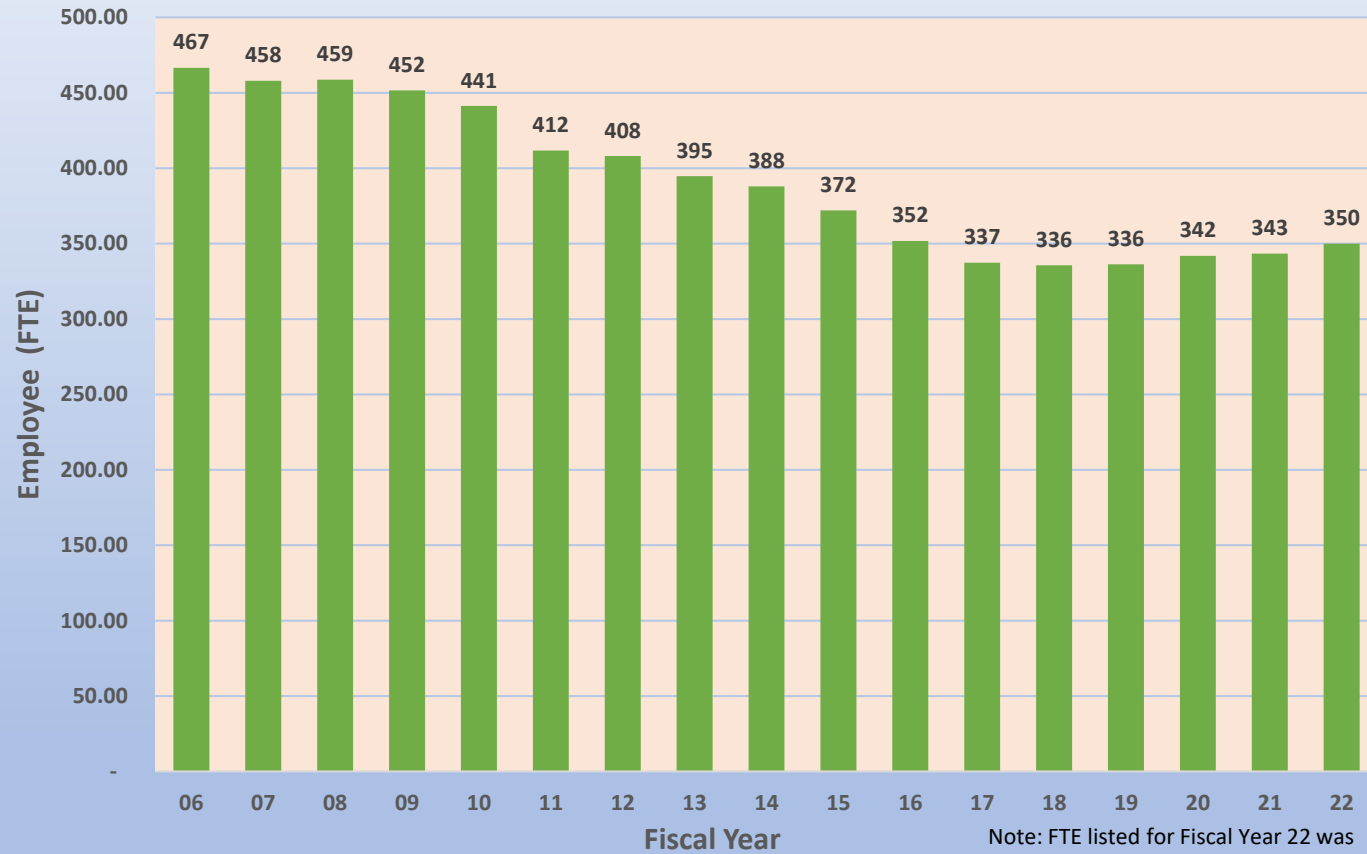
Administrative Services - Finance

- Expenses for July 2021 totaled approximately \$2.2 million
 - Budget Year 2022 expenses were \$965,328
 - Budget Year 2021 expenses were \$1,269,895
 - This was an increase of approximately \$100,000 compared to July 2020
 - Attributed to the fiscal year 2022 budget being approved and loaded to the financial system earlier this year.

Appropriations Transfers FY 2018 - thru July 2021



Employee FTE Totals Fiscal Year FY 2006 – FY 2022



Note: FTE listed for Fiscal Year 22 was based on the FTE as of 8/22/21.

Administrative Services – Commodity Storage Indemnity

COMMODITY STORAGE INDEMNITY
INVESTMENT REPORT
AS OF JULY 31, 2021

Investments with Office of State Treasurer:

Cash Management Account: 11,096,739.97

FY-2022 RECEIPTS

| | CURRENT MONTH ----- | YTD ----- |
|-------------------------|------------------------|----------------------|
| NEW | - | - |
| INTEREST | 10,847.03 | 10,847.03 |
| REINSURANCE | - | - |
| RECOVERED COSTS | - | - |
| ELEVATOR SALVAGE | - | - |
| MATURED LONG TERM INVE! | - | - |
| | ----- | ----- |
| TOTALS | \$10,847.03 ===== | \$10,847.03 ===== |

| Oklahoma Department of Agriculture, Food & Forestry | | | | | |
|---|--------------------------------|-------------------------|--|---------------------------------|-------------------|
| Monthly Budget Report - Budget Year 2022 | | | | | |
| As of July 31, 2021 | | | | | |
| Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru July 31, 2021 | | | | | |
| Object Code | Account Description | Fiscal Year 2022 Budget | Fiscal Year 2022 Expenditures thru 7/31/2021 | Encumbrances & Pre Encumbrances | Available Budget |
| 511 | Salary Expense | 17,970,651 | 749,394 | - | 17,221,257 |
| 512 | Insur.Prem-Hlth-Life,etc | 5,808,986 | 38,309 | - | 5,770,677 |
| 513 | FICA-Retirement Contributions | 4,439,863 | 177,487 | - | 4,262,376 |
| 515 | Professional Services | 2,865,945 | - | 1,497,750 | 1,368,195 |
| 521 | Travel - Reimbursements | 324,545 | 138 | - | 324,408 |
| 522 | Travel - Agency Direct Pmts | 342,620 | - | - | 342,620 |
| 531 | Misc. Administrative Expenses | 861,791 | - | 284,569 | 577,222 |
| 532 | Rent Expense | 592,040 | - | 386,867 | 205,173 |
| 533 | Maintenance & Repair Expense | 1,045,827 | - | 430,740 | 615,087 |
| 534 | Specialized Sup & Mat.Expense | 1,170,400 | - | 975,500 | 194,900 |
| 535 | Production,Safety,Security Exp | 294,156 | - | - | 294,156 |
| 536 | General Operating Expenses | 184,403 | - | - | 184,403 |
| 537 | Shop Expense | 506,681 | - | 108,439 | 398,242 |
| 541 | Office Furniture & Equipment | 2,190,227 | - | 33,228 | 2,156,999 |
| 542 | Library Equipment-Resources | 600 | - | - | 600 |
| 543 | Lease Purchases | 1,695,868 | - | 1,600,000 | 95,868 |
| 554 | Program Reimb,Litigation Costs | 7,076,598 | - | 220,584 | 6,856,014 |
| 555 | Pmts-Local Gov't,Non-Profits | 6,849,450 | - | 131,860 | 6,717,590 |
| 559 | Assistance Pymts to Agencies | 150,000 | - | - | 150,000 |
| 564 | Merchandise For Resale | 120,000 | - | - | 120,000 |
| 601 | AFP Encumbrances | - | - | 2,185,655 | (2,185,655) |
| 810 | Req Only | - | - | 1,815,349 | (1,815,349) |
| | Operating Totals | 54,490,651 | 965,328 | 9,670,542 | 43,854,781 |

Oklahoma Department of Agriculture, Food & Forestry
Monthly Budget Report - Budget Year 2022
As of July 31, 2021
Fiscal Year 2022 Annual Budget to Actuals for 2022 Budget Year thru July 31, 2021

| Class Funding | Class Fund Description | Fiscal Year 2022 Budget | Fiscal Year 2022 Expenditures thru 7/31/2021 | Encumbrances & Pre Encumbrances | Available Budget |
|----------------------|-----------------------------------|--------------------------------|---|--|-------------------------|
| 19201 | GRF - Duties | 27,423,346 | 425,695 | 5,819,742 | 21,177,909 |
| 20500 | Rural Fire Defense Eqp Rev Fd | 236,500 | - | 40,500 | 196,000 |
| 21000 | Agriculture Revolving Fund | 19,384,941 | 492,764 | 3,602,813 | 15,289,364 |
| 22500 | Enhancement & Diversification Fnd | 150,000 | - | - | 150,000 |
| 23000 | Okla Pet Overpopulation Fund | 12,000 | - | 10,000 | 2,000 |
| 23500 | Animal Friendly Revolving Fund | 12,000 | - | 10,000 | 2,000 |
| 25600 | Ok Viticulture Enology Revl Fd | 350,000 | - | 121,308 | 228,692 |
| 26200 | Poultry Grading Revolving Fund | 1,291,463 | 38,101 | 10,201 | 1,243,161 |
| 28500 | Milk & Milk Prod Inspec Rev Fd | 300,000 | 8,768 | 22,728 | 268,504 |
| 28700 | Healthy Food Financing Revl Fd | 150,000 | - | 20,000 | 130,000 |
| 42000 | Specialty Crop Federal Funds | 575,851 | - | 13,250 | 562,601 |
| 43000 | Farm and Ranch Stress Alliance | 500,000 | - | - | 500,000 |
| 57602 | Duties | 4,104,550 | - | - | 4,104,550 |
| | Total | 54,490,651 | 965,328 | 9,670,542 | 43,854,781 |

**SEPTEMBER 2021 BOARD REPORT
AGRICULTURE LABORATORY SERVICES
(July 2021 Activities)**

QUALITY MANAGEMENT SECTION: (Taryn Hurley, Quality Assurance Manager)

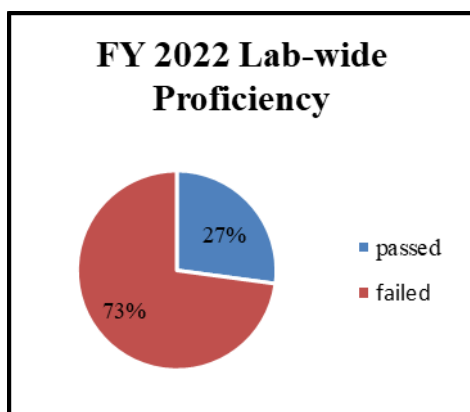
The routine distribution of quality control samples to respective sections of the Laboratory continued. Collection and submission of data to the respective study groups for statistical analysis was conducted.

Performance Test Logs for July 2021:

| General Chemistry | | Food and Dairy | |
|-----------------------------|----|-----------------------------|----|
| PT Samples Received | 3 | PT Samples Received | 0 |
| Number of Analytes | 20 | Number of Analytes | 0 |
| PT Samples Reported | 0 | PT Samples Reported | 0 |
| Number of Analytes Reported | 0 | Number of Analytes Reported | 0 |
| Completed PT Reports | 0 | Completed PT Reports | 2 |
| Number of Analytes Passed | 0 | Number of Analytes Passed | 35 |
| Number of Analytes Failed | 0 | Number of Analytes Failed | 94 |

| Pesticides | |
|-----------------------------|----|
| PT Samples Received | 1 |
| Number of Analytes | 20 |
| PT Samples Reported | 0 |
| Number of Analytes Reported | 0 |
| Completed PT Reports | 0 |
| Number of Analytes Passed | 0 |
| Number of Analytes Failed | 0 |

Lab Wide PT Performance to Date in FY2022:



In July,

- ❖ The annual internal audit of the General Chemistry Section was continued.
- ❖ The QA Manager attended the annual meeting of the International Association of Food Protection.
- ❖ The Laboratory hosted a college student as an intern for two weeks.
- ❖ Serving as a back-up for data review continued.
- ❖ The USDA MPI desk-audit continued.
- ❖ Updates of controlled documents and methodology were researched and performed.

INORGANIC SECTION: (Elena Lyon, Environmental/Chemical Laboratory Scientist IV)

In July of 2021 the Section completed 99 samples consisting of 449 determinations, with the following breakdown:

July 2021 Inorganic Breakdown

| Customer | Samples | Determinations |
|--------------|-----------|----------------|
| OCC | 58 | 357 |
| LMFO | 1 | 6 |
| Service | 34 | 68 |
| Pollution | 6 | 18 |
| Total | 99 | 449 |

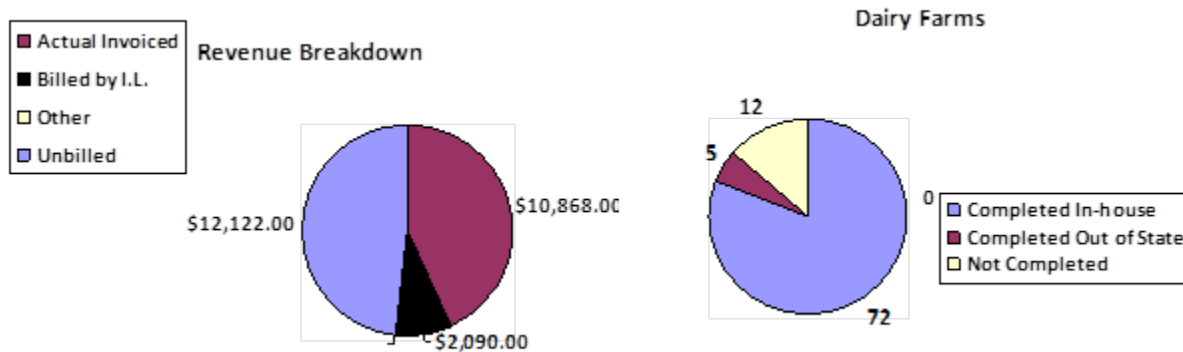
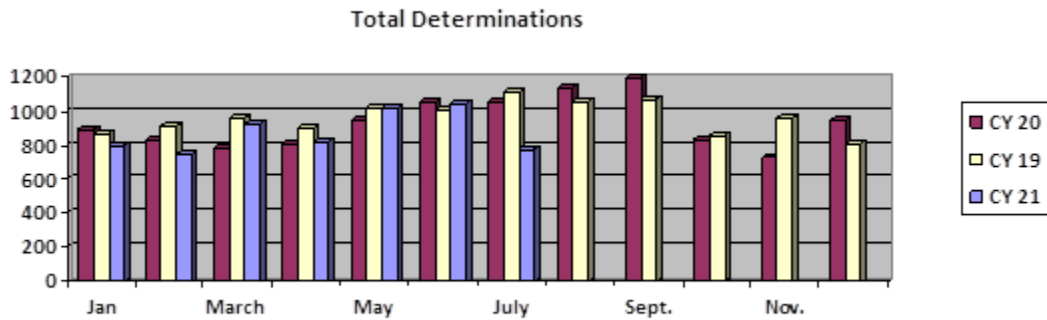
DAIRY/FOOD SAFETY SECTION: (Sharon Swyear, Environmental/Chemical Laboratory Scientist IV)

The month of July was an unusual testing month. One more dairy went out of business this month which brings a total of eleven for the year. Twelve dairies were not tested which is partially due to two inspectors out of the office.

The Section was not able to test meat samples this month due to the manufacturer being out of stock on the PCR reagents for E.coli. The Section did receive the reagents on July 27th, so testing will resume in August. The Section has also been involved with testing for *Listeria monocytogenes* in milk and has tested twenty-two samples with nine being positive. The positive samples were found in the bulk milk tank, raw cheese and raw bottled milk. Isolated colonies from the positive

samples were taken to the new State Health Department Lab in Stillwater for whole genome sequencing.

The Section is working with Food Safety to purchase three pieces of equipment with funds from the AFDO grant; dishwasher, fat analyzer and petrifilm reader. Funding has been approved to purchase a new autoclave that will meet FDA guidelines. The last piece of equipment that needs replaced is the somatic cell counter with an estimated cost of \$65,000. The Section would also like to look at purchasing in the future a second DNA testing platform, which would eliminate down time due to reagents on backorder



SEED SECTION: (Wade Krivanek, State Seed Program Administrator)

Sample records show 176 seed samples were received for testing in the Section during July. These figures are similar to the monthly numbers that were received during previous years. Turnaround time for all samples has remained within acceptable limits with no results being reported late.

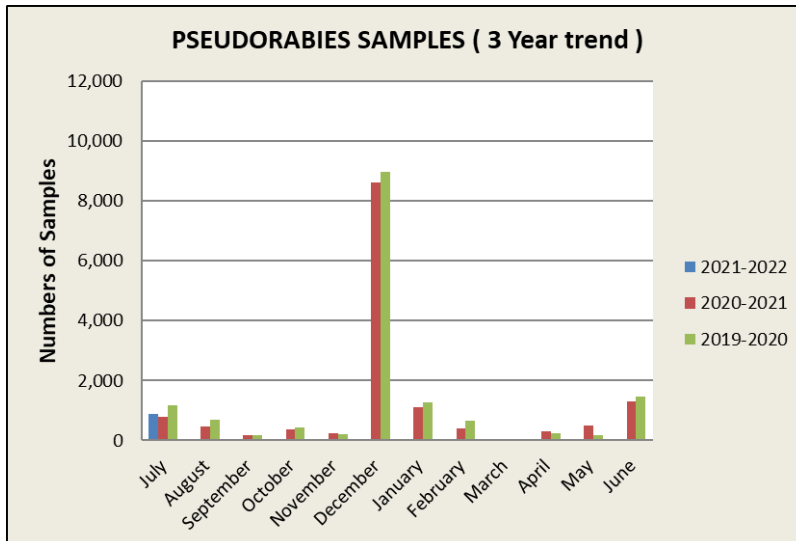
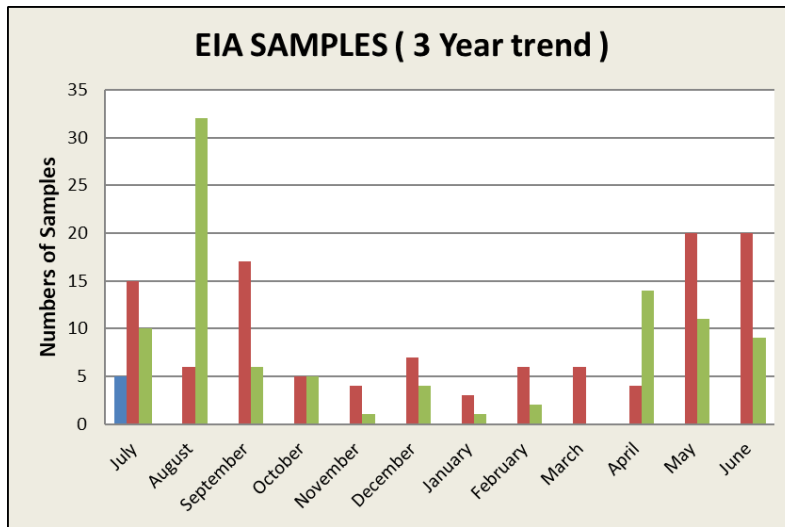
Wheat and other small grain seed were among the heaviest of crops tested while official sampling on sorghum and soybeans made up the remainder. Most of the wheat sent in so far has come from carryover seed from last year. As of now there is nothing indicating there will be any significant problems with germination quality on new or carryover seed. Germination results on

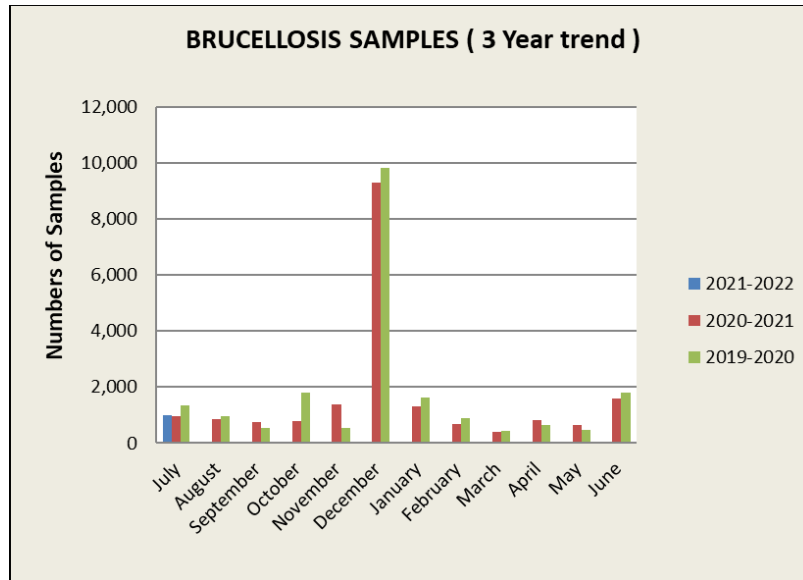
wheat, rye and barley are averaging in the upper nineties. Testing on official regulatory samples showed no violations for the month.

SEROLOGY SECTION: (Pete Bourns, Laboratory Scientist IV)

July

| 3-year Summary of Samples Analyzed | | | |
|---|--------------------|---------------------|---------------|
| Year | Brucellosis | Pseudorabies | E.I.A. |
| 2021 | 981 | 876 | 5 |
| 2020 | 955 | 773 | 15 |
| 2019 | 1351 | 170 | 10 |





GENERAL CHEMISTRY SECTION: (Jennifer Busey, Environmental/Chemical Laboratory Scientist IV)

Our new sulfur analyzer has been installed. We are still relying on a single acid hood (that has also been showing signs of failure) for all of our acid-specific analysis. We have not been given an updated timeline of the new hood replacements. If our final acid hood stops working, testing would halt on agricultural lime, sulfur confirmation, and minerals analysis.

The Section has been undergoing our annual technical and quality audit. The Technical Manager, Eli Klimek, has been observing in the laboratory as well as offering suggestions to streamline our systems

Overview of Section numbers for the month:

| | Feed | Fertilizer | Lime | Total |
|--------------------------|-------------|-------------------|-------------|--------------|
| Samples Received | 241 | 42 | 9 | 292 |
| Samples Completed | 251 | 58 | 6 | 315 |
| Determinations | 907 | 277 | 36 | 1220 |
| Violations | 103 | 38 | 2 | 143 |
| Violation % | 11.36% | 13.72% | 5.56% | 11.72% |

PESTICIDE SECTION: (Eli Klimek, Environmental/Chemical Laboratory Scientist IV)

A new chemist started in the Section this month. We are happy to have Jim Voss joining our team as a Chemist I.

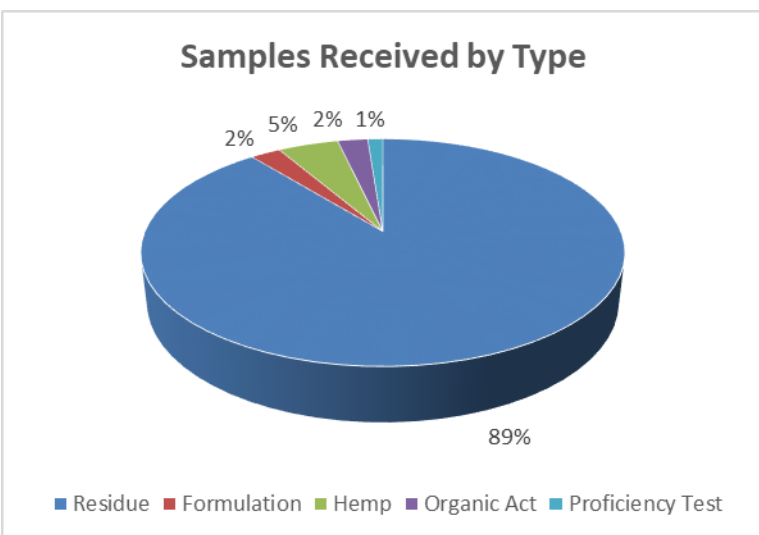
The Section Supervisor, Usha Pandy Kadel, is out of the office and expected to return the end of October. The Laboratory’s Technical Manager and Quality Manager have been handling many of her duties while she is out.

Pesticide Section by the numbers:

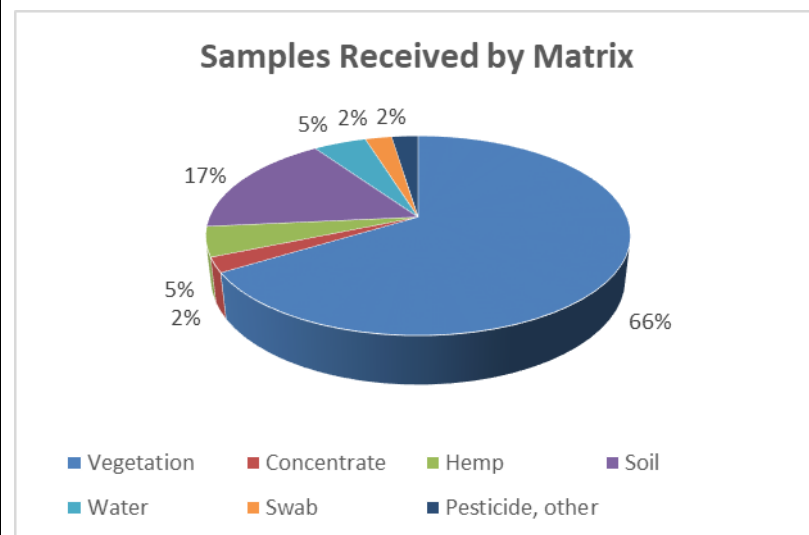
| Results Completed by Category | | | | |
|-------------------------------|-----------|-----------|----------------|----------------|
| Type | Samples | Tests | Determinations | Avg TAT (days) |
| Residue Vegetation | 9 | 14 | 128 | 43 |
| Residue Soil | 1 | 2 | 11 | 15 |
| Organic Act | 3 | 3 | 3 | 45 |
| Pesticide, Other | - | - | - | - |
| Residue Water | 3 | 6 | 32 | 35 |
| IFA Soilless | - | - | - | - |
| Concentrate | 1 | 2 | 2 | 138 |
| Tank Mix | - | - | - | - |
| Hemp | 4 | 4 | 4 | 7 |
| Proficiency Test | - | - | - | - |
| TOTALS | 21 | 31 | 180 | 38 |

| |
|--|
| Residue Avg TAT: 40 days |
| Formulations Avg TAT: 138 days |
| Hemp Avg TAT: 7 days |

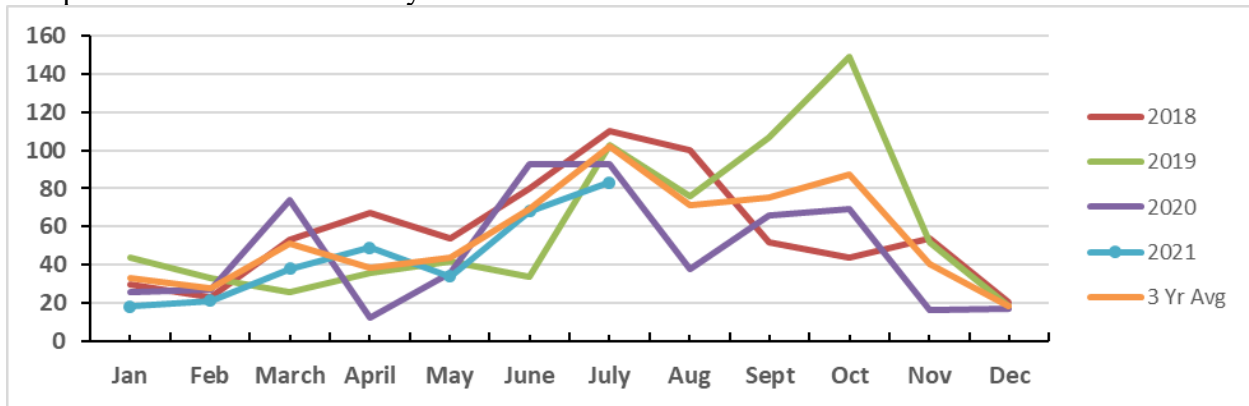
Samples Received By Type



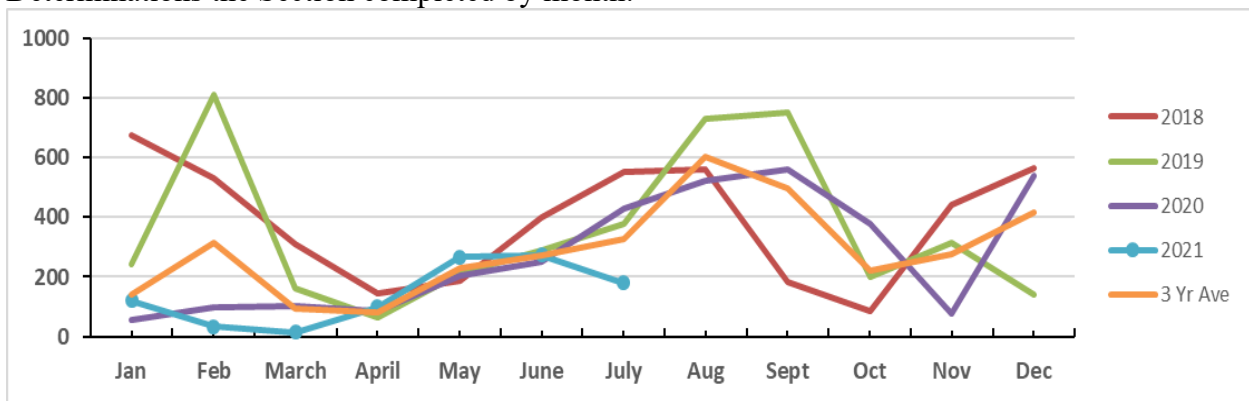
Samples Received By Matrix



Samples the Section received by month:



Determinations the Section completed by month:



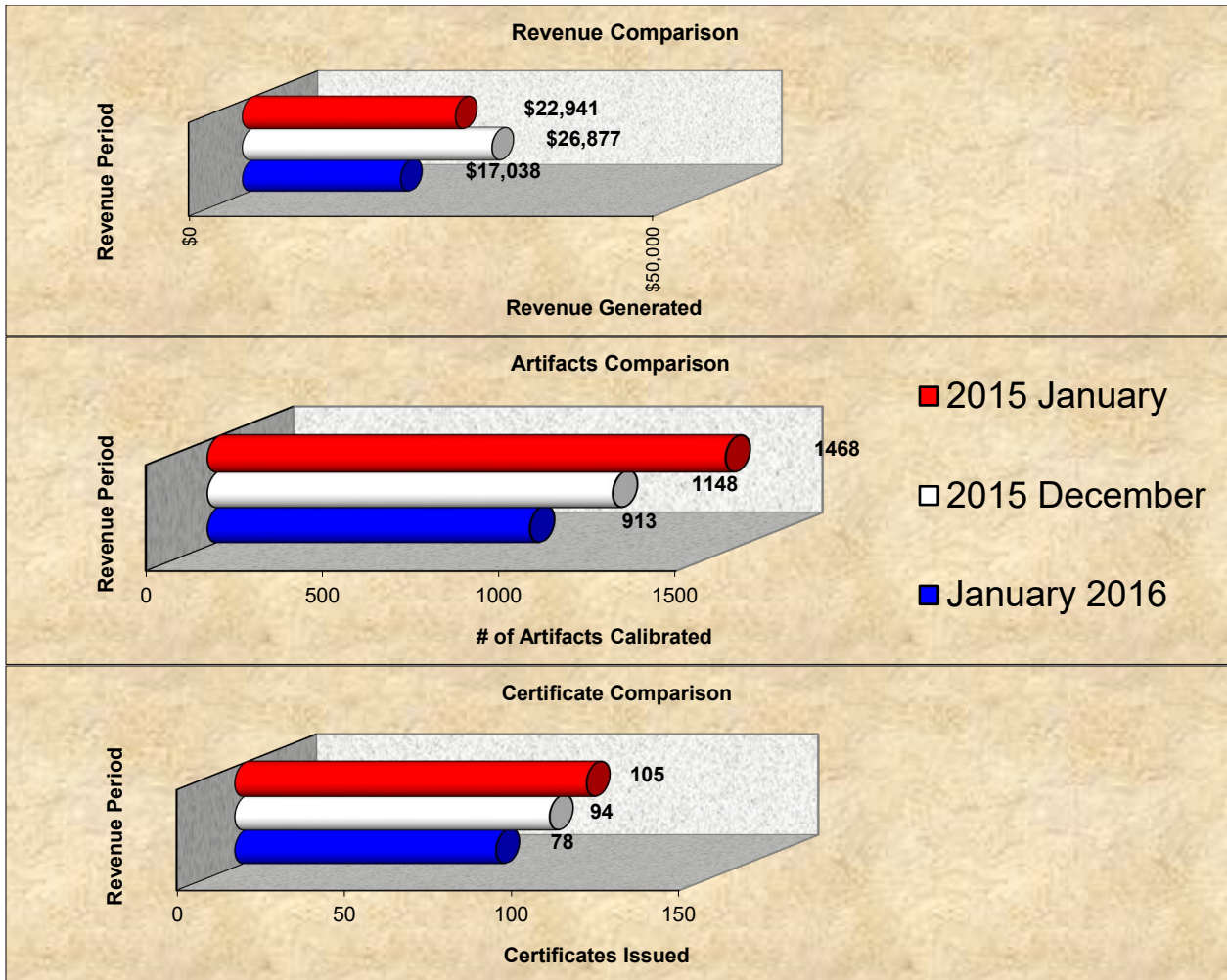
OKLAHOMA BUREAU OF STANDARDS: (Jeremy Nading, State Metrologist)

The following is a workload summary for the Oklahoma Bureau of Standards from July 1st through 31st.

The Bureau environment has been in very good control over the last month.

| Month | # | Fees | % of Fees | # Standards | % of Standards |
|------------------------|----|--------------|-----------|-------------|----------------|
| Out-of-State Customers | 7 | \$ 6,188.00 | 26 % | 179 | 13 % |
| In-State Customers | 15 | \$ 17,897.00 | 74 % | 1198 | 87 % |
| Totals | 22 | \$ 24,085.00 | 100% | 1377 | 100 % |

| Total Fees not Charged | # Working Days Lead Time to Next Available Date for Calibration |
|----------------------------|---|
| \$ 1,850.00 | Mass I / II |
| Fees not Charged ODAFF CPS | Mass III |
| \$ 0.00 | Volume |



Respectfully Submitted,

Jamie Pirrong
 Administrative Programs Officer
 Laboratory Services Division

**BOARD REPORT
 AGRICULTURAL LABORATORY SERVICES
 JULY 2021 ACTIVITIES**

| | |
|--|-------------|
| FEED SAMPLES | 241 |
| FEED DETERMINATIONS | 907 |
| POSSIBLE VIOLATIONS | 103 |
| | |
| FERTILIZER SAMPLES | 42 |
| FERTILIZER DETERMINATIONS | 277 |
| POSSIBLE VIOLATIONS | 38 |
| | |
| LIME SAMPLES | 9 |
| LIME DETERMINATIONS | 36 |
| POSSIBLE VIOLATIONS | 2 |
| | |
| PESTICIDE SAMPLES | 21 |
| PESTICIDE DETERMINATIONS | 180 |
| POSSIBLE VIOLATIONS | 0 |
| | |
| MEAT SAMPLES | 0 |
| MEAT DETERMINATIONS | 0 |
| VIOLATIONS | 0 |
| | |
| INORGANIC LAB SAMPLES | 99 |
| DETERMINATIONS | 449 |
| | |
| STATE-FEDERAL VET. LAB. SAMPLES | 1862 |
| STATE-FEDERAL VET. LAB. DETERMINATIONS | 2105 |
| NUMBER POSITIVES | 0 |
| | |
| SEED SAMPLES | 177 |
| SEED DETERMINATIONS | 258 |
| POSSIBLE VIOLATIONS | 0 |
| | |
| BUREAU OF STANDARDS CERTIFICATES | 135 |
| NUMBER OF STANDARDS CALIBRATED | 1377 |
| FEE CHARGES | \$24,085.00 |
| | |
| DAIRY SAMPLES | 397 |
| DAIRY DETERMINATIONS | 773 |
| POSSIBLE VIOLATIONS | 13 |
| | |
| TOTAL SAMPLES | 2983 |
| TOTAL DETERMINATIONS | 6362 |
| TOTAL POSSIBLE VIOLATIONS | 156 |



OKLAHOMA FORESTRY SERVICES BOARD REPORT – SEPT. 2021

Division Activities from July 21 – August 31.

Serving people by conserving, enhancing and protecting our lands and forest resources

Our board report is formatted to reflect the priorities of the National Cohesive Wildland Fire Management Strategy, which includes Resilient Landscapes, Fire Adapted Communities and Wildfire Response.

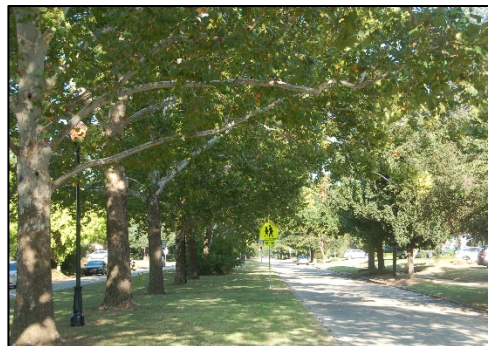
AUGUST HIGHLIGHTS

Urban Grants Available for Forest Improvements

Oklahoma Forestry Services, in conjunction with the USDA Forest Service and the Oklahoma Community Forestry Council, is accepting grant applications through November 12, 2021 from local governments, non-profit organizations, neighborhood associations, civic groups, educational institutions and tree volunteer groups. The grants are available to support a wide variety of projects and resources needed to assess, plan, maintain and improve urban and community forests.

The Urban and Community Forestry Grants range from \$1,000 to \$10,000 and require that recipients provide 50/50 matching funds in cash, donations or in-kind contributions and/or services. This funding can be used for projects such as forestry plans, conducting tree inventories, staffing, tree board development and tree protection ordinance development or revisions. Other projects that will be considered include public education materials, training, arboretum development and demonstrations projects that include tree maintenance or construction protection. A full list of acceptable projects can be found in the application.

Applications are available on the Oklahoma Forestry Services website at www.forestry.ok.gov and must be filled out and mailed to Oklahoma Forestry Services, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105 by 5pm on November 13, 2020. For questions or more information contact Mark Bays at 405-522-6150 or mark.bays@ag.ok.gov.



RESILIENT LANDSCAPES

URBAN & COMMUNITY FORESTRY

OG&E - On August 5th Community Forester Mark Bays met with Bud Dolan of OMES to discuss a potential tree removal of a lacebark elm on the corner of Hill and N Lincoln Blvd. The tree, planted within 5 feet of an electric utility pole, has grown significantly and is creating an elevated risk of causing a power outage. OG&E agreed to remove the tree later in the year when they come through during their routine pruning cycle.

Oklahoma Community Forestry Council – Mark Bays and Riley Coy attended the Council’s board meeting on August 12th in Stillwater. The Council’s strategic planning process, newsletter and educational training opportunities, including its annual conference scheduled for October 21st in Edmond, were discussed.

ACOG Meeting Presentation - Mark Bays, Brian Daugherty of Oklahoma City Community Foundation and Ryan Ochsner of Edmond were panel speakers at the monthly meeting of the Association of Central Oklahoma Governments on August 12th. They discussed the value and benefits trees provided to communities and reviewed the results of the Central Oklahoma Tree Canopy Study. Tree preservation and landscaping ordinances were also topics of discussion.

Oklahoma City National Memorial

On August 13th Mark Bays and Riley Coy met with James Sing of the National Memorial to conduct minor pruning on the Survivor Tree. Several small diameter dead branches were removed with the most likely cause being related to the extreme arctic conditions experienced during February of this year. Overall the tree continues to be in good health and is closely monitored by the National Memorial staff and Oklahoma Forestry Services.



Huffman Family Farm - Riley Coy and Mark Bays met with Kathleen Huffman on her 10 acre family farm located in Choctaw on August 16th. The farm sits within the Cross Timbers Forest with many native as well as unique trees planted by her father in the 1960’s. The farm, a small regenerative market farm which uses no-till practices, offers classes and presentations on using regenerative/sustainable concepts in garden and landscaping. OFS will be preparing a forestry management plan, as well as helping identify and mark trees throughout the property and along a walking trail.

Belle Isle School - Riley Coy and Mark Bays visited the Belle Isle elementary school in OKC on July 21st to discuss protection of a mature bur oak. The bur oak will be surrounded by construction and demolition with the addition of a new ball park. The tree is to be protected during construction and to serve as a statement tree at the entrance to the new ball park.

FOREST REGENERATION AND TREE IMPROVEMENT CENTERS



Barbara Fuson counting black walnut trees at the nursery.

The Forest Regeneration Center is currently wrapping up its annual inventory of all trees grown at the nursery. The staff at the nursery accomplish this by counting every tree in a foot of bed width, using a metal frame as a reference. Because the nursery grows millions of trees each year, they have to take an average of the number of trees grown in a bed foot and multiply that number out to the total number of bed feet in the growing beds. For example, in the one and a half beds of walnut planted this year, there are about 9,000 walnut trees. These initial inventories are used to determine the number of trees available for sale when seedling sales begin on October 1st.

FROM THE AREA OFFICES

East Central Area

- **Land Management** - Four new forest stewardship plans have been completed since last report on a total of 1,148 acres in Latimer County.
- **Internship Program:** The 2021 summer internship program is completed. The final projects of the summer consisted of further mapping of the cabins and roads in the Hochatown area, contacting Oklahoma sawmills to update that contact list and entering Oklahoma's native tree species by county into a spreadsheet to help with tree questions and tree planting selections fielded by OFS foresters.
- **Training:** S-290 class that was scheduled for September 13th – 17th has been cancelled due to COVID concerns. All the material and instructors lined up and ready when it is safe to conduct the class.

Northeast Area

- **Land Management:** NE Area foresters completed one Forest Stewardship plan, have four in progress and assisted 16 landowners with management plans and a variety of questions. NE Area Foresters have continued work on the Forest Stewardship Plan for Turkey Mountain Urban Wilderness Area, which is located near Tulsa. Reviews are being conducted and final editing is in place for the plan.
- **Training:** Sequoyah County S-130/190 scheduled for September 10th – 12th was cancelled due to COVID safety concerns. Logan County S-130/190 is still scheduled for October 1st – 3rd.



OFS Rangers utilizing OFS Type 6 Engines and Dozers have supported several fires in the western US this summer. The picture above features NE and SE Area Rangers who were recently assigned to the Snake River Complex in Idaho.

Southeast Area

- **Land Management** – SE Area foresters completed five Forest Stewardship Plans and assisted 27 landowners with a variety of management issues.
- **Special Project:** Rangers in constructed a security fence across the front of the office property in Broken Bow.

- **Internet and Wi-Fi issues at Antlers Office:** SE Area continues to look for solutions to the slow internet and lack of Wi-Fi connectivity. A price quote for non-DSL internet service was cost prohibitive and they are working with First Net to procure a device that would provide service to the office at a reasonable monthly rate.

WILDFIRE RESPONSE

Fire Staff Board Report – 08/26/21

Wildfire Outlook Executive Summary:

Vigorous herbaceous growth response resulting from late spring/early summer rains subdued wildfire activity early in the summer and has held occurrence below average through August so far. July statistics are noted to the right, with August occurrence remaining below average due to live fuel moistures continuing to retard fire behavior. The recent hot/dry period has resulted in degrading live fuel moisture and decreasing soil moisture in some areas, although overall fire danger remains relatively low statewide. However it is worth noting that the rapid drying of fuels will begin to drive localized fire danger in the absence of rainfall.

| July 2021 Fire Response | Fires | Acres |
|---|------------|-----------------|
| 2021 Wildfires Year-to-Date | 565 | 50,563 |
| OFS Protection Area - Month | 11 | 68 |
| 5-Year Average | 24 | 705 |
| 10-Year Average | 122 | 3523 |
| Protection Area YTD | 506 | 30,724 |
| OFS Response Outside Protection Area | 0 | 0 |
| OFS Response Outside Protection Area YTD | 20 | 17,232 |
| Fire Department Reports | 1 | 1 |
| Fire Department Reports YTD | 39 | 2,611 |
| Prescribed Burns - SE | 14 | 6,453 |
| Prescribed Burns - EC | 34 | 4,605.5 |
| Prescribed Burns - NE | 2 | 163 |
| Prescribed Burns - OKOKS | 0 | 0 |
| Prescribed Burns - YTD | 50 | 11,521.5 |

Operational Indicators/Implications and Associated Response Actions with Oklahoma Forestry Services Wildfire Preparedness Levels are expected to remain at Preparedness Level 1 (PL1) through the remainder of August and into early September with minimal resistance to control on new wildfire incidents.

A downturn in wildfire activity has permitted OFS to support wildfire incidents on the national level which will result in some revenue generation associated with equipment cost reimbursement. As of the writing of this report, OFS has mobilized personnel and equipment supporting wildfire response to twelve (12) states including MT, AK, MN, AZ, WA, OR, UT, ID, CO, AR, CA and SD. Personnel have functioned in all aspects of the Incident Command System including Command, Public Information, Plans, Logistics, Finance and of course Operations. Notably, OFS personnel have also been afforded several opportunities to complete work in Position Task Books increasing the capacity and qualifications of OFS personnel for service in Oklahoma.

COMMUNITY OUTREACH & COMMUNICATIONS

FOREST HERITAGE CENTER

Museum visitation was 16,510 for the month of July.

EXHIBITS AND EVENTS

Owa-Chito Festival of the Forest - The Owa-Chito Festival of the Forest is scheduled for September 24th and 25th in Beavers Bend State Park. As part of the festivities, the Forest Heritage Center will host outdoor wood art demonstrations.

Beavers Bend Folk Festival & Craft Show - The annual Beavers Bend Folk Festival & Craft has been cancelled due to COVID safety concerns.

Farm Bureau Young Farmers and Ranchers Leadership Group Tour – 50 young adults with the leadership group toured the Forest Heritage Center on Saturday, July 31st. They began their day by seeing private forestry at the Herron Tree Farm in Idabel and learned about forestry machinery at Yellow House before coming to the Forest Heritage Center. Board members Dennis Wilson, Randy Holeman, and John Davis assisted Don Armes and Calista Stephens with the tour.

PROGRAMS & PROJECTS

FHC Gift Shop Update - The gift shop expansion and remodel are underway. The drawing and material list have been approved by the Department of Tourism and the material list has been submitted. A partial delivery of materials is expected on Thursday, August 26th. The contractors will provide a rough estimate of a completion date after receiving the materials. Footers have been poured and the interior of the shop has been gutted. The gift shop remodel and expansion is a partnership between Oklahoma Tourism and Recreation Department and the Forest Heritage Center Board of Directors.

Diorama Lighting - In a partnership with Oklahoma Tourism & Recreation Department (OTRD), the bulbs in the 14 dioramas are being replaced with LED bulbs. The change requires the work of an electrician and Prater Electric has been contracted by OTRD to do the work in July. The change will save on electric costs and reduce radiant heat, making them a safer alternative for the care of the dioramas.



Oklahoma State University/Dr. Kuzmic Collection - Dr. Thomas Kuzmic contacted the Forest Heritage Center about a primarily archival collection relating to the founding of the Forestry department at Oklahoma State University. Calista Stephens is working with Chad Williams at the Oklahoma Historical Society to find the right home for the collection and to collect an oral history from Dr. Kuzmic and others who have been influenced by the forestry education they received at OSU. Dr. Kuzmic will be retiring in December. January marks the 75th year of the Forestry department at OSU and Dr. Kuzmic had pins (pictured left) made to commemorate the anniversary.

Upcoming Events

The Oklahoma Community Forestry Council will hold its annual conference October 21st in Edmond. Dr. John Ball of North Dakota State University and Dr. Carl Whitcomb, researcher and author of [Know It & Grow It](#) are scheduled to be the keynote speakers.

Media

- Mark Bays was interviewed by KOCO Channel 5 on August 24th regarding the difference between trees that are stressed due to the heat and reduced rainfall and those with health concerns and the natural leaf loss experienced during August just prior to fall.
- OFS issued a press on August 26th release about Calista Stephens being named Manager of the Forest Heritage Center.
- OFS issued a press release on August 30th regarding the availability of Urban Grants.

STATE FORESTER ACTIVITIES – July 28th thru August 31st

- Served as Deputy Incident Commander on the West Lolo Complex of wildfires near Thompson Falls, MT from 29 July 2021 thru 15 August 2021
- Attended two weekly ODAFF Director's Meetings
- Participated in one virtual meeting of the NWCG Medical and Public Health Advisory Team
- Attended a meeting of the Land Mobile Radio Public Safety Interoperability Cooperative Committee Technology Subcommittee
- Participated in a Landscape Level Integration & Shared Stewardship discussion with the US Forest Service and Southern Group of State Foresters Executive Committee.
- Participated in a Northern Rockies Incident Management Team coordination call

- Served as Deputy Incident Commander on the Rough Patch Complex of wildfires near Glide, OR beginning on 26 August 2021 thru anticipated demob date of 9 September 2021

Respectfully Submitted,

Mark E. Goeller
Director/State Forester



PESTICIDE SECTION

Pesticide Registration Activity

Pesticide registrations for June 1st to August 27th in 2021 are presented in the following chart. A total of 5285 products were registered, of the products registered 4840 were renewals and 445 were new. There were 230 products cancelled.



Pesticide Samples

Pesticide samples taken July-August 2021 are presented in the following chart. A total of 102 Residue, 11 Concentrate, 4 Pollution, 7 Other, and 14 Documentary samples were taken.

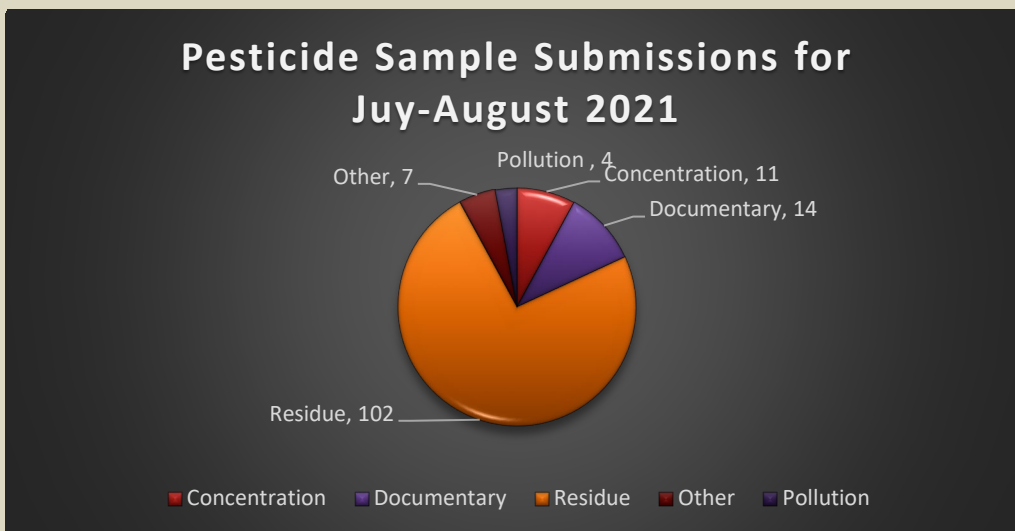


Table 1. Inspection Count for July - August 2021*

| Inspection Type | Number of Inspections | | |
|----------------------------------|-----------------------|-------------|-----------------|
| | July | August | Two Month Total |
| Experimental Use Permit | 0 | 0 | 0 |
| Marketplace | 10 | 18 | 28 |
| Pesticide Applicator Facility | 12 | 23 | 35 |
| Pesticide Service Inspection | 0 | 0 | 0 |
| Restricted Use Pesticide Dealer | 1 | 7 | 8 |
| Container Containment Inspection | 0 | 0 | 0 |
| Producer Establishment | 0 | 0 | 0 |
| Use | 44 | 74 | 118 |
| Termite | 0 | 0 | 0 |
| Wood | 1 | 0 | 1 |
| Pre-treat | 2 | 3 | 5 |
| Pesticide Label | 416 | 1162 | 1578 |
| Worker Protection | 0 | 3 | 3 |
| Total | 486 | 1290 | 1776 |

* Inspections not yet submitted at the time of this report will be reflected in the next board report

Along with the above inspections CPS inspectors also took 51 non agriculture use samples and 87 agriculture use samples for a total of 138 samples.

Pesticide Testing & Updates

PSI Testing

All locations are now working at full capacity. PSI complaints have been up recently due to scheduling issues and missing exam reports.

FY2021: 3,321 exams administered

Private Applicators

Updates for private applicators have been released to the public. Open-book exams will no longer be accepted starting June 1, 2021.

There are currently 7,467 Private Applicators.

Licensing

Pesticide producing establishment licenses expired on June 30, 2021. Licensees had until July 15, 2021 to submit license fee and EPA form 3540-16 to avoid a late fee and stop-work order.

54 active licenses

6 Stop Work Orders (no EPA form 3540-16)

Pesticide Complaints

| PESTICIDE COMPLAINTS | July 21, 2021 – August 30, 2021 | | | |
|------------------------|---------------------------------|--------|-----------------|-----------|
| | RECEIVED | CLOSED | WARNINGS ISSUED | NO ACTION |
| CONSUMER GENERATED | 25 | 18 | 2 | 18 |
| MUSK THISTLE | 1 | | | |
| CASES REFERRED TO OGC: | 2 | | | |

ENVIRONMENTAL RESOURCE AND HORTICULTURE SECTION

Plant Protection Program

Phytosanitary Certificates

Federal Phytosanitary Certificates Issued from July 1, 2021 – July 31, 2021

Commercial value of shipment \$1,250 or more:
18 Federal Phytosanitary certificates issued @ \$106.00 each

Commercial value of shipment less than \$1,250:
2 Federal Phytosanitary Certificates issued @ \$61.00 each

| <u>Federal Phytosanitary Certificates (July 1, 2021 - July 31, 2021)</u> | | | |
|--|-----------------|------------------------|---------------|
| Country | Product | Quantity | Phytos Issued |
| Argentina | Peanut Seed | 63 packs (9 seeds ea.) | 1 |
| France | Wheat Seed | 20 Grams | 1 |
| Japan | Sesame Seed | 353,660 lbs | 1 |
| Republic of Korea | Walnut Log | 62 Logs | 1 |
| Mexico | Sesame Seed | 735,169 lbs | 13 |
| Thailand | Miscanthus Seed | 264,552 lbs | 1 |
| Vietnam | Walnut Log | 48 | 2 |

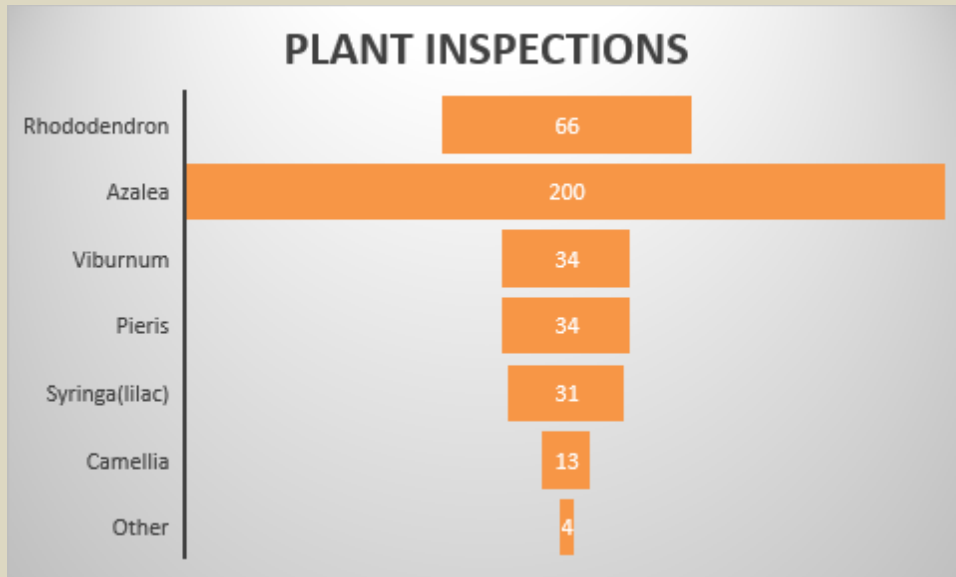
State Phytosanitary Certificates Issued from July 1, 2021 – July 31, 2021
 89 Phytosanitary Certificates issued @ \$20 each



Phytophthora ramorum (SOD) Survey

As plant shipments into the state increase for the fall nursery season, inspectors are looking for *P. ramorum* symptoms on host-associated plants (HAP) around the state. In the last 2 weeks, we are beginning to see shipments from Means Nursery, where *P. ramorum* positive plants were found in 2021 arriving at Lowe’s stores around the state.

As of August 30, there have been 382 inspections and 45 samples taken and we expect those numbers to increase in the Fall nursery shipping window.



Japanese Beetle Trapping and Survey

Traps for the Japanese Beetle survey were set out in mid-May. There are 5 inspectors participating in this survey. They set a total of 48 traps across 9 counties and 11 nursery operations.

Each trap was checked twice in June, twice in July, and once in August. In September and October, we will check the traps once per month and remove the traps in October, concluding the survey.

As of August 30, we have found 19 beetles in Canadian County in a total of 6 traps across 2 nursery operations. According to the Japanese Beetle Harmonization Plan, Canadian County will now be declared positive for Japanese Beetle.

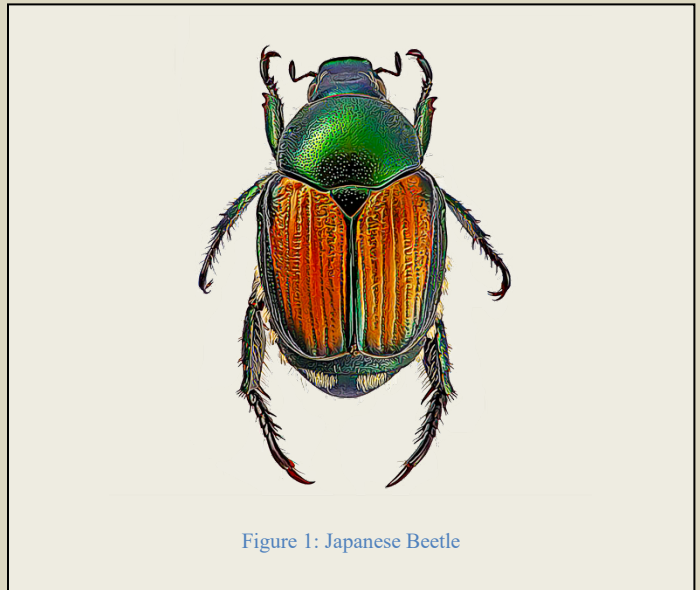


Figure 1: Japanese Beetle

<https://www.gardentech.com/insects/japanese-beetles>

Weed Free Forage

We had one farm participate in the weed-free forage program this year. Richard, CPS Inspector, was able to certify 330 acres of wheat straw at Dougherty Farms in Caddo County as a weed-free crop. These reports have been submitted and the certificates have been issued.

Boxwood Blight/Box Tree Moth

ODAFF has received material concerning two issues going on in the United States on Boxwood: Boxwood Blight, a foliar disease caused by a fungus, and Box Tree Moth, an insect that was introduced from Canada in the last few months. CPS Inspectors are checking Boxwoods around the state, documenting their inspection, as well as submitting samples when needed.

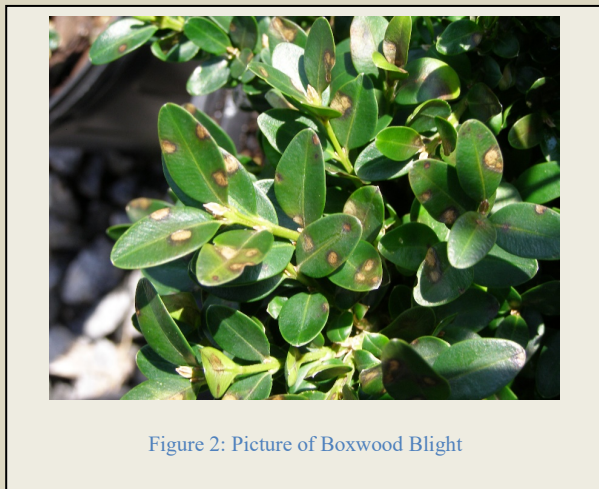


Figure 2: Picture of Boxwood Blight

<https://www.mda.state.mn.us/plants/plantdiseases/boxwood-blight>



Figure 3: Picture of a Boxwood Moth

https://www.aphis.usda.gov/aphis/newsroom/stakeholder-info/sa_by_date/sa-2021/sa-05/box-tree-moth

Growing Season Inspection – Sesame



Figure 4: Sesame field in Southwest Oklahoma

Richard Folsom, CPS inspector, performed a growing season inspection on Sesame plants that will be harvested for seed and sold internationally. This type of inspection was new for ODAFF and included a lot of background research with Sesame disease experts. It also required putting together reports for the inspector and creating a new inspection form. The inspection form was set up to include looking for diseases, insects and noxious weeds in the growing field.

On this site Richard took a sample that was sent to PDIDL for identification. We are still awaiting results from the sample but if nothing is found a certificate will be issued.

SANC Training with Missouri Department of Agriculture

Kaci Hubbell, Nursery Program Administrator, was able to join two inspectors from the Missouri Department of Agriculture on a SANC Audit performed at Forrest Keeling Nursery in Elsberry, MO. Forrest Keeling Nursery is a wholesale and retail Nursery that specializes in native plants. This cooperative effort with MDA provided a much-needed SANC training opportunity since they have been hampered nationally due to Covid-19.



Figure 5: Forrest Keeling Nursery container blocks



Figure 7: Forrest Keeling Nursery greenhouse plants



Figure 6: Forrest Keeling Nursery Office

Industrial Hemp and Apiary Program

Hemp

| Hemp Growers | Hemp Acres | Hemp Sq. Ft |
|--------------|------------|-------------|
| 56 | 3322 | 36,762 |

We have 18 licensed hemp processors/handlers.

On September 1, 2021, Caroline Nelson, Hemp Program Administrator, spoke to the Oklahoma Department of Commerce about hemp in Oklahoma. The presentation covered the application process and information about the industry in Oklahoma.

Hemp growers should begin harvesting soon and we are looking forward to hearing updates from our hemp growers.

The hemp program is also getting questions about licensing for next year. Kelly Registration has developed an online portal for applicants and for the 2022 season they will have an online option for licensing.

Finally, ODAFF continues working with the University of Oklahoma to develop a GIS app that allows our inspectors to easily enter data and map out each licensed location. We have gone live with this app with very limited issues.

Apiary

Caroline Nelson, Apiary Program Administrator, will be presenting to the Oklahoma State Beekeepers Association in October. Licensing for beekeepers expires on January 31st.

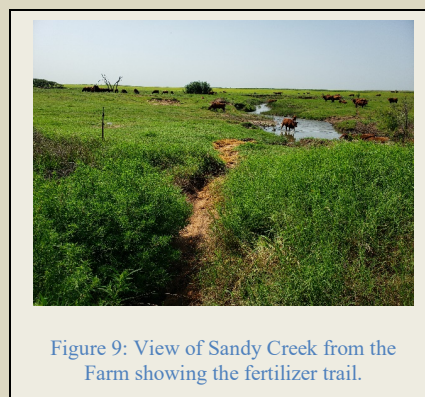
Environmental Resource Section



Figure 8: Picture viewing the farmers property from Sandy Creek showing the fertilizer trail.

On July 13, 2021, ODAFF conducted an investigation at a farm in Eldorado. This investigation was a result of the fish kill event that was referred to ODAFF from DEQ. The fish kill was first observed at Sandy Creek bridge on Highway 5 located 1/3 mile west of the intersection of North County Road 1840 and Highway 5 just downstream from the farm. The property owner reported a break in several days prior to the fish kill event. The result of the break in was one of his fertilizer tanks was tampered with and leaked approximately

2500 gallons of 32-0-0 liquid fertilizer which made its way to Sandy Creek. A soil sample was collected near the creek bank where the fertilizer made the entrance to the creek, and it was confirmed to have excessive amounts of nitrate-n and ammonia-n content. The property owner has been notified that the site will need to be remediated to prevent further pollution. Figures 7 and 8 are pictures of the site showing the fertilizer burn effect.



AGRICULTURE RESOURCE SECTION

Feed Program

During this reporting period there were a total of 246 official feed samples analyzed, with 874 feed determinations made from these samples. These determinations resulted in the issuance of 44 violations for feeds or feed ingredients that did not meet established tolerances based on their guaranteed analysis. Most of these violations were issued for products deficient in Crude Protein. Other violations include Crude Fat, Calcium, Salt, Phosphorus, Copper, Magnesium, Vitamin A, and Zinc. Nineteen stop sale orders were issued for feed products with severe deviations from their guaranteed analysis. Seven stop sales were issued for products deficient in Crude Protein. Six stop sales were issued for products deficient in Vitamin A. Two stop sales were issued for products deficient in Calcium. One stop sale was issued for a product deficient in Crude Fat. One stop sale was issued for a product deficient in Salt. One stop sale was issued for a product deficient in Copper. One stop sale was issued for a product with excessive Crude Fiber.

The following tables show a two-month comparison of label violations and stop sale orders issued by the Department for feed products that did not meet their guaranteed analysis.

Table 1. Feed Notice of Label Violation Summary June 2021 – July 2021

| Nutritional Guarantee | Number of Label Violations | | |
|-----------------------|----------------------------|-------------------|-----------------|
| | June ¹ | July ² | Two Month Total |
| Crude Protein | 9 | 22 | 31 |
| Non-protein Nitrogen | 0 | 0 | 0 |
| Crude Fat | 5 | 5 | 10 |
| Crude Fiber | 3 | 0 | 3 |
| Calcium | 3 | 3 | 6 |
| Phosphorus | 2 | 0 | 2 |
| Salt | 4 | 5 | 9 |
| Magnesium | 0 | 1 | 1 |
| Potassium | 0 | 0 | 0 |
| Copper | 4 | 2 | 6 |
| Iron | 0 | 0 | 0 |
| Zinc | 2 | 5 | 7 |
| Vitamin A | 2 | 1 | 3 |
| Medicated Feed | 0 | 0 | 0 |
| Total | 34 | 44 | 78 |

¹ 146 feed samples analyzed with 656 determinations; ² 246 feed samples analyzed with 656 determinations

Table 2. Feed Stop Sale Summary June 2021 – July 2021

| Nutritional Guarantee | Number of Stop Sales | | |
|-----------------------|----------------------|-------------------|-----------------|
| | June ¹ | July ² | Two Month Total |
| Crude Protein | 0 | 7 | 7 |
| Non-protein Nitrogen | 0 | 0 | 0 |
| Crude Fat | 2 | 1 | 3 |
| Crude Fiber | 0 | 1 | 1 |
| Calcium | 0 | 2 | 2 |
| Phosphorus | 0 | 0 | 0 |
| Salt | 1 | 1 | 2 |
| Manganese | 0 | 0 | 0 |
| Potassium | 0 | 0 | 0 |
| Copper | 2 | 1 | 3 |
| Zinc | 1 | 0 | 1 |
| Vitamin A | 5 | 6 | 11 |
| Medicated Feed | 0 | 0 | 0 |
| Total | 11 | 19 | 30 |

¹ 146 feed samples analyzed with 656 determinations; ² 246 feed samples analyzed with 656 determinations

Weights & Measures Program

During this period the large capacity scale technicians tested 127 Vehicle scales and 3 Ranch scales, 22 of the Vehicle scales were rejected for repairs.

CPS inspectors checked a total of 855 small scales, 22 platform scales and 5 other types of scales during this period, 18 scales were rejected. There were 16 random pack inspections and 35 standard pack inspections conducted that resulted in 5 companies receiving letters of warning and 1 company receiving a Stop Sale. Additionally, 116 price verification inspections were conducted at various retailers that resulted in 5 companies receiving letters of warning. A total of seven scale companies and one business owner received a letter of warning for not properly servicing scales. Two Medical Marijuana businesses received a letter of warning for not using an approved scale for commercial transactions. One scrap metal dealer was issued a Stop Work Order for operating without a license while another scrap metal dealer was sent a letter of warning for records violations.

Our Large-scale technicians have been working in the panhandle the last couple of weeks and have wrapped it up.

Fertilizer Program

All companies with unreported fertilizer and ag lime tonnage have been sent a stop sale order. Stop Sale Orders were also sent out to 62 companies for their expired specialty fertilizer product registrations. The following tables show performance numbers for the fertilizer and agricultural lime programs.

| Type of Sample | Number |
|----------------|--------|
| Fertilizer | 65 |
| Lime | 14 |

| Letters of Warning | Sample Deficiency Penalties | Notice of Deficiency/ Stop Sales |
|--------------------|-----------------------------|----------------------------------|
| 8 | 5 | 3 |

| Type of Investigation | Number |
|---------------------------------|-------------------|
| Dry Fertilizer Facility | 35 |
| Liquid Fertilizer Facility | 30 |
| Pre-Site Facility | 1 |
| Anhydrous Ammonia Storage Tanks | 0 |
| Anhydrous Ammonia Nurse Tanks | 1 (2 Total Tanks) |

I will be glad to answer any questions from the Board members.

Kenny M. Naylor



Oklahoma Department of Agriculture, Food and Forestry
Animal Industry Services Board Report
September 15, 2021
Activities July 24, 2021 – August 27, 2021

Animal Disease Traceability:

On July 11, Dr. Gorczyca provided an ADT update to the Oklahoma Livestock Market Association's summer meeting.

On July 21, a livestock inspector found over 15 NUES tags that had been used for official identification in a trash can at a livestock market. We are currently investigating who the last purchaser was for each of the tags found to determine if it was a single individual or a group of individuals that removed the ear tags out of the cattle prior to being sold again. Once all information is collected, it will be turned over to the USDA to conduct an IES investigation.

Aquaculture:

There was no activity of note during this period.

Biologics:

On June 24, we met with Cambridge Technologies to discuss simplifying non-adjacent autogenous biological requests. 9 CFR part 113.113 (a) (3) allows for the non-adjacent herd to be reported as a geographical area instead of providing individual premises locations. All other requirements must be met including an epidemiological link between herd of origin and non-adjacent herd. For Cambridge Technologies, this simplifies their reporting and requesting paperwork and allows for a biological product to be utilized statewide instead of requesting permission each time a veterinarian chooses to use it in a new herd. Cambridge will maintain all herd lists the approved biological product will be used in. Dr. Gorczyca approved the modified non-adjacent autogenous request with the option to revert to requiring non-adjacent herd lists should the need arise.

Cattle Programs:

Brucellosis:

We have no active bovine Brucellosis cases currently.

The only remaining reservoir of *B abortus* in the U.S. is in elk and bison in the Greater Yellowstone Park area. Those states have Designated Surveillance Areas, where the disease in wildlife occasionally spills over into domestic cattle and bison.

While there is very little need to test for *B abortus* any longer, this means we have very little or no surveillance for *Brucella suis* (Swine Brucellosis) which currently infects approximately 20% of the feral swine that our Wildlife Services personnel test. *B suis* can, and does, infect cattle. I fear this could lead to an increase in the number of human cases of *B suis*.

Tuberculosis:

On May 19 we were notified of a bull from Oklahoma that tested positive for TB at a slaughter plant in Nebraska. Tracing back through the Livestock Market where the bull sold led us to the premises of origin in Osage County. Dr. Stone and Dr. Proctor have visited the premises and begun the epidemiological investigation. This producer has a very complex operation with many moving parts, has good records of movement and has been very cooperative.

Many cattle that had exposure to the bull are no longer on the premises. We were able to trace previous exposure to the positive bull either to slaughter or to herds in 2 other states. We shared this information with these states for further investigation.

The exposed cattle received the first herd test on June 14th with supplemental testing of suspects completed on June 17th. Any animal suspect on supplement tests were euthanized for necropsy examination for lesions and sample collections on July 7th by a team of ODAFF and USDA Livestock Inspector's, Animal Health Technicians and Veterinary Medical Officer's. The preliminary test results have all been negative. A second test of the herd is planned for mid-September.

Other potentially exposed Oklahoma animals destined for feedlots and slaughter harvest have received official identification, been tested once and were negative. Additional information of these animals will be gathered by FSIS on harvest.

ODAFF and USDA have worked with the rancher for C&D with down time of the premise at owner expense.

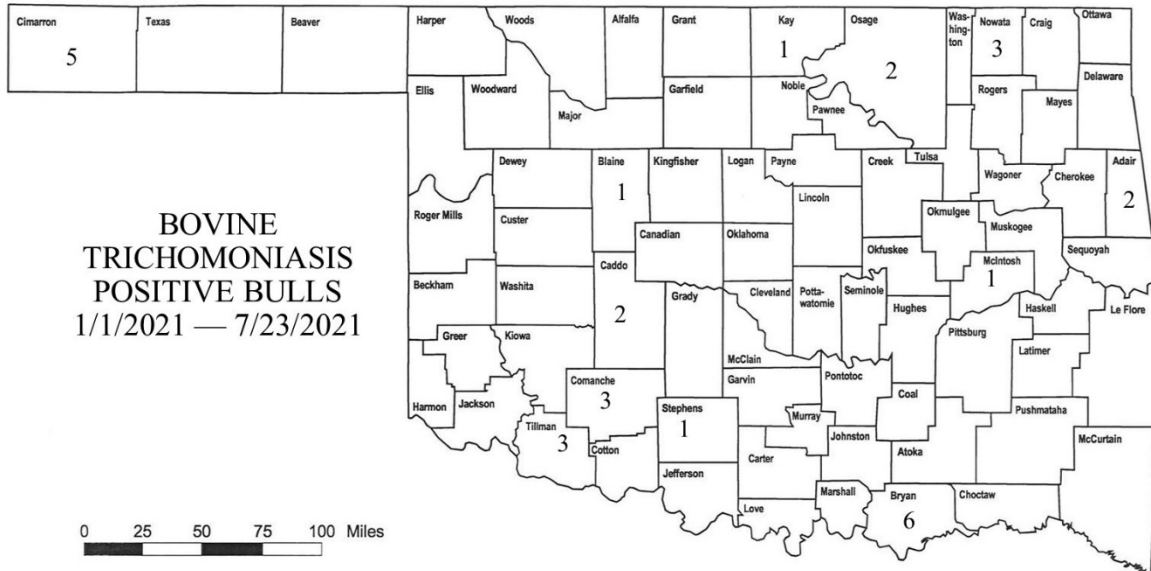
Assurance tests are planned for the fall for the three TB affected herds we tested last year.

Our State and Federal Field Veterinarians follow up on suspect screening tests by private veterinarians by conducting confirmatory tests.

Trichomoniasis:

During this period 954 Oklahoma bulls were tested, and 1 positive bull was discovered. Dr. Proctor contacts the owners of positive bulls and their veterinarians to follow up and offer advice about control and eradication of the disease, and to answer questions about the disease and our regulations.

Our current statistics compare to 2.1% positive bulls in 2011, 14% in 2012, 1.3% in 2013, 1.4% in 2014, 1.1% in 2015, 1.1% in 2016, 0.5% in 2017, 0.32% in 2018, 0.42% in 2019, and 0.35% in 2020.



10,104 bulls tested / 30 positive = 0.30% positive

Johne’s Disease:

During the reporting period of 2020 we received 21 positive reports on 16 new premises and in 2021 we have 10 positive reports on 8 new premises. 2020 year to date we received 66 positive reports on 47 new premises. 2021 is essentially the same.

Johne’s disease continues to be a disease of low priority and awareness for most Oklahoma producers. This lack of priority and awareness was exposed by a local veterinarian when a medium size ranch operation identified 9% herd positive on the first herd screening test. This herd had been experiencing a high percentage of wasting and death approaching 10%. The known limitations of the test mean the within herd prevalence to be conservatively estimated to be 35% or more.

Dr. Stone met with the owner and his grandson manager to explain the disease. The producer decided the best option was for total herd depopulation with all adult animals to sell for “Slaughter Only”, all younger stock to sell into slaughter channels and switch the ranch to a stocker only operation with no replacements allowed. Because the disease survives for long periods in the environment, mainly manure and in water, the ranch will need to maintain these changes for a several years. The ranch has in the past used contaminated water for irrigation of pastures and crops which greatly increased the exposure.

Dr. Stone visits with veterinarians and producers to help with testing strategy, husbandry practices, risk, and education.

Emergency Management:

On June 7, Dr. Gorczyca and I met with Dr. Steven Clifton and Clay Bailey with Tyson, The Pork Group, to go over their Secure Pork Supply plan.

We are working with the OK Pork Council to identify voting delegates to represent the Oklahoma swine industry at the inaugural US SHIP House of Delegates meeting August 23-24. In consultation with OK Pork Council and Secretary Arthur, AIS will be the Official State Agency to manage US SHIP for Oklahoma.

On June 21, Dr. Gorczyca and I participated in an Oklahoma Food and Agriculture Emergency Preparedness Workshop that was facilitated by the US Department of Homeland Security Food, Agriculture, and Veterinary Defense office.

Dr. Gorczyca participated in a FAD SAFE (FMD Functional Exercise) planning call on June 10 and July 19.

On June 16, Dr. Gorczyca and I met with Scott Anderson, CRI Feeders manager to discuss his participation in the upcoming Secure Beef Supply permit drill. He will develop a SBS plan for CRI that can be used during the drill.

Dr. Gorczyca participated on the SBS permitting drill planning call on June 8 and July 13.

On June 23, Dr. Leslie Cole conducted Respiratory Fit Testing for all the livestock inspectors and veterinarians.

On July 8, Dr. Gorczyca was interviewed by the Journal Record over foreign animal diseases and Oklahoma's preparation to respond to an outbreak.

We continue to participate in weekly ASF Slaughter Plant Working Group discussions to help prepare the packing industry to respond during an ASF outbreak.

Equine Programs:

There are no new cases of EIA in Oklahoma.

There are no reported cases or quarantines for CEM in Oklahoma.

There are no new Piroplasmosis cases or tracebacks for Oklahoma.

There have been 3 vesicular stomatitis virus investigations in horses. All 3 cases were found to be negative for VSV. The US has not had a reported case of VSV for 2021.

On May 27 we received a request for information from North Dakota involving an Oklahoma horse dealer, a transporter from Oklahoma, and an Oklahoma veterinarian, moving horses not in compliance with North Dakota import requirements. This is the same dealer and transporter involved in the purchase of horses that moved into Minnesota, but which South Dakota believed were moving to Oklahoma that were in the last board report. Dr. G and Dr Ruby worked with helping North Dakota with their investigation.

Farmed Cervidae Programs:

36 warning letters were mailed to program participants on April 9, 2021 who did not submit their renewal applications by the April 1st deadline. There are 4 outstanding after follow up phone calls made 6/1/2021.

Feral Swine:

26 warning letters were mailed to program participants on April 9, 2021 who did not submit their renewal applications by the April 1st deadline. There is 1 outstanding after follow up phone calls were made on 6/1/21.

On June 8th Dr. Stone and LSI Brice Callahan conducted a follow-up inspection of a Feral Swine Hunting Facility for correction of issues identified previously with animal care and welfare. These problems had been all been corrected.

Foreign Animal Disease:

ODAFF and APHIS personnel performed five FAD investigations during this time frame. Three were suspected Vesicular Stomatitis Virus infections in horses in Jackson, Washington, and Payne Counties. One was a suspected VSV infection in a goat from Tulsa County. The other was a large group of rabbits with acute, high death loss that we suspected Rabbit Hemorrhagic Disease in. Thankfully no FADs were diagnosed.

We continue to be part of three separate working groups that are planning to respond to African Swine Fever in case the disease makes it to the USA.

Rabbit Hemorrhagic Disease cases have now been detected in wild and/or domestic rabbits in 15 states. We are continuing to monitor and assess the risk for Oklahoma rabbit populations. The public is encouraged to report any dead wild rabbits and rabbit owners and accredited veterinarians should report any suspicious cases to our division.

We continue to monitor for cases of Vesicular Stomatitis since we had the large outbreak last year. So far, no cases have been diagnosed in the United States in 2021.

Livestock Market Audits:

During this period, staff has approved the application for multiple livestock market changes as well as one new start-up market. Jesse “Len” Gregory has purchased the livestock market in Vinita, OK from the Carroll family. The new Vinita Stockyards LLC has a cattle sale every Wednesday at noon and plans to add a monthly horse sale beginning in August.

Also, longtime market owner Glen Payne has sold his commission company at Oklahoma National Stockyards to partners Tom Runyan and Jason Baker. The new Swift & Henry Livestock Commission Company LLC will continue to operate as Central Halliburton Livestock Commission Company, just as Mr. Payne has done for many years. Mr. Runyan and Mr. Baker had their first sale on June 7.

Another sale barn has sold in southeast Oklahoma. Rocky and Clint Crane have purchased the livestock market in Wister, OK. The new Mountain Creek Livestock LLC began their operations with a first sale on July 10. The Cranes host a sale every Saturday with hogs and goats at 10:00 and cattle at 12:30.

In addition to the market ownership changes, one license was granted to a new start up facility during this period. SageBrush Auctions LLC is a new monthly sheep and goat sale located at the Harper County Fairgrounds in Buffalo, Oklahoma. The market owned by Dane Drake and Jody Bryant began operations in June. Also during this period, a number of livestock market custodial account audits were performed with no violations discovered.

Livestock Auction Market Activities

| | |
|--|---|
| Auction market licenses issued | 4 |
| Auction market licenses pending | 0 |
| Market custodial audits completed | 6 |
| Auction market complaints investigated | 0 |
| Fines collected | 0 |
| Livestock Markets with Legal Action | 0 |
| Special Audits (Market Development) | 0 |

Outreach:

On June 2 I spoke to students in the Oklahoma Leadership Conference along with other Directors about ODAFF.

On June 23 our field staff was in to get updates performed on their computers and to be “fit tested” which is checked to make sure they can wear certain masks and face coverings if they have to work in certain disease situations.

On July 15 a group of Directors met with Ag Group Interns to educate them about what ODAFF does.

Poultry Programs:

There were 16 birds submitted under the sick/dead bird program and none were found to have reportable diseases. To date, there have been 66 total cases submitted for 2021.

Dr. Ruby and Sherrie Davis attended a two day virtual meeting for the National Poultry Improvement Plan Official State Agents. Topics covered included Salmonella testing, Avian Influenza, State Emergency Response Plans, and changes to the World Animal Health Organization’s definitions and reporting requirements for poultry.

Rabies in Livestock:

There were no reports of livestock rabies during this time period.

Sheep and Goat Programs:

On June 30th Dr. Stone did the 6th and final Post Exposure Monitor Management Program inspection for the last scrapie trace out flock in Oklahoma.

Swine Programs:

There were no significant actions in the swine programs during this time period. We continue communicating with the commercial and show swine industries about biosecurity and awareness for foreign animal disease such as African Swine Fever, Foot and Mouth Disease, and Classical Swine Fever.

Miscellaneous:

USDA received notice of an Oklahoma animal being infected with Cysticercosis on slaughter. Cysticercosis is a parasitic contaminant, generally of very low prevalence in this country. Dr. Larssen with USDA is working with the operation to educate the farm and its employees in proper sanitation to prevent contamination.



Advertising that Oklahoma Ag Doesn't Stop, even in Alaska

Respectfully,

Handwritten signature of Rod Hall, DVM

Rod Hall, DVM

**Oklahoma Department of Agriculture, Food, and Forestry
Wildlife Services Division
Board Report for July/August 2021 Activities**

Introduction

Wildlife Services (WS) responds to damage complaints caused by wildlife to resources or property throughout Oklahoma. WS Specialists conduct operational damage management programs for many of the complaints they receive to resolve these wildlife damage problems. During this period (July and August), these projects were conducted on 682 properties with an estimated 2,585,573 acres of land under agreement. Additionally, WS helped 261 persons and entities with technical assistance which involved providing information to cooperators so they can resolve problems themselves. Cooperators reported and WS Specialists verified wildlife damage of \$531,982 during this period. Beaver damages accounted for losses totaling \$198,568. Coyotes were responsible for a number of damage requests, primarily to livestock, with losses totaling \$14,073. Feral swine damages accounted for losses totaling \$310,886, while other species of wildlife were responsible for \$8,455 in damages to property, agriculture, and livestock.

Providing Wildlife Services

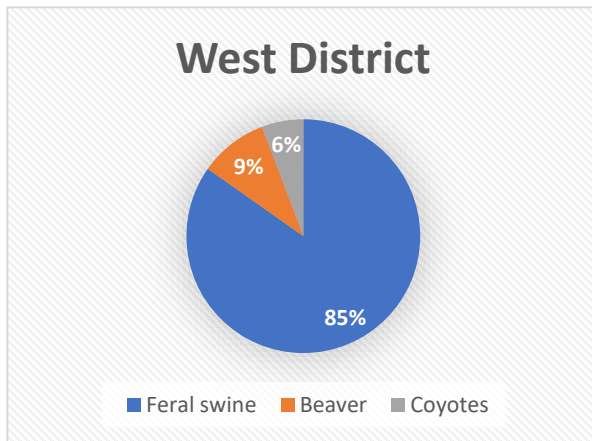


Figure 1: Percent of Species Removed in West District, July/August 2021

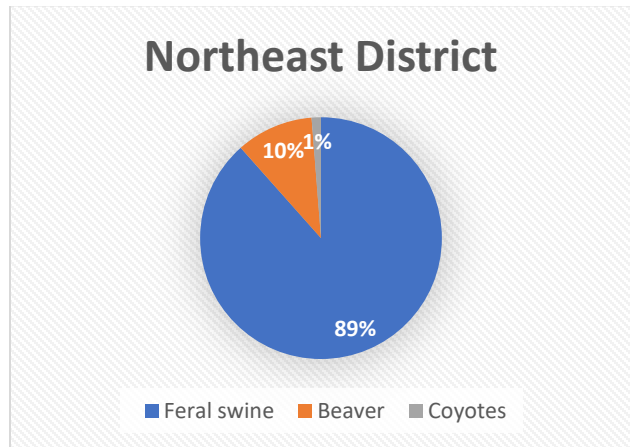


Figure 2: Percent of Species Removed in the Northeast District, July/August 2021

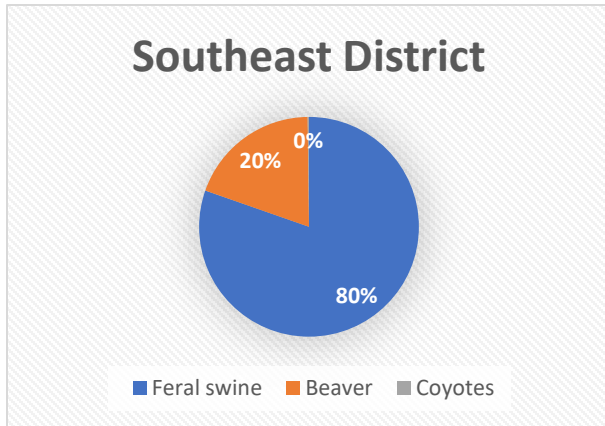


Figure 3: Percent of Species Removed in the Southeast District, July/August 2021

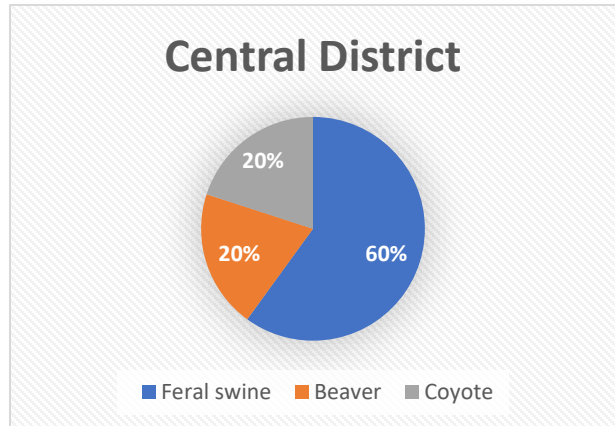


Figure 4: Percent of Species Removed in the Central District, July/August 2021

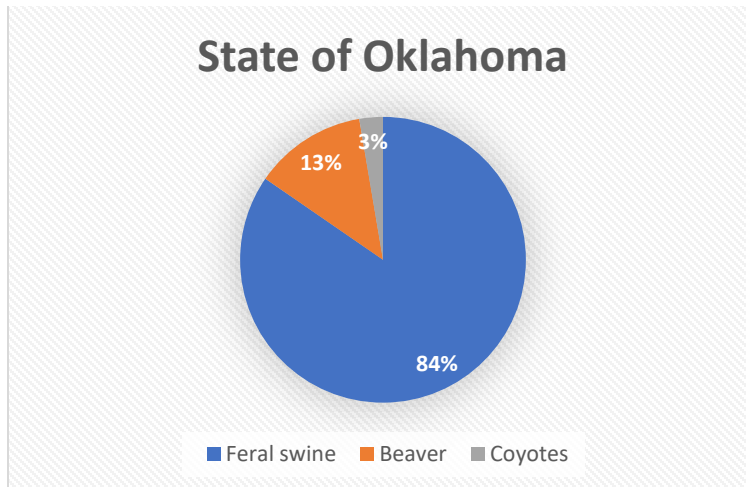


Figure 5: Percent of Species Removed in the State, July/August 2021

Coyote Damage Management

On July 2nd, an Ellis County livestock producer requested assistance with coyotes depreddating on calves. The producer reported that coyotes had killed one calf valued at \$881. The Wildlife Specialist assigned to Ellis County examined the carcass and verified that coyotes were responsible for the loss of the calf. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. The Specialist used call/shooting and snares to remove two coyotes. Monitoring of coyote activity on this property continues.

On July 15th, a Beaver County livestock producer requested assistance with coyotes depredated on lambs. The rancher reported coyotes were responsible for the loss of 10 lambs valued at \$3,000. The Specialist for Beaver County responded and verified coyotes were responsible for the loss. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. Control efforts have resulted in the removal of five coyotes and no further losses have occurred.

On August 6th, a Logan County livestock producer requested assistance with coyotes depredated on sheep. The producer reported that coyotes had killed two sheep valued at \$401. The Wildlife Specialist assigned to Logan County examined the carcass and verified that coyotes were responsible for the loss of the sheep. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. The Specialist used call/shooting and snares to remove two coyotes. Monitoring of coyote activity on this property continues.

On August 17th, a Beaver County livestock producer requested assistance with coyotes depredated on calves. The rancher reported coyotes were responsible for the loss of one calf valued at \$881. The Specialist for Beaver County responded and verified coyotes were responsible for the loss. The Specialist recommended several methods to prevent future damages, including carcass/carrion removal and guarding animals. Control efforts have resulted in the removal of five coyotes and no further losses have occurred.

Feral Swine Damage Management

A Coal County rancher called for assistance with feral swine that were damaging his pasture and hay meadow. The Specialist for Coal County responded and verified the damages at \$1,200. A remote camera was placed out to monitor activity and 37 feral swine have been removed to date. This project is still being monitored.

On July 5th, the Wildlife Specialist for Greer County received a request for assistance with feral swine damage on the Sandy Sanders Wildlife Management Area (WMA). The Biologist with the WMA reported feral swine were responsible for \$2,000 in damages to the pastures and food plots. The Specialist responded to the request and verified the damage. A live trap was utilized to remove 22 feral swine from the area. No further damage has occurred and work is concluded.

On July 6th, WS was contacted by a Sequoyah County landowner with feral swine damage of rooting up approximately one acre of soybean field. A WS Specialist responded to the request and verified that feral swine were responsible for the damage reported. The Specialist utilized a live trap to remove 27 swine. The landowner was instructed on fencing methods that can be utilized to help prevent future problems.

On July 7th, a Bryan County landowner contacted WS for assistance with feral swine. The landowner reported that feral swine were rooting his grass pastures and hayfields. The Wildlife Specialist for Bryan County responded to the request and verified the damages at \$3,000. Management efforts were successful in removing 29 feral swine from the immediate area. No further losses have been reported to date.

On July 13th, WS received a request for assistance with feral swine from a Sequoyah County landowner. The landowner reported feral swine had come into the barn and eaten/contaminated approximately \$250 worth of feed and hay, as well as rooting up the pasture. The WS Troubleshooter visited the property and verified feral swine were responsible for damages estimated at \$500. An electronic-controlled corral trap was used to remove 31 feral swine from the property to date and work is ongoing to ensure that no additional damages occur.

A Bryan County rancher called WS for assistance with feral swine on July 19th. A WS Specialist verified the presence of feral swine on the property and damages to the ranch's pastures were estimated at \$7,000. A remote camera trap was placed on the property to detect the feral swine and 38 were removed.

On July 28th, an Osage County landowner contacted WS with the presence of feral swine on his property. The landowner stated that he had seen signs of damage in a soybean field. A WS Specialist responded to the call and scouted the property. The Specialist confirmed the damage reported was from feral swine. A live trap was placed on the property and 14 feral swine were caught using the live trap. Work is continuing at this time and the property owner was advised of environmental changes that could help prevent future problems.

On August 3rd, a Caddo County landowner requested assistance with feral swine damaging his corn fields. The Wildlife Specialist assigned to Caddo County responded to the request and verified feral swine were responsible for \$5,000 in damages to the landowner's corn fields. The Specialist utilized a live trap to remove 40 and activity is being monitored to determine if further management is needed

On August 4th, a Jackson County landowner requested assistance with feral swine damaging his pastures. The Wildlife Specialist for Jackson County responded to the request and verified feral swine were responsible \$3,000 in damages to the landowner's field. The Wildlife Specialist utilized live trap to remove 36 feral swine from the property. Activity in this area is closely being monitored to determine if further management is needed.

Aerial Gunning Operations

On July 14th, aerial operations were conducted in Kiowa and Washita Counties for feral swine causing damages to cornfields and pastures on several landowners in this area. Damages were estimated at \$3,000 to the cornfields and \$2,000 to the pastures in the area. Aerial operations resulted in the removal of 39 feral swine from the effected area.

During the month of August, Wildlife Services conducted aerial operations for the Oklahoma Department of Wildlife on Sandy Sanders WMA and Hackberry Flats WMA to reduce damage to natural resources on the properties. Hunting of these areas also benefits adjacent private landowners in reducing feral swine damage to crops and pastures from feral swine that utilize the management areas for bedding areas and cover. Ten hours of aerial hunting operations were conducted resulting in the removal of 139 feral swine from the two properties.

Beaver Damage Management

A Choctaw County Commissioner called WS for assistance with beavers causing flooding on a County road. Beaver activity was verified and damage to the road was estimated at \$3,500. Conibear traps were set to remove two beavers and alleviate the flooding. This project is still being monitored.

A Johnston County property owner contacted WS for assistance with beaver damages of burrowing into the owner's stock pond dam. Damage to the stock pond was verified and estimated at \$2,500. Conibear traps were placed, and 11 beavers were removed to conclude this project.

On July 5th, WS was contacted by a Rogers County Commissioner about beavers flooding a County roadway valued at \$3500. A WS Specialist responded to the request and verified beavers were responsible for the damage reported. The Specialist was able to utilize conibear traps to remove six beavers. Work is complete at this time and the Commissioner was instructed on environmental changes and beaver dam removal methods that can be utilized to prevent future problems.

On August 2nd, a Payne County property owner contacted WS and requested help with removing beavers from a creek. Beavers had plugged up the drainage and was preventing water from passing through the dam. The dam supports a private drive that led to her residence. Because of heavy rains through the spring and early summer, combined with neglected drainage, the creek flooded and caused the paved private road to wash out to the extent it was impassable. WS is currently removing beavers by shooting, however the water levels remain too high to do other methods. Work will continue at this location until water levels recede low enough to manually unplug the drainage. Loss was estimated at \$6,000.

On August 4th, a Stephens County Road Commissioner contacted WS for assistance with beavers that were responsible to one of his road culverts in his district. The Specialist for Stephens County responded and verified beavers were responsible for \$1,000 in damages to the road structure. The Specialist successfully utilized conibear traps to remove five beavers from the adjacent creek. Control efforts continue at this time.

On August 6th, the Grady County Conservation District contacted WS for assistance with beavers that were responsible for damages to the draw down structure on one of their lakes. The Specialist for Grady County responded and verified beavers were responsible for \$2,000 in damages to the structure. The Specialist successfully utilized conibear traps to remove five beavers from the pond. Control efforts are completed, and no additional damage has occurred.

Black Vulture Management:

The McGee Creek Special Project continued in August. Vulture damage to their electrical facility equipment was confirmed at \$10,000.00 and this year-long project will continue for several more months before concluded. The Vulture trap constructed on the property has captured another 131 Black Vultures in August.

Table 1: Beaver, Coyote, and Feral Swine removal in the State from WS, July/August 2021

| County | Beaver | Coyote | Feral swine | District |
|-----------|--------|--------|-------------|----------|
| Adair | 5 | 4 | 3 | NE |
| Alfalfa | | 1 | | W |
| Atoka | 9 | | 91 | SE |
| Beaver | 2 | 5 | | W |
| Beckham | | 1 | | W |
| Blaine | 5 | 2 | 29 | W |
| Bryan | 16 | | 54 | SE |
| Caddo | 9 | | 116 | W |
| Canadian | | | | C |
| Carter | 4 | 1 | | SE |
| Cherokee | | | 11 | NE |
| Choctaw | 23 | | | SE |
| Cimarron | | | | W |
| Cleveland | 2 | | | C |
| Coal | 1 | | 51 | SE |
| Comanche | 2 | 1 | 36 | W |
| Cotton | | | 279 | W |
| Craig | 9 | | 69 | NE |
| Creek | 2 | | 75 | NE |
| Custer | 1 | | 80 | W |
| Delaware | | | | NE |
| Dewey | 3 | 8 | 97 | W |
| Ellis | 3 | 2 | 39 | W |
| Garfield | 10 | | | W |
| Garvin | | | 22 | SE |
| Grady | 19 | | 12 | W |
| Grant | | | | W |
| Greer | | 8 | 54 | W |
| Harmon | | | 1 | W |
| Harper | | | | W |
| Haskell | | | | NE |
| Hughes | 9 | | 98 | SE |
| Jackson | | 1 | 36 | W |
| Jefferson | | | | SE |
| Johnston | 9 | | 17 | SE |
| Kay | 11 | | | NE |

| | | | | |
|--------------|----|----|-----|----|
| Kingfisher | | | | W |
| Kiowa | | 2 | 109 | W |
| Latimer | 30 | | 11 | SE |
| Leflore | 5 | 1 | 117 | SE |
| Lincoln | 17 | | 85 | NE |
| Logan | 7 | 4 | 68 | W |
| Love | | | 15 | SE |
| Major | 18 | | | W |
| Marshall | | | 22 | SE |
| Mayes | | | | SE |
| McClain | 3 | | | SE |
| McCurtain | 15 | | | SE |
| McIntosh | 2 | | 36 | NE |
| Murray | 5 | | 41 | SE |
| Muskogee | 13 | 1 | 5 | NE |
| Noble | | | 86 | NE |
| Nowata | | | | NE |
| Okfuskee | 1 | | 33 | NE |
| Oklahoma | 2 | 4 | 11 | C |
| Okmulgee | 14 | | 27 | NE |
| Osage | 6 | 10 | 336 | NE |
| Ottawa | | | | NE |
| Pawnee | | | 190 | NE |
| Payne | 3 | | | NE |
| Pittsburg | 13 | | 36 | SE |
| Pontotoc | 20 | | 43 | SE |
| Pottawatomie | | | 1 | C |
| Pushmataha | 20 | | 96 | SE |
| Roger Mills | 11 | | | W |
| Rogers | 8 | | | NE |
| Seminole | 16 | | 104 | SE |
| Sequoyah | 9 | | 72 | NE |
| Stephens | 19 | 1 | | W |
| Texas | | 25 | | W |
| Tillman | 2 | | 60 | W |
| Tulsa | 5 | | | NE |
| Wagoner | 14 | | 27 | NE |
| Washington | 5 | | 8 | NE |
| Washita | 2 | 9 | 47 | W |
| Woods | | 2 | | W |

| | | | | |
|--------------|------------|-----------|-------------|---|
| Woodward | 6 | | | W |
| TOTAL | 445 | 93 | 2956 | |

*NE –Northeast, SE –Southeast, W – West, C - Central Districts

Aviation Safety

Altus Air Force Base (AAFB)

July brought significant increases in fledgling bird populations on and around Altus AFB. Mitigation of this population increase, particularly focused on blackbirds and columbids, was a focal point of effort. Pigeon removal continued in the city and in the hangars to alleviate damaged associated with the species. The quarterly Bird Hazard Working Group (BHWG) meeting was held, with a highlighted presentation piece by Air Force Safety Center (AFSEC) on a pilot project at Altus AFB. USDA WS geospatial survey data is being utilized by AFSEC and Center for Environmental Management of Military Lands (CEEML), which is AFSECs GIS associate, to create a “Bird Aircraft Strike Hazard (BASH) dashboard” that allows cooperator stakeholders to access, filter, and map the information. The USDA WS national airport program has been heavily involved with the creation of this product, which will in the future allow for the combination of relevant Air Force (AF) geospatial data layers with the survey data to evaluate associations and drive mitigation management efforts. USDA WS will continue to be involved in the development of this product as it comes to completion. USDA WS also has pursued the purchase of a Motus wildlife tracking system by the AAFB BASH program, and is hoping to get the system and have it installed in the upcoming months. USDA WS personnel continued to assist AF CE Natural Resources and United States Fish and Wildlife Service (USFWS) personnel with a study on the Texas Horned Lizard species on the installation which is seeking to better understand the reason for the decline of the species and management strategies that might bolster its populations.

The heat and reduced rain in Altus during the month of August lead to a decrease in daytime activity of wildlife in and around the airfield. Abundance and gregarious nature of blackbird fledglings increased, but all other activity was decreased until the later part of the month. Trapping equipment for mammals was acquired and prepped to begin reducing their populations on the installation, with efforts to continue to increase throughout the fall. Pigeon management in the city was mostly limited to squab depredation as feeding and activity were suppressed. The city contract was renewed by the Altus city council, so funding for the position has been extended through Fiscal Year (FY) 22. USDA WS personnel also assisted AFSEC in the rollout of a new BASH dashboard for all AF efforts, continuing to serve as the pilot for the project, providing feedback and steering its development. This project hopes to incorporate surveys data with AF data layers to enhance the presentation and identification of BASH factors. USDA collaboration with an AF/USFWS study on the Texas horned lizard was also highlighted in the WS news and a The Wildlife Society (TWS) publication (see attached Appendix A). The end of the month started to bring on the change in the weather, and the first inclination of wildlife change in behavior. An increase in raptor activity was seen on the airfield, prompting an increase in trapping/relocation efforts. Coyote removal at the city municipal airport was also begun.

Rogers World Airport (WRWA)

Approximately 2,000 European starlings had begun utilizing the habitat surrounding the terminal for roosting at night. WS personnel were on site every evening for a week to provide continuous harassment. By the end of the week, the birds moved on to a new roost site off airport property. WS will continue to monitor for roosting activity to ensure that these birds don't move back into the area. Several swallow nests and eggs were destroyed at the parking complex. This helps to reduce the swallow numbers which could potentially fly into the flight path of aircraft, as well as reduce the amount of nest litter and droppings in the parking area. Haying has begun on and around the airport, which has resulted in a slight rise in Vulture activity. When the taller grasses are cut, the machinery will stir up large amounts of dust and plant matter into the air, which serves as a visual attractant. Additionally, the cutting process will often kill small mammals which make an easy meal for the Vultures. By using a combination of pyrotechnics and lethal control measures, these birds can usually be deterred off of airport property. Dove numbers are continuing to increase, primarily along the east border of the airport. Usually, use of pyrotechnics is enough to persuade these birds to move on, but occasionally lethal measures are also employed. As numbers continue to increase, efforts to deter them will increase as well.

Tinker Air Force Base (TAFB)

During the month of July, overall bird activity has remained low with few resident birds crossing the airfield around sunrise and sunset. Wildlife Services has continued monitoring of local Egret rookeries and tracking daily patterns to determine the severity of threat to flying operations at TAFB. Survey protocols were implemented for FAA required Wildlife Hazard Assessments (WHA). Even though military installations don't require WHA's, it will provide a good baseline of wildlife activities for future BASH activities. In place of a WHA, TAFB utilizes a BASH plan that is reviewed annually by all tenant flying unit, Airfield Management, various safety offices and Environmental Office staff.

In August, WS received a call about Mississippi Kite's dive bombing people along a jogging trail by one of the natural areas on base. This commonly occurs during their nesting season. The nest was located and multiple surveys conducted to determine the proper course of action. Caution tape was used to barrier off the area around the trail and adjacent pavilion. A White-tailed deer was observed in an open field on the northeast part of the base near an overflow parking area. This area is in proximity to the airfield, WS determined where the doe gained access to the base and temporarily removed a section of the fence to allow the deer to vacate the area. Once the deer was successfully removed from the area the fence was reattached and area repaired to prevent future access. A small flock of feral rock pigeons were observed flying over warehouse buildings. WS checked pigeons traps for proper function and effectiveness as well as additional locations for baiting and capture.

Vance Air Force Base (VAFB)

In July, the third application of Flight Control Max was put on to test its efficacy on Dove species on the perimeter road. WS also briefed about wildlife activities occurring at VAFB

during the semi-annual Supervisor of Flying (tower personnel) meeting. This included what species and issues they will encounter during the last half of the year. WS trapped and relocated three Red-Tailed Hawks this month. These hawks are a threat to the aircraft when in flight on the airfield.



Figure 6: Red-tailed hawks capture in a Swedish Goshawk trap at Vance AAB.

Respectfully submitted,

Scott Alls
Division Director
Wildlife Services Division

Appendix A

The Texas horned lizard (THL) (*Phrynosoma cornutum*) is a state listed species of concern in Oklahoma due to a substantial population decline across its historic range in recent decades. Its status has prompted numerous studies across the state to identify the precise causes of decline and provide guidance toward management strategies to support long term population viability. In 2021, the Altus Air Force Base (AAFB) Natural Resources Program began a collaborative project with the US Fish and Wildlife Service (USFWS) to study various aspects of the species ecology at AAFB. USDA Wildlife Services personnel on the installation teamed up with these entities to help execute the data collection phase of an initial study designed to gather baseline data on the THL population at AAFB. The objective of this baseline study is to determine the range and relative abundance of the THL on the base, as well as assess the population's local microhabitat selection and requirements.

The methods employed in this initial study include physical survey of the installation coupled with mark/recapture via Passive Integrated Transponders (PIT) tags. The study also utilizes radio transmitters affixed to THLs in order to track their movements via telemetry. Additional data on vegetation, microclimate, and the THLs individual physiology are also gathered. The gathering of all of this data requires a significant amount of field work, so the assistance provided by USDA WS personnel has been a substantial help. USDA WS has been involved in all aspects of data gathering, from conducting surveys for THL presence, to measuring, locating, and tracking individual THLs. USDA has also provided access to USFWS personnel to the airfield via escort, allowing the area studied to be substantially increased.



Figure 7: WS holding a Texas Horned Lizard.

The aggregate data collected from this initial baseline study will provide significant insight into the ecology of the THL at AAFB, which can then be compared to how the species utilizes other landscapes. This study can help to identify differences between areas, potentially shedding light on causes for the decline or factors that may help bolster populations. Further study inquires for the AAFB population will also be identified, so that research may be furthered to help the conservation of the species. Since the species success may be tied to invertebrates or microhabitats occurring on the airfield, the results may also shed light on how USDA WS personnel can help support imperiled species while still achieving the mission of mitigating wildlife strikes through targeted habitat management.



Figure 8: WS Trapping Texas Horned Lizards.



Figure 9: WS Measuring and Weighing Texas Horned Lizards.



Figure 10: WS Tagging Texas Horned Lizards.

**August 2021 Activity Report
for
September 2021 Board Meeting
Agricultural Statistics Division**

General: Rainfall totals in Oklahoma **the first week of August** averaged 0.45 of an inch, with the Southeast district recording the highest total at 0.84 of an inch. According to the August 3rd US Drought Monitor Report, drought conditions were rated 9 percent abnormally dry to exceptional drought, unchanged from the previous week. Additionally, 2 percent of the state was in the moderate drought to exceptional drought category, up 1 point from the previous week. Statewide, temperatures averaged in the high 70's. Topsoil moisture and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma **the second week of August** averaged 0.50 of an inch, with the West Central district recording the highest total at 0.76 of an inch. According to the August 10th US Drought Monitor Report, drought conditions were rated 14 percent abnormally dry to exceptional drought, up 5 points from the previous week. Additionally, 3 percent of the state was in the moderate drought to exceptional drought category, up 1 point from the previous week. Statewide, temperatures averaged in the low 80's. Topsoil moisture conditions and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma **the third week of August** averaged 1.18 inches, with the Southeast district recording the highest total at 2.96 inches. According to the August 17th US Drought Monitor Report, drought conditions were rated 15 percent abnormally dry to exceptional drought, up 1 point from the previous week. Additionally, 2 percent of the state was in the moderate drought to exceptional drought category, down 1 point from the previous week. Statewide, temperatures averaged in the high 70's. Topsoil moisture and subsoil moisture conditions were rated mostly adequate to short.

Rainfall totals in Oklahoma **the fourth week of August** averaged 0.05 of an inch, with the Panhandle district recording the highest total at 0.22 of an inch. According to the August 24th US Drought Monitor Report, drought conditions were rated 12 percent abnormally dry to exceptional drought, down 3 points from the previous week. Additionally, 5 percent of the state was in the moderate drought to exceptional drought category, up 3 points from the previous week. Statewide, temperatures averaged in the low 80's. Topsoil and Subsoil moisture conditions were rated mostly adequate to short.

Corn dough reached 80 percent, down 2 points from the previous year and down 6 points from normal. Corn dented reached 44 percent, down 5 points from the previous year and down 15 points from normal. Sorghum headed reached 90 percent, up 5 points from the previous year and up 1 point from normal. Sorghum coloring reached 45 percent, up 1 point from the previous year but down 2 points from normal. Sorghum mature reached 6 percent, down 2 points from the previous year and down 9 points from normal. Soybeans blooming reached 81 percent, down 3 points from the previous year and down 1 point from normal. Soybeans setting pods reached 58 percent, down 1 point from both the previous year and from normal. Soybeans dropping leaves

reached 1 percent, down 2 points from the previous year and down 2 points from normal. Peanuts pegging reached 90 percent, up 1 point from the previous year but down 4 points from normal. Peanuts mature reached 14 percent, down 5 points from the previous year but up 4 points from normal. Cotton setting bolls reached 77 percent, down 12 points from the previous year and down 10 points from normal. Cotton bolls opening reached 10 percent, down 6 points from the previous year and down 1 point from normal.

The third cutting of alfalfa hay reached 90 percent, down 2 points from the previous year and down 3 points from normal. The fourth cutting of alfalfa hay reached 42 percent, down 2 points from the previous year and down 3 points from normal. The second cutting of other hay reached 75 percent, up 4 points from both the previous year and from normal. The third cutting of other hay reached 15 percent, up 2 points from the previous year and up 1 point from normal.

Pasture and range condition was rated at 84 percent good to fair. Livestock condition was rated at 87 percent good to fair.

Surveys: Surveys administered by the Oklahoma call center are listed in the table below:

| Survey | Enumerated by: | Survey Dates |
|---|----------------|--------------|
| Calling Suspended on 3/18/2020 due to COVID-19 | | |
| Calling has rolled over to field enumerators from home. Laptops have been issued to call center enumerators and are currently being used to collect data as well. | | |

Statistics: On August 12, 2021, the August Crop Production Report was published. Highlights include:

Oklahoma Upland Cotton production is forecast at 650 thousand bales, 2 percent higher than 2020. Yield averaged 743 pounds per acre, compared with 702 pounds last year. Acreage harvested, at 420 thousand acres, is down 3 percent from last year.

Oklahoma corn production is forecast at 43.5 million bushels, up 1 percent from the previous year. Statewide yields averaged 150 bushels per acre, 15.0 bushels higher than 2020. Acres harvested for grain, at 290 thousand, is down 9 percent from last year.

Oklahoma sorghum production is forecast at 16.2 million bushels, up 57 percent from last year. Yield averaged 58.0 bushels per acre, up 13.0 bushels from the previous year. Acres harvested, at 280 thousand acres, is 22 percent higher than 2020.

Oklahoma soybean production is forecast at 14.8 million bushels, down 8 percent from last year. Yield is expected to average 28.0 bushels per acre, compared with 30.0 bushels in 2020. Harvested acreage, at 530 thousand acres, is 2 percent lower than last year.

Oklahoma peanut production is 7 percent higher than last year, at 63.0 million pounds. Yield is forecast at 4,200 pounds per acre, unchanged from 2020. Harvested acres are up 7 percent from last year to 15.0 thousand acres.

Information Requests: Phone calls, personal visits to our office, and requests via e-mail for information since last report totaled 18. In addition, our internet home page was hit 23,137 times in 2021, which is up 19 percent from 2020.

Releases for August:

Cash Rents- State Level
 Crop Production
 Cattle on Feed
 Cash Rents- County Level
 Agricultural Prices

Relating Dates:

January 1, 2021
 August 1, 2021
 August 1, 2021
 January 1, 2021
 August 15, 2021

Release Dates:

August 6, 2021
 August 12, 2021
 August 20, 2021
 August 27, 2021
 August 31, 2021

Releases for September:

Crop Production
 Cattle on Feed
 Hogs and Pigs
 Small Grains Summary
 Quarterly Grain Stocks
 Agricultural Prices

Relating Dates:

September 1, 2021
 September 1, 2021
 September 1, 2021
 September 1, 2021
 September 1, 2021
 September 15, 2021

Release Dates:

September 10, 2021
 September 24, 2021
 September 24, 2021
 September 30, 2021
 September 30, 2021
 September 30, 2021

Meetings and Events:

North TX Cotton OY NASDA Training
 OK Nation to Nation Meeting
 Oilseed Commission Meeting
 OTCAC 2022 Planning Meeting
 September Ag NASDA Training
 Wheat Commission Meeting
 TECO Meeting
 OSU Virtual Career Fair

Date:

August 13, 2021
 August 17, 2021
 August 19, 2021
 August 23, 2021
 August 26, 2021
 September 3 2021
 September 21, 2021
 September 30, 2021

Location:

Virtual
 Virtual
 OKC, OK
 Virtual
 Virtual
 Virtual
 Virtual
 Virtual

Respectfully Submitted,

Troy Marshall

MARKET DEVELOPMENT SERVICES

September 15, 2021

Report to the State Board of Agriculture

AG IN THE CLASSROOM

AG IN THE CLASSROOM IMPACT

- Total Number of Teachers/Administrators Impacted: 228
- Total Number of Students Directly Impacted by Coordinators: 42
- Total Number of Resources Given: 10,350
- Total Number of Teachers/PreService Teachers Resources Given to: 251
- Total Number of PreK-12th Grade Students Resources Given to: 3,450

AG IN THE CLASSROOM WEBSITE, LESSON IMPACT, AND SOCIAL MEDIA

- The AITC monthly email is delivered to 15,219 accounts.
- The AITC Facebook page now has 7,345 followers.
- The AITC Twitter page now has 566 followers.
- Oklahoma AITC Instagram account now has 586 followers.
- Oklahoma AITC Pinterest account now has 206 followers.
- The AITC YouTube channel now has 7,788 views.

Ag in the Classroom- Professional Development Workshops

| Number of Educators & Grade Level(s) | Location | Lessons/Activities Used | Resources Given |
|--|---|--|--|
| 12 PK - 12th Grade Educators | Cameron Public Schools | Nutrition Posters Activity; Grady's in the Silo; New Tear Sheets | All resources in AITC Barn; Ag Careeropoly game |
| 41 FACS Educators from across Oklahoma | Oklahoma City Convention Center / Career Tech Summer Conference | Nutrition Posters Activity; Specialty Crop and Agriculture Activity Tear sheets; went over website | Mushroom and Alpaca Specialty Crop Tear Sheets |
| 20 STEM Educators from across Oklahoma | Moore/Norman Technology Center | Engineering Process Tear Sheets; Oklahoma Ag Mag; Protect the Pringle Activity | Engineering Process Tear Sheet; Tomato Elementary Tear Sheet |
| 15 Prek-3rd grade Teachers 15 6th - 12th grade Teachers | Enid Public Schools-Blended Learning Conference | Nutrition Posters Activity; New Tear Sheets | All resources in AITC Barn |
| 40 PK - 12th grade Teachers | Gore Public Schools | AITC Website, grants, resources; Protect the Pringle activity | All resources including Careeropoly game |

| | | | |
|------------------------------|---|--|--|
| 8 OSU Ag-Ed student teachers | Oklahoma State University | AITC resources, Pig Ear Notching, At the Sale Barn, Think in Pictures, Punkin Chunkin, Protect the Pringle activit | All upper level resources and Ag Careeropoly game |
| 60 Farm Bureau ladies | Farm Bureau Women's Conference - Hilton Garden Inn Conference Center - Edmond, OK | Strawberry and Pecan EC Tear sheets; Painting strawberry rocks and pecan finger prints | Strawberry and Pecan EC Tear Sheets, AITC Barn Cards |

Ag in the Classroom- Student Events

| Number of Participants & Grade Level(s) | Location | Lessons/Activities Used | Resources Given |
|---|---|---|--|
| 6 Wellston FFA Officers | ODAFF - Wellston FFA Officer Retreat visit | Information about AITC; Read an accurate Ag Book week | All upper level resources in Barn; Ag Careeropoly game |
| 6 Elgin FFA Officers | ODAFF - FFA Officer Retreat visit | Information about AITC; Read an accurate Ag Book week | Oklahoma Agriculture Magazine |
| 30 Jefferson Elementary Students | Back to School night booth at Jefferson Elementary in Union School District | Ag Spinning wheel and asked trivia questions | AITC Bookmarks and Specialty Crop Tear Sheets dependent on age |

Ag in the Classroom- Resources Mailed or Delivered

| Number Of Resources | Location Resources Were Mailed Or Delivered | Resources Mailed |
|---------------------|---|--|
| 25 | Macarthur Middle School | Oklahoma Commodity Map student maps; Engineering Process Upper Level teacher poster (3rd-12th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade) |
| 50 | Newkirk Go-getters 4-h Club | Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 70 | Merritt | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History) |
| 25 | Stratford Elementary School | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History); Harvest of the Month set of 12 posters, Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Engineering Process Upper Level teacher poster (3rd-12th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade); Think in Pictures Student Readers (set of 25) (3rd-6th grade) |
| 20 | Big Five | Honey Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade)HO; Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade) |
| 22 | White Rock | Oklahoma Ag on Rt 66 student magazine (PreK-3rd); Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade), Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th |

| | | |
|-----|---------------------------|---|
| | | Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade); Specialty Crops Ag Mag student magazine (PreK-3rd) |
| 160 | Central Middle School | Specialty Crop Ag Mag Activity Book student magazine (3rd-12th): Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade) |
| 25 | Big Pasture | Oklahoma Commodity Map student maps; Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade), Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 25 | Woodward Middle School | Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade) |
| 5 | Dewar Public Schools | Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 20 | Oaks Public Schools | ABC's of Oklahoma Agriculture student coloring book (PreK-3rd); Harvest of the Month set of 12 posters; It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade) |
| 30 | Eliot Elementary | Technology in Agriculture Student Readers (set of 25) (3rd-6th grade) |
| 25 | Bluejacket Middle | Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 120 | Ottumwa High School | Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 14 | Seneca Classical Academy | Engineering Process Upper Level student worksheets (set of 25) (3rd-12th); Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade) |
| 60 | Chouteau Public School | Honey Elementary Student Activity Sheets (set of 25) (3rd-6th) |
| 110 | Harrah | Specialty Crop Ag Mag Activity Book student magazine (3rd-12th); Oklahoma CareeropolGradey Board Game (3rd-12th) |
| 27 | Catalayah | Oklahoma Commodity Map student maps; Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade) |
| 100 | Wewoka High School | Pecan MS/HS Student Activity Sheets (set of 25) (7th-12th grade); Harvest of the Month set of 12 posters; Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 22 | Boise City Public Schools | Oklahoma Ag on Rt 66 student magazine (PreK-3rd); Specialty Crops Ag Mag student magazine (PreK-3rd); ABC's of Oklahoma Agriculture student coloring book (PreK-3rd); It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade); Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History); Oklahoma Commodity Map student maps |
| 22 | Boise City | Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |

| | | |
|-----|-----------------------------|---|
| 48 | Glenpool | Technology in Agriculture Student Readers (set of 25) (3rd-6th grade); Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade); Specialty Crop Ag Mag Activity Book student magazine (3rd-12th); Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade) |
| 28 | Boise City Elementary | Oklahoma Agriculture Fun Facts Bookmarks (Set of 25); Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade), Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Engineering Process Upper Level teacher poster (3rd-12th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 30 | Holdenville | Watermelon Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade) |
| 25 | Woodward Middle School | Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 12 | Heritage | ABC's of Oklahoma Agriculture student coloring book (PreK-3rd); Harvest of the Month set of 12 posters, Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade), Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Elementary Financial Literacy Cards (K-5th, but mostly 3rd-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade); Oklahoma Ag on Rt 66 student magazine (PreK-3rd); Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade) |
| 70 | Bridge Creek Intermediate | Engineering Process Upper Level teacher poster (3rd-12th Grade) |
| 70 | Andrea | Grow Garden Grow Student Readers (set of 25) (3rd-6th grade) |
| 70 | Bridge Creek | Grow Garden Grow Student Readers (set of 25) (3rd-6th grade); Engineering Process Upper Level student worksheets (set of 25) (3rd-12th) |
| 25 | Velma-alma Elementary | Green Beans Elementary Student Activity Sheets (set of 25) (3rd-6th) |
| 16 | Stillwater Christian School | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History) |
| 25 | Robin Hill | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History); Harvest of the Month set of 12 posters, Engineering Process Early Childhood/Lower Elementary teacher poster (PreK-3rd Grade) |
| 50 | Bristow High School | Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 25 | Kansas Elementary School | ABC's of Oklahoma Agriculture student coloring book (PreK-3rd); Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade) |
| 125 | John Marshall High School | Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th) |
| 125 | Poteau High School | Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 80 | Wright City High School | Oklahoma Ag on Rt 66 student magazine (PreK-3rd) |

| | | |
|----|-----------------------------|--|
| 70 | Harrah | Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Oklahoma Careeropoly Board Game (3rd-12th Grade); Oklahoma Commodity Map student maps; Oklahoma Careeropoly Board Game (3rd-12th Grade); Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Middle-High School Financial Literacy Cards (6th-12th Grade) |
| 24 | Bennett Elementary | Specialty Crops Ag Mag student magazine (PreK-3rd); Beef or Dairy Student Readers (set of 25) (1st-6th grade) |
| 22 | Mooreland Elementary School | Oklahoma Ag on Rt 66 student magazine (PreK-3rd), ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade), Green Beans Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Honey Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Strawberry Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Tomato Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Watermelon Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Oklahoma Agriculture Fun Facts Bookmarks (Set of 25); Harvest of the Month set of 12 posters |
| 15 | Frontier Public Schools | Think in Pictures Student Readers (set of 25) (3rd-6th grade), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 25 | Varnum Elementary | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Grow Garden Grow Student Readers (set of 25) (3rd-6th grade), Technology in Agriculture Student Readers (set of 25) (3rd-6th grade), Chickens MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Tomato MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Agriculture Fun Facts Bookmarks (Set of 25); Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade), |
| 24 | Bennett Elementary | It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th); Oklahoma Specialty Cropopoly Jr Board Game (PreK-5th Grade); Oklahoma Ag Magazine student magazine (3rd-12th) |
| 25 | Woodward | Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Green Beans MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Honey MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Commodity Map student maps, Oklahoma Agriculture Fun Facts Bookmarks (Set of 25); Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade), |
| 20 | Navajo Public Schools | Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Engineering Process Upper Level student worksheets (set of 25) (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Oklahoma Commodity Map student maps; Middle-High |

| | | |
|-----|---------------------------|--|
| | | School Financial Literacy Cards (6th-12th Grade) |
| 5 | Epic Charter School | Oklahoma Commodity Map student maps; Engineering Process Upper Level teacher poster (3rd-12th Grade), Oklahoma Careeropoly Board Game (3rd-12th Grade), Middle-High School Financial Literacy Cards (6th-12th Grade), Phonological and Phonemic Awareness Around the Farm (PreK-2nd Grade) |
| 35 | Allen Public Schools | Oklahoma Ag on Rt 66 student magazine (PreK-3rd), Specialty Crops Ag Mag student magazine (PreK-3rd), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Oklahoma Commodity Map student maps, Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 19 | Bray-doyle | Watermelon Early Childhood Student Activity Sheets (set of 25) (PreK-3rd grade), Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Think in Pictures Student Readers (set of 25) (3rd-6th grade) |
| 25 | Sulphur High School | Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th), Do You Know the Difference Between Wool and Cotton? Student Activity Sheets (set of 25) (3rd-12th), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History); Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 30 | Collinsville Hs | Honey Elementary Student Activity Sheets (set of 25) (3rd-6th), Pecan Elementary Student Activity Sheets (set of 25) (3rd-6th), Does Chocolate Milk Come From Brown Cows? Student Activity Sheets (set of 25) (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Honey MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Peanuts MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Pecan MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Commodity Map student maps; Nutrition and Did You Know Fun Facts set of 12 posters, Oklahoma Careeropoly Board Game (3rd-12th Grade) |
| 150 | Carl Albert Middle School | Honey MS/HS Student Activity Sheets (set of 25) (7th-12th grade); Nutrition and Did You Know Fun Facts set of 12 posters |
| 150 | Bridge Creek Intermediate | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Oklahoma Commodity Map student maps, Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 20 | Chickasha High School | Oklahoma Ag Magazine student magazine (3rd-12th), Oklahoma Red Dirt Groundbreakers (9th Grade/Oklahoma History), Honey MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Mushroom MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Pecan MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Tomato MS/HS Student Activity Sheets (set of 25) (7th-12th grade), Oklahoma Commodity Map student maps; Nutrition and Did You Know Fun Facts set of 12 posters, Engineering Process Upper Level teacher poster (3rd-12th Grade) |
| 12 | Velma-alma Schools | Oklahoma Ag on Rt 66 student magazine (PreK-3rd), ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), |

| | | |
|-----|--|---|
| | | Oklahoma Red Dirt Symbols (3rd Grade/Oklahoma History), Specialty Crop Ag Mag Activity Book student magazine (3rd-12th), Oklahoma Ag Magazine student magazine (3rd-12th), Oklahoma Agriculture Fun Facts Bookmarks (Set of 25) |
| 22 | Boise City | ABC's of Oklahoma Agriculture student coloring book (PreK-3rd), It's a Farm Animal Student Readers (set of 25) (PreK-3rd grade); Harvest of the Month set of 12 posters |
| 30 | Triple J Farms | Upper Level Specialty Crop |
| 1 | Ashley Collier - Oklahoma Union (3rd grade teacher) | Careeropoly game, cropopoly jr game, Red Dirt Symbols, Red Dirt Groundbreakers, Upper Specialty Crop, Bookmarks, Ag on Rt 66, Technology Ag Reader, Grow Garden Grow Reader, All Specialty Crop Tear Sheets, Alpaca Elementary, Mushroom Elementary, Lower Level Financial Literacy cards |
| 80 | Karen Dodson for Oklahoma Farm bureau women's conference | Oklahoma Agriculture magazine |
| 25 | Cameron Public Schools | Ag on Rt 66, Red Dirt Symbols, ABC Coloring Books, Harvest of the Month Posters, Did you Know Nutrition Poster Set, Ag Careeropoly, Cropopoly Jr., Cotton and Wool Tear Sheets, Chocolate Milk Tear Sheets, Lower Level Financial Literacy cards, High School Financial Literacy Cards, Pecan Tear Sheets (all levels), Oklahoma Agriculture Magazine |
| 40 | Enid Public Schools | AITC pens |
| 34 | Payne County Farm Bureau | ABC's of Agriculture coloring book, Bees and Honey EC Tear Sheet, Strawberry EC Tear Sheet, It's an Animal Reader, Cropopoly Jr., Ag Careeropoly, Red Dirt Symbols, Grow Garden Grow Reader, Bookmarks |
| 2 | State Department of Education | Phonological and Phonemic Awareness Around the Farm |
| 150 | Garvin County Farm Bureau | Ag on Rt 66, ABC Coloring Books, Red Dirt Symbols |
| 75 | Enid Public Schools | Red Dirt Symbols |
| 2 | Tulsa Public Schools | cropopoly Jr. |
| 10 | NRCS-Purcell | Oklahoma agriculture magazine |
| 1 | Lone Wolf Elementary | Phonological and Phonemic Awareness Around the Farm |

Ag in the Classroom- Other Events

| Event | Highlights |
|--|---|
| Annie Davis was added to the Oklahoma Ag in the Classroom team | <p>Annie Davis received my undergraduate degree in Elementary Education at Oklahoma State University and my graduate degree in Special Education "Educational Diagnostician" with emphasis in Dyslexia from Mid-Western State University, Wichita Falls, Texas.</p> <p>She is a National Board Certified Teacher, Certified Academic Language Therapist, Dyslexia Therapist, along with certifications in School Psychometry, Reading Specialist, Early Childhood, Elementary Childhood, and Special Education. She is excited to hit the ground running in order to partner with teachers to share how mAGnificent agriculture is in our daily lives.</p> |
| Emily Ague takes on role as new Oklahoma AITC State Contact | Since Audrey started a new adventure teaching, Emily will now take her place as the Oklahoma State Ag in the Classroom contact through National Ag in the Classroom. |

Ag in the Classroom- New Lessons; Website Additions; Resources

| Type | Website URL |
|---|---|
| Add "Read an Accurate Ag Book Week" Registration and Information to website | https://ok.agclassroom.org/ |

AGRITOURISM

Agritourism - Site Visits

| Producer | Location | Category | Highlights |
|-------------------------------|---------------|--------------|---------------------------------|
| Pawnee Bill Ranch | Pawnee | Farm & Ranch | Staff meeting and tour of venue |
| American Solera | Tulsa | Brewery | Dropped off beer trail maps |
| Angry Scotsman Brewing | Oklahoma City | Brewery | Dropped off beer trail maps |
| Anthem Brewing Co. | Oklahoma City | Brewery | Dropped off beer trail maps |
| Battered Boar Brewing Company | Edmond | Brewery | Dropped off beer trail maps |
| Beavers Bend Brewery | Broken Bow | Brewery | Dropped off beer trail maps |
| Bierkraft Brewery | McAlester | Brewery | Dropped off beer trail maps |
| BIG Brewing Co. | Norman | Brewery | Dropped off beer trail maps |
| Black Mesa Brewing Co. | Norman | Brewery | Dropped off beer trail maps |
| Bricktown Brewery | Oklahoma City | Brewery | Dropped off beer trail maps |

| | | | |
|---|---------------|---------|-----------------------------|
| Broke Brewing Company | Oklahoma City | Brewery | Dropped off beer trail maps |
| Cabin Boys Brewery | Tulsa | Brewery | Dropped off beer trail maps |
| Canadian River Brewing Co. | Chickasha | Brewery | Dropped off beer trail maps |
| Core4 Brewing Company | Oklahoma City | Brewery | Dropped off beer trail maps |
| Crossed Cannons Brewery | Norman | Brewery | Dropped off beer trail maps |
| Dead Armadillo | Tulsa | Brewery | Dropped off beer trail maps |
| Eerie Abbey Ales | Tulsa | Brewery | Dropped off beer trail maps |
| Elgin Park Brewery | Tulsa | Brewery | Dropped off beer trail maps |
| Emersumnice Brewery | Owasso | Brewery | Dropped off beer trail maps |
| Enid Brewing Company & Eatery | Enid | Brewery | Dropped off beer trail maps |
| Fair-Weather Friend | Oklahoma City | Brewery | Dropped off beer trail maps |
| Frenzy Brewing Company | Edmond | Brewery | Dropped off beer trail maps |
| Heirloom Rustic Ales | Tulsa | Brewery | Dropped off beer trail maps |
| High Gravity Fermentations and Pippin's Taproom | Tulsa | Brewery | Dropped off beer trail maps |
| Lazy Circles Brewing | Norman | Brewery | Dropped off beer trail maps |
| Lost Street Brewing Co. | Durant | Brewery | Dropped off beer trail maps |
| Marshall Brewing Company | Tulsa | Brewery | Dropped off beer trail maps |
| Mountain Fork Brewery | Broken Bow | Brewery | Dropped off beer trail maps |
| NEFF Brewing | Tulsa | Brewery | Dropped off beer trail maps |
| Nothing's Left Brewing Co. | Tulsa | Brewery | Dropped off beer trail maps |
| OK Cider Co. | Oklahoma City | Brewery | Dropped off beer trail maps |
| Prairie Artisan Ales | Oklahoma City | Brewery | Dropped off beer trail maps |
| Renaissance Brewing Co. | Tulsa | Brewery | Dropped off beer trail maps |
| Roughtail Brewing Company | Oklahoma City | Brewery | Dropped off beer trail maps |
| Settlers Brewing Company | Enid | Brewery | Dropped off beer trail maps |
| Stonecloud Brewing Company | Oklahoma City | Brewery | Dropped off beer trail maps |
| The Big Friendly | Oklahoma City | Brewery | Dropped off beer trail maps |
| Twisted Spike Brewing Co. | Oklahoma City | Brewery | Dropped off beer trail maps |
| War Pony Brewery at Comanche Nation Casino | Lawton | Brewery | Dropped off beer trail maps |

| | | | |
|---|---------------|-------------------------|---------------------------------------|
| National Cowboy and Western Heritage Museum | Oklahoma City | Farm & Ranch Attraction | Took a guided tour through the museum |
|---|---------------|-------------------------|---------------------------------------|

Agritourism - New Producers or Potential Producers

| Producer | Location | Category | Highlights |
|--------------------------------|------------|---|-------------------------------------|
| Bluff Creek Lodge | Marlow | Guest ranch, country stay, wedding, hunting | Site visit and added to program. |
| Rock House Vineyard and Winery | Bennett | Winery | Site visit and added to program. |
| Hidden Meadows Bed & Breakfast | Stillwater | Country Stay | Site visit and added to the program |

Agritourism – Web and Social Traffic

Facebook: 18,821 page likes

Instagram: 1,945 followers

Loklahoma

Facebook: 3,085 page likes

Agritourism - Other Activities

- Attended OK Women in Ag Conference
- Staffed AgHERculture Conference
- Presentation for Wellston FFA officer retreat and Elgin FFA officer retreat
- Moderated zoom meeting with Pruettt’s Food and local producers
- 2-day NAFDMA bus tour in Kansas and Missouri (10 agritourism venues toured)
- Meeting with OSU grape and wine specialist
- Consulted with Chattanooga FFA Advisor about Agritourism speech ideas and research
- Meeting with Farm to School coordinator about creating resources for schools in the farm to school program
- Celebrated National Farmers Market Week
 - Sent newsletter to consumers about Oklahoma farmers markets
 - Two Instagram/Facebook posts about farmers market week
 - Daily Instagram story posts about farmers market week
- Attended Oklahoma Farm Bureau Women’s Leadership Fall Conference
 - Presented to 80 participants about Oklahoma agritourism

ECONOMIC DEVELOPMENT

| Activity | Action |
|---|--|
| Oklahoma Healthy Food Financing Program | The selection committee met via Zoom on July 28 th and listened to proposals for loans and grants. The committee did not recommend any proposal to be funded. |
| Agriculture Enhancement & Diversification Program | During their scheduled meeting on July 30 th the selection committee did not recommend any of the proposals that came before them for grant funding to be approved. |

| | |
|-----------------------------|---|
| 2021 SCBG application | USDA-AMS has approved the 6 projects that were included in the State Plan. Launched stimulus project |
| Viticulture & Enology Grant | Two projects were selected for funding. One project from OSU entitled <u>Oklahoma Grape Library Of Viticulture Extension</u> will look to provide the most informed recommendations for new and expanding grapevine plantings, this project will develop a new, expandable grapevine variety trial at the Cimarron Valley Research Station. The second project funded <u>Fermentation Of Regional Red Wine Grape Cultivars</u> was also from OSU. The purpose of this project is to further explore the winemaking potential of multiple regionally adapted red wine grape cultivars, research and demonstration wine lots will be fermented towards multiple styles including rosé, light red, and extended-maceration, full red |
| NIFA Grant | ODAFF's \$500,000.00 grant entitled <u>Oklahoma Farmers and Ranchers Mental Health Initiative</u> submitted for a Farm and Ranch Stress Assistance Network grant through the USDA- National Institute of Food and Agriculture has been approved. ODAFF is currently working with NIFA to get agreements signed and the project started. |

FARM TO SCHOOL

| Activity | Action |
|---------------------------|---|
| Specialty Crop Grant 2020 | Let's Get Growing with a School Garden All trainings have been completed except for Guymon High School. |
| Farm to School Month | Farm to School Month in October Social campaign featuring Tasteful Harvest posters, videos with Chef Bill with Cooking for Kids and AITC resources. |

INTERNATIONAL

| Activity | Action |
|--------------------------|---|
| Certificate of Free Sale | <ul style="list-style-type: none"> • QSM • Lopez • Certificate of Good Manufacturing Practices- Mountain View Meats |
| Food Export | <ul style="list-style-type: none"> • Jeremiah Jaimes, our Food Export Liaison was able to attend our MIO Expo and meet several companies • Company visits to Stryve and Kize Concepts to strategize on exporting activities • Attended the August Member Meeting |

| | |
|--------------------------|---|
| MIO Coalition | <ul style="list-style-type: none"> • Attended the MIO Coalition Expo- visited with several companies about export services |
| OK Commerce | <ul style="list-style-type: none"> • STEP will cover travel for anyone that will attend PLMA show • Discussions for STEP in 2022, should have decisions soon • New Ag FDI contact hired |
| USLGE | <ul style="list-style-type: none"> • Applied for USLGE (Untied States Livestock Genetics Export) membership • Looking at attending a USLGE sponsored booth at the Agro Expo in Colombia in Oct/Nov, a large livestock show to promote Oklahoma livestock genetics |
| Oklahoma Israel Exchange | <ul style="list-style-type: none"> • Met with Andrej Svyantek Assistant Extension Specialist, Viticulture and Enology to discuss a possible program collaboration with OKIE. |
| Cattlemen's Congress | <ul style="list-style-type: none"> • Met with Erin Dorsey and PJ Butler, consultants for the Cattlemen's Congress to coordinate an International group/hospitality program |
| Misc. Meetings | <ul style="list-style-type: none"> • Met with Rafael Elias regarding a new technology to identify cattle with AI recognition. • AZ and Israel Recap • FAS Spotlight on Aus & New Zealand • Research on APHIS contacts for Lumber • Meeting with Robert Hefner & Representative Nicole Miller exploring ideas on MIO Distribution |

MADE IN OKLAHOMA PROGRAM

| Meeting | Location | Details |
|-------------------------------|------------------|---|
| MIO Café planning | OKC | Met with new café manager to discuss the café, menu, items and logistics. |
| Upcoming Events | Date | Location |
| Tulsa Home and Outdoor Market | Aug. 27-29 | Tulsa |
| Oklahoma State Fair | Sept. 16-26 | OKC |
| Tulsa State Fair | Sept. 30-Oct. 10 | Tulsa |
| Stockyards Stampede | Oct. 16 | Stockyards (OKC) |

New Producers:

- Liberty Bells Fitness
- Fizzy Things Apothecary
- Kelly Pennington Fine Art
- The Shutter Mill

- Bear Creek
- Flying G Ranch
- Harmony Gardens
- J&K Woodcrafts
- Boudreaux's Swamp Sauce
- Knight Pecan Farms
- Awesome Hilltop Acres
- 1019 Leather
- Knotty Pine Barbeque
- Monkey Salsa and Jams
- Rescue Dog Hot Sauce
- Good Girl Chocolate
- MoodyQ
- Dons Southern Spices
- Kru Workz
- The Bearded Doe and Company
- Black Atlas Coffee

MIO COALITION

Made in Oklahoma Coalition – Advertising, Web and Social Traffic

| Type | \$ Spent | Highlights |
|---|--|---|
| Digital Billboard Advertising | \$1,600-\$1,900/month | Features company branded ads in OKC & Tulsa Markets |
| MIO Featured Monthly Recipes in Tulsa World and Oklahoman | \$500/month each | Featured press release and 1-2 showcased recipes in food section |
| Marketing, Consulting and Graphics Retainer with Boiling Point Media | \$5,000 | Social media posts, digital presence, analytics, management of content and creation of digital footprint, recipe file management. |
| MIO TV Cooking Segments on Channel 6 in Tulsa and Channel 4, 5 & 9 in OKC | OKC – 12 appearances Tulsa – 4 appearances | Natalie Mikels & David Brooks, MIO TV Personalities filmed in-person and remote segments for TV |
| Restaurants of the Month | Presentation and luncheon with FS Committee | July: Pearl's August: Lucille's Roadhouse |
| Discover Oklahoma Commercials | \$5,200 | Yearlong contract with Discover Oklahoma kicked off in August with Statewide spots airing through July 2021 |
| Social Media Stats | Krush Retainer | Twitter: 5,489+ Instagram: 3,770+ Facebook: 17,515+ |
| Recipes of the Month | 4 recipes were developed: 2 for June and 2 for July | July: MIO Style Chili Dogs |

| | | |
|--|--------------------------------|---|
| | 10 total members were featured | Watermelon Sorbet August: Chicken Bacon Ranch Sheet Pan Dinner PB&J Overnight Oats |
|--|--------------------------------|---|

Made in Oklahoma Coalition – Other Activities

| Activity | Information |
|---|---|
| MIO Board of Directors Retreat and Annual Financial Planning Meeting <ul style="list-style-type: none"> July 22nd-23rd | Staff led the MIO board of directors annual financial planning meeting where the board set the marketing initiatives and planned the use of the FY-22 budget. The retreat was held at the Mayo Hotel in Tulsa, OK. |
| August MIO Meetings <ul style="list-style-type: none"> August 6th | Staff led the monthly membership meetings in August. This meeting was held remotely at MIO member, WanderFolk Spirits new facility in Guthrie, OK. The new MIO committees were introduced at this meeting as well as the change in MIO leadership. The MIO committees now consist of the following: <ul style="list-style-type: none"> Media and Marketing Committee Special Events Membership Education and Outreach Food Service Retail Legislative Education |
| New Members on boarded in July-August | <ul style="list-style-type: none"> Neff Brewing Alberto’s Relish Rock Creek Distillery Stonecloud Brewing Co. Chisolm Trail Milling Co. Okolahoma Soda Co. Hochatown Distilling Co. Craft Brewers Association of Oklahoma – Associate Member |
| Affiliated Amarillo Fall Food Show <ul style="list-style-type: none"> August 11th-12th | MIO had a booth at the annual AFI fall food show. 7 MIO members participated in this opportunity. All reported positive results. |
| Oklahoma Restaurant Association Show <ul style="list-style-type: none"> August 18-19th – Bennett Event Center | Staff and MIO special events committee chair, Taylor Neighbors, set up and staffed the MIO booth at the ORA Show. The MIO booth won best in show for best booth design. We had 13 members participate in the show and all reported positive results. |

MARKET NEWS SERVICES

| July 23, 2021 | | August 12, 2021 | | DIFFERENCE |
|-----------------------|-----------------|------------------------|------------------|-------------------|
| WHEAT: (bu) | \$5.94-\$6.56 | \$6.86-\$7.43 | \$0.92 to \$0.87 | higher |
| MILO: (bu) | \$5.87-\$6.17 | \$5.87-\$6.37 | Steady to \$0.20 | higher |
| SOYBEANS: (bu) | \$13.66-\$14.46 | \$12.81-\$13.71 | \$0.85 to \$0.75 | lower |
| CORN: (bu) | \$6.17-\$6.57 | \$6.14-\$6.57 | \$0.03 lower to | steady |
| COTTON: (lb) | 85.57 cents | 89.02 cents | 3.45 cents | higher |

OKC NATIONAL STOCKYARDS (OKC) STEER CALVES AND YEARLINGS:

Medium & Large Frame No. 1 Muscle Thickness (500-600 lb) Calves

(07-20-21) \$165.00-\$178.50 Wtd. Avg. \$173.52

(08-09-21) \$163.00-\$185.00 Wtd. Avg. \$177.13

Yearlings 600-700 lbs.

(07-20-21) \$161.00-\$174.00 Wtd. Avg. \$168.09

(08-09-21) \$155.00-\$179.50 Wtd. Avg. \$165.73

Three weekly Oklahoma Market Reports were sent to 8,313 subscribers in July and August, 2021 (up from 8,227 subscribers last report).

The market news voice messaging system was accessed 3,375 times July 23rd to August 13th, 2021. It was access 1,258 times July 23 to July 31, 2021 and accessed 2,117 times August 1-13th, compared to 3,164 times accessed July 23rd to August 13th, 2020.

USDA Hay Report: 08/06/21: Compared to the last report 7/23/2021: Quality hay trade has slowed in most areas. With continued moisture and cooler temperatures there has been an ample supply of hay, making it a buyer's market. With widespread rainfall across the state, production will continue, with many expecting a 5th cutting of alfalfa this year. Many producers are yielding less and lower quality hay. Grinding alfalfa prices dropped \$10 per ton, while grass hay prices remain mostly steady. With low milk prices, dairies are switching to cheaper alternatives for the rations such as straw and silage. Hay prices below.

Alfalfa.

Central Oklahoma: Premium to good large squares \$150.00-\$170.00 per ton. Premium to good large round \$85.00-\$110.00 per bale. Fair to good grinding \$120.00 per ton.

Eastern Oklahoma: Premium large squares \$160.00 per ton.

Western Oklahoma: Premium to Supreme large round \$180.00 per ton. Good large round \$150.00 per ton. Fair to good grinding \$130.00 per ton.

Grass Hay

Central Oklahoma: Premium to supreme large round \$110.00 to \$130.00 per ton. Premium to supreme small square \$6.00 per bale picked up in field \$9.00 in the barn.

Western Oklahoma: Good to Premium to supreme large round \$125.00 to \$160.00 per ton. Organic good to supreme large round \$180.00 to \$240.00 per ton.

Eastern Oklahoma: No trades reported.

Wheat Hay

Central Oklahoma: No trades reported.

Western Oklahoma: No trades reported.

Eastern Oklahoma: No trades reported.

AEMS Division Monthly Activities

Meet the latest member of the AEMS Division
Francesca James Optical Imaging Specialist



- A representative from the AEMS division participated in a conference call with OSU, USDA APHIS, and ODAFF to discuss the Swine Research Project.
- Representatives from the AEMS division participated in the working group call with Illinois River Watershed.

AgPDES Permitting Activities

- Number of AgPDES CAFO Authorizations this reporting period: 0
- Number of AgPDES PGP Authorizations this reporting period: 0
- Number of AgPDES CGP Authorizations this reporting period: 6

Complaints and Inspections

A summary of the complaints received and investigated plus all the inspections and technical assistance conducted by the ODAFF AEMS Staff for this reporting period:

| | |
|--|---|
| 20 | Complaints received and investigated this reporting period. |
| 17 | Complaints closed this reporting period |
| Complaints Received - Breakdown | |
| Cattle - 3 Swine - 0 Poultry- 1 Misc. Animal 0 Other - 5 | |
| 22 | Year to date complaints received in FY 20/FY 21 |
| 17 | Year to date complaints closed in FY 20/FY 21 |

| | |
|-----|---|
| 116 | LMFO/CAFO inspections, plus technical assistance |
| 215 | Poultry inspections and technical assistance |
| 22 | Pet Breeders -Shelters inspections and technical assistance |
| 17 | Breeders Pre annual inspections and technical assistance |

CAFO and LMFO Activities - Month and Fiscal Year 2022

| | Jul. 12 – Aug. 29, 2021 | FY 22 Total |
|-------------------------------------|-------------------------|-------------|
| Complaint or Compliance Follow-ups | 25 | 44 |
| Annual Inspections | 96 | 160 |
| Carcass Disposal Inspections | 47 | 57 |
| Technical Assistance with Contacts | 20 | 36 |
| Site Visit/Review – No contact made | 12 | 22 |

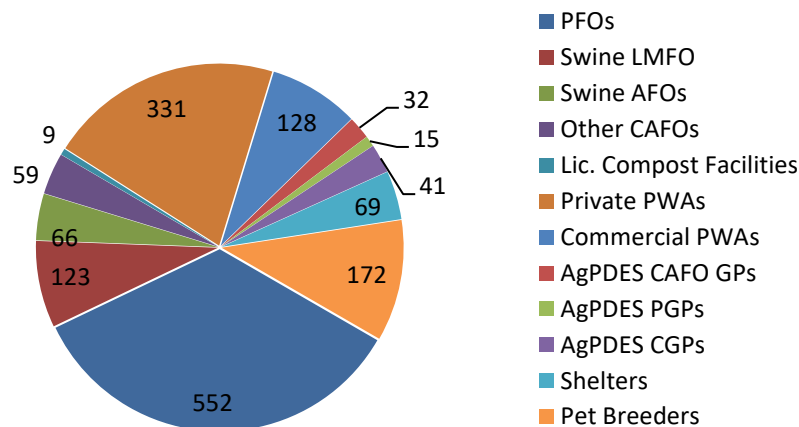
Poultry Activities – Month and Fiscal Year 2022

| | Jul.12 –Aug. 29, 2021 | FY 22 Total |
|--------------------------------------|-----------------------|-------------|
| Complaint or Compliance Follow-ups | 5 | 8 |
| Annual Poultry Inspections | 0 | 0 |
| Poultry Technical Assistance | 215 | 318 |
| Soil Samples Collected | 7 | 16 |
| Site Visit/Review – No contact made | 152 | 213 |
| Construction Stormwater Inspection | 0 | 0 |
| Eucha-Spavinaw CNMP Written | 10 | 25 |
| New PFO License Pre-Site Inspections | 0 | 0 |

Pet Breeders Activities – Month and Fiscal Year 2021

| | Jul.12 –Aug. 29, 2021 | FY 22 Total |
|--|-----------------------|-------------|
| Complaint or Compliance Follow-ups | 14 | 15 |
| Shelter Annual Inspections | 7 | 20 |
| Shelter Technical Assistance provided w/owner/operator | 15 | 15 |
| Site Visit/Review – No contact made | 4 | 4 |
| Shelter Close out | 9 | 18 |
| Breeder Annual Inspections | 14 | 16 |
| Breeder Technical Assistance | 3 | 17 |
| Site Visit/Review – No contact made | 4 | 4 |
| Breeder Close out | 0 | 0 |

Current FY 22 AEMS Numbers



Respectively

Teena G. Gunter
AEMS Division

**BEFORE THE STATE BOARD OF AGRICULTURE
OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY**

**SEPTEMBER 2021 BOARD REPORT
REGARDING JULY 26, 2021 THROUGH AUGUST 27, 2021 ACTIVITIES OF
THE
OFFICE OF GENERAL COUNSEL**

AMOUNT OF ADMINISTRATIVE FINES COLLECTED:

| Amount to Date (Beginning May 31, 2021) | Amount of Fines for this Board Meeting |
|--|---|
| \$6,000.00 | \$5,425.00 |

CONTRACTS REVIEWED OR DRAFTED (15):

| |
|------------------------|
| Forestry - 4 |
| Market Development - 3 |
| CPS - 2 |
| AMES - 1 |
| Wildlife Services - 1 |
| Admin - 2 |
| Food Safety - 2 |

ADMINISTRATIVE HEARING PROCEEDINGS:

| |
|----------------------------------|
| Total Number of Open Cases: 80 |
| Total Number of New Cases: 0 |
| Total Number of Cases Closed: 10 |
| NOVs Sent: 7 |

OTHER ACTIONS AND PROCEEDINGS:

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| <i>Kenneth Dale Toon dba Wild Boar Ridge Hunting Ranch v. ODAFF</i> , McCurtain County Case No. CV-2018-069. Petition for Declaratory Relief, etc. (Filed but not served on ODAFF as of 11/15/2020). |
| <i>W.L. Hardesty, et al., v. ODAFF and Cesar Cervantes</i> , Okmulgee County District Court Case No. CJ-2019-040: Petition served. Answer filed. Motion to Dismiss heard and denied September 4, 2019. Pending scheduling order. |
| <i>Kirk Marshall v. ODAFF</i> , Oklahoma County District Court Case No. CJ-2020-1347: Petition served. Time period tolled by Supreme Court Order until May 15, 2020. Answer |

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| drafted and prepared for filing. Application for Injunction Denied. Answer filed. Hearing held. Amended Petition to be filed by Plaintiff. |
| <i>Sam Withiam v. OK State Dept of Agriculture</i> , Lincoln County District Court, Case No. CJ-20-73: Lawsuit involved tort claim stating ODAFF damaged concrete during elk depopulation. The Attorney General's Office is handling this claim. An Answer was filed. Discovery is ongoing. |
| <i>Laura Garrison v. State of Oklahoma, ex rel. Oklahoma Department of Agriculture Food and Forestry</i> , Pittsburg County District Court, Case No. CJ-2020-111: Lawsuit involves vehicle accident between plaintiff and ODAFF employee. Attorney General's Office is handling this claim. |
| <i>Upton's Naturals Co v. Stitt and Arthur</i> , District Court, W.D. Oklahoma, Case No. 5:20-cv-00938: Lawsuit against Governor Stitt and Secretary Arthur in their professional capacities. Upton's Naturals challenges a state law that prohibits food manufacturers from using terms like "hot dogs," "burgers," or "bacon" on labeling for meat-free products. The Attorney General's Office is handling this claim. |
| <i>William Grossman v. Lori Howard et al.</i> , Cherokee County District Court, Case No. CJ-2020-111: Lawsuit filed on the agency and Forestry Services for requesting damages for a car wreck that occurred during a prescribed burn. The prescribed burn was not performed by ODAFF and the agency had no involvement with the circumstances. The Attorney General's Office is handling this claim. |
| <i>Spring Creek Coalition v. ODAFF and Trong</i> , Cherokee County Case Number CJ-2021-29: Petition seeking declaratory and injunctive relief. Answer filed. |
| <i>Spring Creek Coalition v. ODAFF and Phan, et al.</i> , Delaware County Case Number CJ-2021-33: Petition seeking declaratory and injunctive relief. Answer filed. |
| <i>Kirk Marshall v. State of Oklahoma ex rel. Oklahoma Department of Agriculture</i> , Oklahoma Supreme Court Case No. 119,629: Petition in Error filed seeking reversal of District Court's denial of injunction. Response to Petition filed. Briefing cycle completed. Awaiting scheduling. |

MEETINGS:

| Date | Activity |
|------------------|---|
| July 27, 2021 | GovQA |
| July 28, 2021 | Kansas-Oklahoma Arkansas River Commission |
| July 29, 2021 | AgPDES Update |
| July 29, 2021 | OGC Staff |
| July 29, 2021 | AEMS HQ staff |
| August 2-3, 2021 | FY22 Rule amendments with Directors |
| August 3, 2021 | Directors |
| August 3, 2021 | GovQA |
| August 5, 2021 | 2022 Integrated Report and Continuing Planning Process |
| August 5, 2021 | Illinois River Working Group |
| August 6, 2021 | American Agricultural Law Association Annual Symposium Planning Committee Meeting |
| August 9, 2021 | Intern Interviews |

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| August 11, 2021 | State Board of Agriculture |
| August 11, 2021 | Ag Youth Council |
| August 12, 2021 | Advancing Oklahoma August Session |
| August 12, 2021 | OGC Docket |
| August 12, 2021 | Commissioners of Land Office |
| August 13, 2021 | Produced Water Treatment and Reuse Seminar |
| August 16, 2021 | Directors |
| August 17, 2021 | GovQA |
| August 17, 2021 | USDA Nation to Nation |
| August 20, 2021 | Oklahoma Rural Water Association Annual Conference |
| August 20, 2021 | ELS CLE and Meeting |
| August 20, 2021 | OBA Legislative Wrap Up |
| August 23, 2021 | Directors |

RULE ACTIVITIES:

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| <p>Chapter 2. Fees (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 3. Fine Matrices (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 10. Agricultural Products (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 13. Fuel Alcohol (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 15. Animal Industry (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 17. Water Quality (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 18. Carcass Disposal (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11,</p> |

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| <p>2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 20. Forestry (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 25 Laboratories (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 30. Consumer Protection (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 37. Food Safety (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 40. Market Development (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 44. AgPDES (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 55. Commercial Pet Breeders and Animal Shelters (Permanent FY 2021): Permanent rules were adopted by the Board on February 3, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>OHRC</p> |
| <p>Chapter 1. Commission Powers and Jurisdiction (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 15. Licensing (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 20. Racing Officials and Racing Personnel (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021.</p> |
| <p>Chapter 35. General Conduct (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved</p> |

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| by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 45. Prohibited Practices and Equine Testing (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 60. Running the Race (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 65. Pari-Mutuel Wagering (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 70. Objections and Protests; Hearings and Appeals (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 75. Oklahoma-Bred Program (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |
| Chapter 85. Gaming Machine Specifications and Use and Operation Requirements (Permanent FY 2021): Permanent rules were adopted by Oklahoma Horse Racing Commission on January 21, 2021, and approved by the Governor on June 11, 2021. Permanent rule document was filed on July 6, 2021, and rules will become effective on September 11, 2021. |

OPEN RECORDS REQUESTS (21):

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|----------------|
| AEMS: 4 |
| AIS: 2 |
| CPS: 11 |
| Forestry: 1 |
| Food Safety: 2 |
| OGC: 1 |

OKLAHOMA HORSE RACING COMMISSION

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| Litigation: Alfredo Gomez and Cruz Villafranco v. OHRC , Oklahoma County District Court Case No. CV-2020-430: Petition served. Response filed. Petitioners’ Motion for Partial Summary Judgment responded to. Pending hearing. |
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| Litigation: Oscar Nunez v. OHRC , Oklahoma County Case No. CV-2020-449: Petition filed and served. Answer filed. Reversed and remanded. Rehearing held. Motion to Modify District Court’s Order of November 10, 2020 pending. |
| Litigation: Josue Ponce v. OHRC , Oklahoma County District Court Case No. CV-2020-815: Petition for Review of Final Agency Order filed. Response filed. |
| Litigation: Miguel Pena v. OHRC , Oklahoma County District Court Case No. CV-2019-179: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held October 11, 2019. TRO entered. Amended Petition for TRO heard May 15, 2020. TRO denied. Permanent injunction denied. Further action pending. |
| Litigation: Jose Sanchez III, et al. V. Global Gaming, Heritage Place and OHRC , Oklahoma County District Court Case No. CJ-2020-2395: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held May 26, 2020. TRO denied. Further action pending. |
| Litigation: Carlos Ruiz v. OHRC , Tulsa County District Court Case No. CV-2020-627: Petition for Temporary Restraining Order and Petition for Injunction. Ex Parte TRO hearing held June 8, 2020. TRO denied. Dismissed by the Court. |
| Litigation: Sammy Howard v. OHRC , Oklahoma County District Court Case No. CV-2020-1921. Petition served. Response filed. Briefs filed. Oral arguments held. Remanded for further proceedings. |
| LITIGATION: Rogelio Marquez, Jr. V. OHRC , Oklahoma County District Court Case No. CJ-2021-3393. Petition filed. Injunction sought. Hearing held, Injunction denied. Pending further proceedings. |
| Prepare cases for presentation at Stewards Hearings |
| Prepare cases for presentation in District Courts |
| Provide discovery to opposing counsel and Respondents regarding various hearings |
| Stewards Hearings at Remington Park |
| Stewards Hearings at Will Rogers Downs |
| Hearings in District Courts |
| Prepare and file Motion to Settle Order |
| Prepare and file Response to Petition for Temporary Restraining Order and Injunction |
| Prepare and file Motion to Dismiss |
| Argue appeals at regular session of the Oklahoma Horse Racing Commission |
| Discuss possible rule revisions/amendments with Executive Director |
| Draft proposed rule revisions |
| Advise Executive Director on extent of delegated authority |
| Discuss certain policy issues with Executive Director |
| Review communication from Respondents’ counsel in various cases |
| OHRC regular meeting |
| Supervise and direct OHRC legal intern |
| Attend Saratoga Gaming and Racing Seminar |
| Attend ARCI Rules Committee meeting |
| Consult with OHRC regarding gaming issues |

OTHER ACTIVITIES:

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| Phone calls or emails with the public: 28 |
| Assistance to AEMS: 2 |
| Assistance to CPS: 13 |
| Assistance to Wildlife Services: 0 |
| Assistance to Forestry: 5 |
| Assistance to AIS: 3 |
| Assistance to Admin: 2 |
| Assistance to Market Development: 5 |
| Assistance to other state or federal agencies: 4 |
| Assistance to Food Safety: 3 |
| Assistance to NASS: 0 |
| Assistance to Executive Office: 6 |
| Assistance to Lab: 0 |
| Assistance to Investigative Services: 1 |

Respectfully Submitted,



Teena G. Gunter
General Counsel

FOOD SAFETY REPORT AUGUST 2021

POULTRY & EGG GRADING, PRODUCE AND ORGANIC SECTION

Poultry and Egg Section

In Broken Bow at Tyson Foods, USDA poultry grading was performed by ODAFF inspectors on 2,198,090 pounds of poultry – boneless/skinless leg meat & bone in/skin on parts. ODAFF inspectors provided USDA Shell Egg grading on 69,697 dozen eggs at Cal-Maine Foods Inc. at Sulphur. ODAFF inspectors also provided USDA poultry grading services on poultry products being shipped from OK Foods in Muldrow & Heavener. Child Nutrition Labeling Program Reviews were conducted under the USDA cooperative agreement at Dorada Foods in Ponca City and Mitchell's Sausage Rolls in Claremore. Also; routine egg quality inspections under the Oklahoma egg law were conducted.

Organic Foods Section

Organic inspectors completed compliance and certification inspections at:

- Sixteen organic crop producers
- One organic livestock producer
- Five organic processors
- Collected nine organic samples
- Eleven retail organic inspections

The organic section had requests for 4,000 certified organic stickers from Oklahoma Certified Organic producers and processors, which display the stickers on all products sold, labeled, or represented as Organic across the United States. The organic section had 4 requests for organic crop applications, 5 requests for organic processing applications and 2 requests for organic livestock applications

Produce Safety Section

- Contacting and visiting farms to determine coverage/exemption under the Produce Safety Rule
- Visited 61 farmers markets providing outreach and education to producers and to collect farm inventory
- Completed a produce farm inspection for the Produce Safety Rule
- Hosted an online Produce Safety Alliance grower course
- Shared information about the Produce Safety Rule at an information table at the Women in Agriculture Conference
- FDA monitoring call
- Submitted aggregate farm inventory and inspection data to FDA
- Regular conference calls with TX, LA, AR, NM, MO, MS
- Completed FDA/NASDA Systems Thinking Workshop and Inspections Webinar
- Sent an e-mail newsletter to inform constituents of the latest information

Oklahoma Meat Inspection Services Investigations and Compliance Activities

| | |
|--|---------------|
| Planned Compliance Reviews | 11 |
| Random Compliance Reviews | 181 |
| Person-to-Person Contacts | 57 |
| Special Investigations and/or Projects | 00 |
| Reports of Apparent Violations | 02 |
| Detentions | 01 |
| Consumer Complaints | 09 |
| Verbal Warnings Issued | 02 |
| Letters of Warning Issued | 02 |
| Samples Submitted to Lab for Analysis | 00 |
| Accident Investigations | 00 |
| Administrative Procedures Act | 01 (OK-1-835) |

See details below:

| ACCIDENT LOCATION | ANIMAL/PRODUCT | DISPOSITION |
|-------------------|----------------|-------------|
| NONE | | |

Highlighted Activities

During the course of Random Reviews and anonymous Consumer Complaints, Compliance and Investigation Services sent out Two (2) Letter of Warning for Violations of the Oklahoma Meat/Poultry Inspection Act and/or State Statutes.

Meat Inspection

| Meat Sample Activity: | |
|--------------------------------|----|
| Samples Submitted for Analysis | 14 |
| Samples Not Analyzed | 14 |
| Samples Analyzed | 14 |
| Samples Non-Compliant | 0 |
| Samples Negative results | 0 |

Aug. 18

Met with Scott Yates, JanLee Rowlett, Dr. Hardage, Jim Sharp, Rep. Humphrey and reviewed the Gregory plant in Atoka

MEAT INSPECTION

| | |
|----------------------------------|--------------------|
| Number of Cattle | 923 |
| Total Beef Condemned | 20,532 lbs |
| | |
| Number of Swine | 312 |
| Total Pork Condemned | 1,872 lbs |
| | |
| Number of Sheep and Goats | 93 |
| Total Condemned | 0 lbs |
| | |
| Number of Rabbits | 0 |
| Total Condemns | 0 lbs |
| | |
| Number of Exotic Deer | 0 |
| Total Condemns | 0 lbs |
| | |
| TOTAL MEAT INSPECTED | 593,251 lbs |

PROCESSED MEAT INSPECTED

| | |
|---------------------------------------|-----------------------|
| Processed Red Meat | 1,178,284 lbs. |
| Condemned on Reinspection | 0 lbs |
| | |
| Poultry (Portions) | 131,932 lbs |
| Condemned on Reinspection | 0 lbs |
| | |
| Rabbit Meat | 0 |
| Condemned on Reinspection | 0 lbs |
| | |
| Exotic Deer Meat | 0 |
| Condemned on Reinspection | 0 lbs |
| | |
| TOTAL PROCESSED MEAT INSPECTED | 1,310,216 lbs |

DAIRY SECTION

Dairy Services Director, Pete Echelle, is out on medical leave and recovering from heart surgery. Pete is expected back in October

Dairy staff conducted routine inspections at dairy farms, dairy plants, performed equipment checks, and collected farm and plant dairy samples throughout the state. Dairy staff is currently training a new inspector Jayson Jones.

Swan Bros. Dairy was issued a temporary permit to sell raw milk after receiving negative listeria results. Dairy staff has been sampling their milk weekly with negative listeria results. Swan Bros. has been slow to dispose of all their contaminated cheese and has been given a final warning to comply. A Stop Sale is still in place for all of their raw milk cheeses.

Due to the increase of Listeria testing from Swan Bros., Dairy services did not test Blue Bell in Broken Arrow for Listeria monocytogenes. Since September of 2015, all samples from Blue Bell have been negative for Listeria. Blue Bell continues to test their ice cream for Listeria.

Dairy Services conducted one rating for Blue Bell located in Broken Arrow with a passing score. Information regarding these surveys can be found on FDA's Interstate Milk Shippers List website.

Dairy Staff would like to say Thank You to Scott Fisher for all the hard work he performed at Swan's Dairy and the rest of the state. He was the only inspector for dairy, the end of June

Sincerely,

A handwritten signature in black ink that reads "Scott Yates". The signature is written in a cursive style with a horizontal line underlining the name.

Scott Yates
Director of Food Safety

August – September Board Report

Communications

AgHERculture Recap | Friendships were made, lives were changed, stories were told and BIG smiles were on our faces the entire night! The first AgHERculture Conference weekend was INCREDIBLE. The countdown is on for 2022!!! For candid shots from the weekend, visit this link! <https://odaff.smugmug.com/ODAFF.../2021-Events/AgHERculture>



First AYC Session | A few weeks ago, the 2021-2022 Ag Youth Council members from across the state met for the first time at the department to learn more about each other and hear from Sec. Arthur before heading out to tour the Lazy E Arena and visit with the Oklahoma Pork Council! We are so excited for this year's council to join us in exploring all that Oklahoma ag has to offer. To see more snapshots of Session 1, visit <https://odaff.smugmug.com/Agriculture.../2021-AYC/Session-1/>



Vaccination Reminder | With early fall right around the corner, we want to remind horse owners that now is the time to vaccinate against West Nile Virus. We are already receiving reports of confirmed cases in unvaccinated horses across the state. Horses contract this zoonotic virus from mosquitoes and infected horses can become anorexic, depressed and show neurologic signs or behavior changes. The incubation period in horses is between three and 15 days. Many infected horses are asymptomatic. Clinical signs can be similar to those seen with other neurologic diseases including rabies and can result in death. Oklahomans can reduce the risk of both EEE and WNV by eliminating standing water, which serves as a breeding area for mosquitos.



Disease risk can be reduced by limiting exposure to mosquitoes with these common practices:

- Changing horses' drinking water regularly
- Mowing tall grass
- Draining stagnant water

- Installing fans at horse stables
 - Using insect repellants on both horses and people
 - Keeping horses indoors during these high mosquito-feeding times of dawn and dusk
- ODAFF asks horse owners and event managers remain at a heightened level of awareness, implement biosecurity practices to minimize potential exposure, and consult with a veterinarian on an appropriate vaccination schedule. Please ensure to report any suspicious illness or neurologic disease to state officials as soon as it is discovered by calling the state veterinarians office at (405) 522-0270.

Specialty Crop Graphic | We shared social media posts and press releases regarding this special opportunity. The United States Department of Agriculture’s Agriculture Marketing Services has provided special stimulus money to allocate to the Specialty Crop Block Grant Program (SCBGP). Projects must enhance the competitiveness of specialty crops in either domestic or foreign markets and are encouraged to reflect a response to the impacts being caused by COVID-19. Research projects will not be accepted for H.R. 133 funding and are encouraged to apply for the FY22 SCBGP. For more information about potential projects or crops, visit <https://ag.ok.gov/economic-development-and-agriculture.../> Grant proposals must be submitted no later than 5:00 p.m. on September, 24, 2021

Apex Chophouse Visit | Apex Chophouse celebrated one year of business this July! Apex Chophouse is a family-owned, custom butcher shop located in Prauge, Oklahoma. This summer, we were honored to take part in Apex Chophouse's anniversary celebration, tour their facilities, and hear the story of how the chophouse came to be from it's founders, Andy and Teresa Plett. We are thankful for the Pletts, and all Oklahoma families like them, for their dedication to keeping meat on dining room tables across the state.

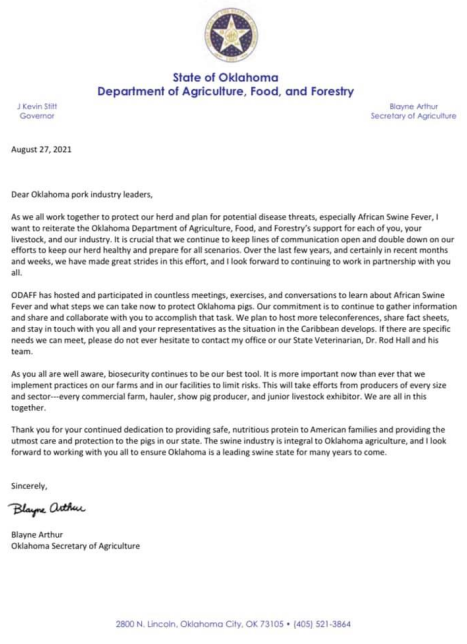


NW OK Visit | Earlier this August, we took a trip to windy Northwest Oklahoma, marking the second leg of the [#AgDoesntStop](#) tour! While on the road, we had the chance to tour [Over the Fence Farms](#) kitchen and co-packing facility, learn the secrets behind how [No Man's Land Beef Jerky](#) makes their product so good, eat a delicious lunch graciously provided by [John's Farm](#) and end the day with a visit to [Castonguay Red Angus](#).

A special thanks to Rep. Crosswhite-Hader, Sen. Pederson and Rep. Newton for joining us in our adventures! We had a great day witnessing some of what Northwest Oklahoma agriculture brings to the table.



ASF Follow Up | After hosting a webinar, Sec. Arthur sent this letter to Oklahoma pork industry stakeholders regarding the current status and concerns of African Swine Fever. We support our pork producers and want to do everything in our power to prevent the introduction of ASF into the United States.



SEPTEMBER 15, 2021 BOARD MEETING

PURCHASES/CONTRACTS

Consumer Protection Services

Kelly Registration System (KRS)--ACH reimbursement --\$33,750.00

1. Brief description of the proposed expense, cost, its necessity, and any deadlines for approval.

KRS paid ODAFF for licenses, tonnage and registrations that were initially completed in the online system using an ACH transaction. The persons/companies later canceled the payments, so Kelly did not receive payment for what they had already paid to ODAFF. ODAFF has since collected the money from these entities and needs to repay KRS for the overpayment.

2. Consequence(s) and cost (if any) if the proposed expense is not approved.

This money is an overpayment by KRS and needs to be returned.

Food Safety

Required Annual Organic Audit - \$20,000.00

The Oklahoma Department of Agriculture, Food & Forestry, Organic Section is an accredited certifying agency through the United States Department of Agriculture, National Organic Program. The Organic Section provides organic certification to industry for crops, livestock and processing facilities, along with on-site inspection, exit interview, and sample results. The industry requesting this service must pay a fee for this service. Organic inspectors also perform retail, wholesale and farmers market surveillance inspections and sampling is conducted to ensure USDA National Organic Program standards are met.

This audit is required to ensure The Oklahoma Organic program is in compliance with the National Organic Program and Oklahoma Organic Products Act.

Training for Organic Inspector Dee Raper – Farmington, Minnesota - \$8,000.00

The ODAFF Organic Program an accredited certifying agency of the USDA National Organic Program, must use inspectors which are trained by an organization that provided expertise in organic production. The International Organic Inspectors Association provides trainings that comply with the requirements in the National Organic Program regulations for training organic inspectors.

Window tint for Food Safety field staff vehicles - 30 vehicles - \$6,000.00

Food Safety has field staff that work out of their vehicles conducting inspections and investigations for the agency. Heat from the sun in the summer months while conducting inspections and investigations are exceptionally hard on electronics, sampling equipment, and the samples collected. The heat and direct sunlight can and has created problems for the computers used in the field. There have been times when excessive heat has caused computers to shut down or not work properly. Often during these times the inspectors are collecting samples of different types including soils, water, and perishable foods. These samples must be preserved at a reasonable temperature. Storing a sample in a vehicle where temperature can get excessively high could potentially compromise the sample effectively rendering it useless and impacting the outcome of the inspection and/or investigation. Samples are stored in coolers but at times it is still difficult to maintain temperature integrity in a cooler in a hot vehicle in the summer months. Being able to tint the windows will greatly help reduce the temperature in the vehicle as well as reduce the direct sunlight on electronics and other equipment. In addition to protecting electronic equipment and sample integrity from heat, these inspectors are required to complete electronic reports in the field. Completing task on the computer can be difficult without the tint due to glare on the screen from direct sunlight. An additional benefit would be deterring theft of computers, badges, and other equipment by making it less visible from outside the vehicle.

Forestry Services

FY22 - \$150,000

Purchase and repair of mobile/handheld radios and supplies for OFS personnel. These radios will be used for fire suppression activities, emergency response and fuels mitigation projects across the entire state. All these activities are critical in preparing Oklahoma communities for potential impacts from wildfire and providing enhanced public safety. Funding for these purchases will come from the US Forest Service Community Protection Program Grant (\$20,000) and the OFS 245 – Emergency Fund (\$130,000).

Laboratory Services

Request approval for the purchase of Lacti-check Milk Analyzer Kit. Total cost not to exceed \$5,427.38. (To be purchased with the Food Safety Grant).

Request approval for the purchase of Steam Scrubber Glassware Washer. Total cost not to exceed \$6,723.82. (To be purchased with the Food Safety Grant).

Request approval for the purchase a Petrifilm Plate Reader. Total cost not to exceed \$8,500.00. (To be purchased with the Food Safety Grant).

Request approval for the pickup and disposal of laboratory hazardous waste. Total cost not to exceed \$8,385.50.

Purchase of an Autoclave - \$85,000.00

Purchase of an autoclave for the Dairy and Food Safety Section is necessary to sterilize in-house made media by heat and pressure in order to kill all bacteria present before use to ensure all results are correct. Per FDA guidelines the autoclave must reach pressure and temperature within 15 minutes of the start of the cycle. The current countertop model does not meet this guideline and the FDA could remove the Section's certification. The Section currently tests for Listeria, Salmonella and E.coli, without an autoclave pre-made media would need to be purchased at an additional higher cost.

Request approval for the purchase of a GC/MS (Gas Chromatograph equipped with a Mass Spectrometer). Total cost not to exceed \$110,000.00. (To be purchased by Consumer Protection Services). Purchase of a GC-MS is necessary for the qualification screening of the following residue scans in the Pesticide Section: Orange Scan, Red Scan, OC/OP/ON Scan, SAAM Scan, and Bump Scan. The current GC-MS used for residues was purchased in 2008. The costs of repairing and maintaining continue to rise, and the current software is out of date. This new purchase will replace the residue 2008 GC-MS, and will also replace the formulations 2001 GC-MS instrument used for Contaminant Screens.

Request approval for the purchase of a service maintenance contract renewal for the HPLC Triple Quad System (High Performance Liquid Chromatography). Effective 11/01/21 - 10/31/21. Total cost not to exceed \$27,693.00. (To be purchased by Consumer Protection Services). Purchase of Preventative Maintenance Agreement for the HPLC-MSMS Triplequad in the Pesticide Section ensures continuous and consistent operation of the instrument and improves overall quality of the data being reported.

Request approval for the purchase of a service maintenance contract for two HPLC's . Total cost not to exceed \$13,117.20. (To be purchased by Consumer Protection Services). Purchase of a Preventive Maintenance Agreement for the dual HPLCs (one for Formulations testing, one for Hemp testing) is necessary to keep the two pieces of equipment up and running, avoiding significant downtime. Without an agreement, there would be significant out of pocket costs and delayed response times.

Request approval for the purchase of a service maintenance contract for the LECO Sulphur Analyzer and the LECO Nitrogen Analyzer. Total cost not to exceed \$6,440.00. (To be purchased by Consumer Protection Services).

Request approval for the purchase of a service maintenance contract for the ICP (Inductively Coupled Plasma-Optical Emission Spectrometry Unit). Total cost not to exceed \$8,726.40.

Wildlife Services

\$29,040 - ODAFF Wildlife Services is requesting approval for the OKC Landfill Agreement regarding the removal of nuisance birds. Not approving this purchase would result in a human health and safety hazard for the public.

\$3,310 - ODAFF Wildlife Services is requesting approval for the General Services Administration Agreement regarding the removal of feral pigeons. Not approving this purchase would result in a human health and safety hazard for the public.

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

APPROVAL OF CASES

ON THIS 15th day of September 2021 the Office of General Counsel of the Oklahoma Department of Agriculture, Food, and Forestry brought for consideration before the State Board of Agriculture those certain cases summarized on Exhibit A hereto which cases have been resolved by stipulation or consent order. The attached Exhibit A summarizes each action by case name, case number, case type and amount received as a stipulated administrative penalty or by consent order.

ACCORDINGLY, IT IS THEREFORE ORDERED by the State Board of Agriculture that the resolution of each of the cases summarized on Exhibit A hereto is hereby approved in all aspects; that this order shall be deemed the final agency order for each such case; and that the penalty imposed by each such stipulation or consent order is hereby adopted and incorporated herein by reference to Exhibit A hereto.

WITNESS My Hand and Official Seal this 15th day of September 2021.

Blayne Arthur
President
State Board of Agriculture

Exhibit A
Board of Agriculture
September 15, 2021

Cases Resolved by Stipulation

Consumer Protection Services

| <u>Name</u> | <u>File No.</u> | <u>Division</u> | <u>Amount</u> |
|----------------------------|------------------------|------------------------|----------------------|
| 7-Eleven | OGC-21-171 | CPS | \$225.00 |
| D's Metal Recycling | OGC-21-316 | CPS | \$200.00 |
| Eckles Aircraft, LLC | OGC-20-756 | CPS | \$1,000.00 |
| Farmers Cooperative Assoc. | OGC-20-850 | CPS | \$250.00 |
| Mid America Feed, Inc. | OGC-20-612 | CPS | \$3,500.00 |
| Sayre Grain | OGC-21-110 | CPS | \$250.00 |

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. 7-ELEVEN
Case File No: OGC-21-171

7-ELEVEN
9416 S. WESTERN
OKLAHOMA CITY, OK 73139

Summary of Facts: An investigator conducted two routine price verification inspections at Respondent's store. In each inspection it was revealed that consumer products were offered at prices which exceeded the publicly communicated price and the number of inaccurately priced products was over the allowable percentage of error. A letter of warning was sent after each inspection.

Statute or Rule Violation: Respondent violated 2 O.S. § 14-38 because there was a failure to accurately price 95% of all consumer items sampled which resulted in failed inspections subject to penalty.

Proposed Administrative Penalty: The proposed penalty for this case was Two Hundred Twenty-five Dollars (\$225.00) (Three violations at \$75.00 per violation). Respondent stipulated to and paid the penalty.

Other Actions Required: None

OGC Attorney: Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

AUG 30 2021

STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

Case No: OGC-21-171

7-ELEVEN
9416 S. WESTERN
OKLAHOMA CITY, OK 73139

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred Twenty-five Dollars (\$225.00)** for this action and has accordingly signed this Resolution by Stipulation and returned it along with a check or money order in full payment of the proposed penalty or fine to Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives the right to a full administrative or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RECEIVED

AUG 19 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE

RESPONDENT:

Signature

Barbara A. Milfelt for 7-Eleven, Inc.
Compliance/Legal Dept.

Printed Name

Senior Regulatory Compliance Analyst
Job Title

August 3, 2021

Date

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)
)
) **COMPLAINANT,**)
v.)
)
7-ELEVEN)
9416 S. WESTERN)
OKLAHOMA CITY, OK 73139)
)
) **RESPONDENT.**)

Case No: OGC-21-171

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on September 9, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd. Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department

to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity pursuant to Okla. Const. Art. VI, Section 31 and 2 O.S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling consumer items under the business name of 7-Eleven, located at 9416 S. Western in Oklahoma City, Oklahoma.

16. Pursuant to 2 O. S. § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and processing administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(2), it is unlawful for a store to charge a retail price for any consumer item which exceeds the lowest then price in that store, whether a shelf, sale, advertised, or otherwise publicly communicated price, of the consumer item.

18. Under the provisions of 2 O.S. § 14-38(J), failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of an inspection shall be a failed inspection subject to penalty. A second violation following any twelve-month period in which no violation has been found will be assessed a penalty of Seventy-five Dollars (\$75.00) per consumer item which results in an overcharge or potential overcharge.

ALLEGATIONS OF FACT

19. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent:

20. On or about February 3, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that seven (7) of the one hundred (100) products inspected were offered at a price which exceeded the publicly communicated price.

21. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

22. On or about April 5, 2021, a price verification inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at 7-Eleven in Oklahoma City, Oklahoma. The inspection revealed that three (3) of the fifty (50) products inspected were offered at a price which exceeded the publicly communicated price.

23. Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of this inspection, is a second violation of 2 O.S. § 14-38(J). A letter of warning was sent to the Respondent.

ALLEGED CONCLUSIONS OF LAW

24. Based upon the application of the above law to the aforementioned facts, Respondent's failure to accurately price ninety-five percent (95%) of all consumer items sampled as part of the aforementioned inspections is a violation of 2 O.S. § 14-38(B)(2) and is subject to the penalty provided in 2 O.S. § 14-38(J).

ATTORNEY CONFERENCES

25. If Respondent desires to meet with OGC attorneys prior to the Prehearing Conference to discuss the allegations or seek a possible resolution, please contact the undersigned at 405-522-5997.

26. Additionally, OGC attorneys will be available for consultation from 9:00 a.m. until 12:00 p.m. on the date of the Prehearing Conference.

27. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

28. Enforcement proceedings may include but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

29. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

30. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

31. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

ENFORCEMENT OF JUDGMENTS

32. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

33. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

34. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

35. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

36. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Twenty-five Dollars (\$225.00), (3 violations at \$75.00 per violation).

37. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 8th day of July, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA # 13873*
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**7-ELEVEN
9416 S. WESTERN
OKLAHOMA CITY, OK 73139**



Gina Blaylock



**OKLAHOMA DEPARTMENT OF AGRICULTURE
FOOD, AND FORESTRY
PRICE VERIFICATION REPORT**

Follow Up

CPS 152
Rev 1/06

Print Follow Up

INSPECTOR NUMBER * 21-GMC-0037 **DATE*** 2/3/2021 **COUNTY** Cleveland

LOCATION*

Office Review

CORPORATE

AGN NUMBER

Show All

AGN NUMBER

Seven Eleven
9416 S western av
Oklahoma Ctv OK 73139

MANAGER _____ **INSPECTION TYPE** Initial **Original Insp#** _____

TELEPHONE* (800) 255-0711 **Other Store Type** _____ **ITEM STATUS** _____

TYPE OF STORE DRUG

| PRODUCT | UPC CODE | OFFERED PRICE | PRICE CHARGED | PRICE ERROR |
|-----------------------------------|--------------|---------------|---------------|-------------|
| Spitz sunflower seeds 6oz | 028400096720 | \$1.89 | \$2.29 | (\$0.40) |
| P. Mondavi Prvt Cab 750ml | 086003061910 | \$11.99 | \$12.99 | (\$1.00) |
| kraft mild cheddar 8 oz | 021000001941 | \$5.09 | \$5.59 | (\$0.50) |
| hilland sour cream 8 oz | 072060004014 | \$1.59 | \$1.69 | (\$0.10) |
| homemade milk choc ice cream Pint | 072060087543 | \$1.99 | \$2.19 | (\$0.20) |
| Doritos Flamin hot nachos 3oz | 028400199575 | \$1.89 | \$1.99 | (\$0.10) |
| Fl cheetos iumbo puff 3 oz | 028400329125 | \$1.89 | \$1.99 | (\$0.10) |

COPY

Total Number Checked 100 **Total Number Of Violations** 7 **Accuracy** 93 % **Inspection Result** Notice of Violation

REMARKS

The store needs an agn number

WITNESS _____ **INSPECTOR*** Gersende Cazaux

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. D'S METAL RECYCLING
Case File No: OGC-21-316**

**D'S METAL RECYCLING
721 BOREN BLVD
SEMINOLE, OK 74868**

Summary of Facts: Respondent failed to maintain proper records as required for their Scrap Metal Dealers License.

Statute or Rule Violation: 2 O.S. 11-92, 2 O.S. 11-93, and OAC 35:30-45-9

Proposed Administrative Penalty: The penalty was assessed at \$200. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Wendi Morse

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
AUG 30 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL,)

COMPLAINANT,)

v.)

Case No: OGC -21-316

D'S METAL RECYCLING)
721 BOREN BLVD)
SEMINOLE, OK 74868)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation

RESPONDENT:


Signature

David Miller owner
Printed Name and Title

Date: 8-13-21

RECEIVED
AUG 17 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT. OF AGRICULTURE, FOOD & FORESTRY

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
JUL 30 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL.)

COMPLAINANT,)

v.)

Case No: OGC-21-316

D'S METAL RECYCLING)
721 BOREN BLVD)
SEMINOLE, OK 74868)

RESPONDENT.)

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules:

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on October 14, 2021**, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma and owns and operates a certain business (“D’s Metal Recycling”) located at 721 Boren Blvd, Seminole, Oklahoma, functioning as a scrap metal dealer in the State of Oklahoma.

15. Pursuant to Okla. Stat. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

16. The allegations of fact describe a violation of the Oklahoma Agricultural Code, or rules promulgated thereunder, as follows:

2 O.S. § 11-92 – Every scrap metal dealer shall keep a separate book, record or other electronic system as authorized by the Oklahoma Scrap Metal Dealers Act, to record and maintain the following data from any seller of any amount of scrap metal as defined by the Oklahoma Scrap Metal Dealers Act.

2 O.S. § 11-93(A) – It shall be unlawful for scrap metal dealers permitted to do business in this state as required by the Oklahoma Scrap Metal Dealers Act to purchase any item listed in subsection C of this section without:

- (1) Obtaining proof that the seller owns or is authorized to sell the property, by evidence of a receipt of purchase, a bill of sale for the property, contract or other documentation.

OAC 35:30-45-9(a) – A scrap metal dealer shall conduct business and maintain records of all business transactions in a manner consistent with the provisions of the Oklahoma Scrap Metal Dealers Act.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- a. Respondent is a recycling center located at 721 Boren Blvd, Seminole, Oklahoma 74868.
- b. A records review was conducted by ODAFF for the period of 2/22/2020 to 2/22/2021 of D's Metal Recycling.
- c. ODAFF found a failure to maintain proper records for the period of 2/22/2020 to 2/22/2021 as required with the provisions of the Oklahoma Scrap Metal Dealer Act.
- d. On June 21, 2021, a letter of warning was sent to the Respondent warning that the Respondent was in violation of Oklahoma law for the inconsistencies found in the "D's Metal Recycling" transaction records for the period of 2/22/2020 to 2/22/2021.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 11-92, 2 O.S. § 11-93, and OAC 35:30-45-9 by failing to meet record keeping requirements.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

((

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

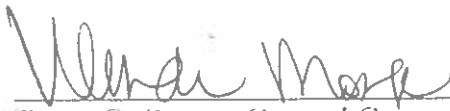
STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Two Hundred Dollars (\$200.00).

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 30 day of July, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL



Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
~~Wendi Morse, OBA # 33571~~
Kambi Maddy, OBA # 13873
Shelby Turner, OBA # 34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 30 day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**D'S METAL RECYCLING
721 BOREN BLVD
SEMINOLE, OK 74868**



Gina Blaylock

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-21-316

D'S METAL RECYCLING)
721 BOREN BLVD)
SEMINOLE, OK 74868)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Two Hundred Dollars (\$200.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. ECKLES AIRCRAFT
Case File No: OGC-20-756**

**ECKLES AIRCRAFT LLC
330 AIRPORT LN
P.O. BOX 1015
HOLDENVILLE, OK 74848**

Summary of Facts: Respondent applied pesticides in a negligent manner, thereby resulting in an off-target drift.

Statute or Rule Violation: 2 O.S. 3-86(A)(3)

Proposed Administrative Penalty: The penalty was assessed at \$1,000. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

09 2021

STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

Case No: OGC-20-756

ECKLES AIRCRAFT LLC)
330 AIRPORT LN)
P.O. BOX 1015)
HOLDENVILLE, OK 74848)

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:



Signature

Phillip Eckles, applicant

Printed Name and Title

Date: 09/28/21

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

ECKLES AIRCRAFT LLC)
330 AIRPORT LN)
P.O. BOX 1015)
HOLDENVILLE, OK 74848)

RESPONDENT.)

Case No: OGC-20-756

FILED
JUN 01 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on Thursday, July 8, 2021 in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**
4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the

Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. §3-86(A)(3)

A. It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

3. A person has operated in a negligent manner, thereby causing a pesticide to drift off-target.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about July 30th, 2020, an ODAFF inspector investigated a drift complaint concerning an application made to property in Section 4-5N-8E.
- Respondent's application records indicate that Remedy Ultra and Tenkoz Amine 4 were applied to the pasture on July 13th, 2020, with a 7 mph southeast wind, and on July 18th, 2020, with a 5 mph south wind.
- ODAFF's inspector reported that the vegetation on a property west of the application area, in the E1/2 NE1/4 of Section 5-5N-8E in Hughes County, was exhibiting herbicide effects. This property is west of the property sprayed by Respondent on July 13th and July 18th.
- A vegetative sample was taken from the property west of the application area and 2,4-D, Triclopyr, and a trace amount of Dicamba were recovered in the analysis.
- On or about November 6th, 2020, a Letter of Warning that detailed the above violation was sent to Eckles Aircraft LLC.

ALLEGED CONCLUSIONS OF LAW

Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(A)(3) by applying pesticides in a negligent manner, thereby resulting in an off-target drift.

ATTORNEY CONFERENCES

18. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.
19. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.
20. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

21. Enforcement proceedings may include but are not limited to:
 - a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
22. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
23. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

24. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

25. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

26. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

27. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

28. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

29. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

30. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **One Thousand Dollars (\$1,000.00)**.

31. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by

check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL



Teena G. Gunter, General Counsel, OBA # 17767

James Rucker, Deputy General Counsel, OBA # 14574

Wendi Morse, OBA # 33571

Kambi Maddy, OBA #13873

✓ Shelby Turner, OBA #34010

Assistant General Counsel

2800 N. Lincoln Blvd.

Oklahoma City, OK 73105-4298

Telephone: (405) 522-5997

Faeximile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this _____ day of _____, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**ECKLES AIRCRAFT LLC
330 AIRPORT LN
P.O. BOX 1015
HOLDENVILLE, OK 74848**

Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL.)**

COMPLAINANT,)

v.)

Case No: OGC-20-756

**ECKLES AIRCRAFT LLC)
330 AIRPORT LN)
P.O. BOX 1015)
HOLDENVILLE, OK 74848)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **One Thousand Dollars (\$1,000.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. FARMERS COOPERATIVE ASSOCIATION
Case File No: OGC-20-850**

**FARMERS COOPERATIVE ASSOCIATION
411 E. ST.
SNYDER, OK 73566**

Summary of Facts: Respondent applied a pesticide in a manner inconsistent with its label.

Statute or Rule Violation: 2 O.S. 3-86(A)(4)

Proposed Administrative Penalty: The penalty was assessed at \$250. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL.)

COMPLAINANT,)

v.)

FARMERS COOPERATIVE ASSOCIATION)
411 E. ST.)
SNYDER, OK 73566.)

RESPONDENT.)

FILED
AUG 30 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-20-850

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred and Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation

RESPONDENT

Rick Johnson

Signature

G.M.

Printed Name and Title

Date 8-12-21

RECEIVED

AUG 19 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT. OF AGRICULTURE

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

FARMERS COOPERATIVE ASSOCIATION)
411 E. ST.)
SNYDER, OK 73566)

RESPONDENT.)

Case No: OGC-20-850

FILED
AUG 05 2021
STATE BOARD OF AGRICULTURE

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, October 14, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the application of pesticides in the State of Oklahoma.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. § 3-86(A)

It shall be unlawful for any person, whether or not they hold a commercial or noncommercial license, to violate any part of this subsection or rules promulgated by the State Board of Agriculture. Any license, certificate, or identification issued may be suspended, canceled, revoked, or refused issue or reissue by the Board after a notice and an opportunity to be heard has been given to the holder of the license or certificate. The suspension, cancellation, revocation, or refusal to issue or reissue any license, certificate, or identification may be made if the Board finds:

4. A person has used a pesticide in a manner inconsistent with its labeling unless prior written approval has been obtained from the Board.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about July 27, 2020, a pesticide use inspection was performed by ODAFF.
- According to the application records supplied to ODAFF, Strut Herbicide and Mad Dog were applied over the top of a cotton field located in the N1/2 of Section 30-2N-17W.
- Strut Herbicide is not labeled to be applied to cotton after crop emergence.
- A vegetative sample was collected from the cotton field located in the N1/2 of Section 30-2N-17W.
- Glyphosate and Dicamba were discovered in the vegetative sample analysis.
- On or about December 22, 2020, a Letter of Warning that detailed the above violation was sent to Farmers Cooperative Association.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. § 3-86 A(4) by applying a pesticide in a manner inconsistent with its label.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred and Fifty Dollars (\$250.00)**.

32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL

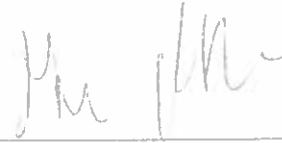


Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 05 day of Aug., 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**FARMERS COOPERATIVE ASSOCIATION
411 E. ST.
SNYDER, OK 73566**



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-20-850

**FARMERS COOPERATIVE ASSOCIATION)
411 E. ST.)
SNYDER, OK 73566)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred and Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. MID AMERICA FEED
Case File No: OGC 20-612

MID AMERICA FEED
PO BOX 11
TALALA, OK 74080

Summary of Facts:

The Oklahoma Weights and Measures Act makes it unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented. The Department weighed bagged feed at the Respondent's location on six different occasions in which the bagged feed was less than the marketed net by weight by more than 0.50 lbs.

Statute or Rule Violation: Respondent is alleged to have violated 2 O.S. §14-38(B)(1)(a) of the Oklahoma Weights and Measures Act by selling, offering, or exposing for sale a quantity less than the quantity represented with a deviation greater than 0.50 lbs.

Proposed Administrative Penalty: The proposed penalty for this case was Three Thousand Five Hundred Dollars (\$3,500.00). Respondent stipulated and paid the penalty.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Kambi Maddy

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED

AUG 09 2021

STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF
AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE
OFFICE OF GENERAL COUNSEL

COMPLAINANT,

v.

Case Nos: OGC: 20-612

MID AMERICA FEEDS, INC.
P.O. BOX 11
TALALA, OK 74080

RESPONDENT.

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Thousand Five Hundred Dollars (\$3,500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT

Alan Long

Signature

Alan Long - Pres.

Printed Name and Title

Date:

4-6-21

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

MID AMERICA FEEDS, INC.)
P.O. BOX 11)
TALALA, OK 74080)

RESPONDENT.)

FILED
JUL 09 2021
STATE BOARD OF AGRICULTURE

Case No: OGC: 20-612

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel ("OGC") of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules:

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at 1:30 p.m. on September 9, 2021, in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.

3. **Please note the Prehearing Conference is not an evidentiary hearing; witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.

5. Upon request of either party, Prehearing Conferences shall be on the record.

6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.

7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.

9. **The hearing date will be determined at the Prehearing Conference.**

10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.

11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.

14. Respondent has substantial business operations and assets within the State of Oklahoma.

15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the business of selling weighted bags of feed under the business name of Mid America Feeds, Inc. located at P.O. Box 11 in Talala, Oklahoma.

16. Pursuant to 2 O.S. § 2-4 (A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agriculture Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

17. Under the provisions of 2 O.S. § 14-38(B)(1)(a), it is unlawful for any person to sell, offer, or expose for sale a quantity less than the quantity represented.

ALLEGATIONS OF FACT

18. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

19. On or about March 20, 2019, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Mid America Feeds, Inc. in Talala, OK. The inspection revealed the average was .948 lb. less than the marked net weight. On this date, there were 8 Maximum Allowed Variations.

20. On or about December 17, 2019, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Mid America Farm & Ranch in Talala, OK. The inspection revealed the average was .731 lb. less than the marked net

weight. On this date, there were 18 Maximum Allowed Variations. A letter of warning was sent.

21. On or about February 3, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Mid America Farm & Ranch in Talala, OK. This inspection revealed the average was .818 lb. less than the marked net weight. On this date, there were 6 Maximum Allowed Variations.

22. On or about March 17, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Ranch Supply in Nowata, OK. It revealed the average was .594 lb. less than the marked net weight. On this date, there were 5 Maximum Allowed Variations. A letter of warning was sent.

23. On or about June 2, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Oklahoma Feed & Farm Supply in Kansas, OK. It revealed the average was .999 lb. less than the marked net weight. On this date, there were 9 Maximum Allowed Variations. A letter of warning was sent.

24. On or about August 6, 2020, a standard package inspection was performed by an Oklahoma Department of Agriculture, Food, and Forestry inspector at Oklahoma Feed & Farm Supply in Kansas, OK. It revealed the average was .993 lb. less than the marked net weight. On this date, there were 10 Maximum Allowed Variations. This was the fifth violation and letter of warning.

ALLEGED CONCLUSIONS OF LAW

25. Based upon the application of the above law to the aforementioned facts, Respondent has violated 2 O.S. § 14-38(B)(1)(a) by selling, offering, or exposing for sale a quantity less than the quantity represented. A fifth violation following any twelve-month period in which no violation

has been found will be assessed a penalty of Three Hundred Fifty Dollars (\$350.00) per consumer item which results in an overcharge or potential overcharge.

ATTORNEY CONFERENCES

26. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

27. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

28. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

29. Enforcement proceedings may include, but are not limited to:

- a.) Administrative fines or penalties;
- b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
- c.) Criminal actions, which could involve fines, imprisonment, or both; and
- d.) Civil actions.

30. Pursuant to 2 O.S. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.

31. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.

32. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

33. The provisions of the Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. § 501 *et seq.*, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

34. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

35. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.

36. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.

37. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

38. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of Three Thousand Five Hundred Dollars (\$3,500.00) (10 counts at \$350.00 per count).

39. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

DATED THIS 8th day of July, 2021.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY, OFFICE OF GENERAL COUNSEL

Kambi Maddy

Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA #14574
Wendi Morse, OBA #33571
Kambi Maddy, OBA #13873
Shelby Rice, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 9th day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

**MID AMERICA FEEDS, INC.
P.O. BOX 11
TALALA, OK 74080**


Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY,
BY AND THROUGH THE OFFICE OF GENERAL COUNSEL**)
)
)
)
)
COMPLAINANT,)
v.)
)
)
MID AMERICA FEEDS, INC.)
P.O. BOX 11)
TALALA, OK 74080)
)
RESPONDENT.)

Case Nos: OGC: 20-612

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of Three Thousand Five Hundred Dollars (\$3,500.00) for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title:

Date: _____

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
v. SAYRE GRAIN
Case File No: OGC-21-110**

**SAYRE GRAIN
202 N. BROADWAY
SAYRE, OK 73662**

Summary of Facts: Respondent sold a pesticide in a manner inconsistent with its label.

Statute or Rule Violation: 2 O.S. 3-86(C)(5)

Proposed Administrative Penalty: The penalty was assessed at \$250. Respondent stipulated and paid the penalty in full.

Deviations: None.

Other Actions Required: None.

OGC Attorney: Shelby Turner

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL.)
)
COMPLAINANT,)
v.)
)
SAYRE GRAIN)
202 N. BROADWAY)
SAYRE, OK 73662)
)
RESPONDENT.)

FILED
AUG 30 2021
STATE BOARD OF AGRICULTURE

Case No: OGC-21-110

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred and Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298

Respondent waives their right to a full administrative and or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

RECEIVED

AUG 17 2021

OFFICE OF GENERAL COUNSEL
OKLA. DEPT OF AGRICULTURE


Signature

Jennifer Ewer - Owner
Printed Name and Title

Date: 8-13-21

BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA

FILED
SEP 14 2021
STATE BOARD OF AGRICULTURE

THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)

COMPLAINANT,)

v.)

SAYRE GRAIN)
202 N. BROADWAY)
SAYRE, OK 73662)

RESPONDENT.)

Case No: OGC-21-110

NOTICE OF VIOLATION

1. Complainant, the Office of General Counsel (“OGC”) of the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) advises Respondent of the following alleged violations of the Oklahoma Agricultural Code and/or rules.

PREHEARING CONFERENCE NOTICE

2. Respondent is hereby notified that a Prehearing Conference¹ will be held before an impartial Administrative Law Judge (ALJ) at **1:30 p.m. on Thursday, September 9, 2021** in the Board Room on the first floor of the Oklahoma Department of Agriculture, Food, and Forestry building, located at 2800 North Lincoln Blvd, Oklahoma City, Oklahoma.
3. **Please note the Prehearing Conference is not an evidentiary hearing: witnesses and evidence will not be presented at the Prehearing Conference.**

¹ Prehearing Conferences may address any of the following: a.) Identification and simplification of issues, including the elimination of frivolous claims or defenses; b.) Amendments to the pleadings; c.) the plan, schedule, and limitations of discovery; d.) Identification of admissions of fact to avoid unnecessary proof and cumulative evidence; e.) The identification of witnesses and substance of testimony, exhibits, and documents; f.) The use of prehearing briefs and pre-filed testimony in the form of sworn affidavits; g.) Settlement of all or some of the issues prior to the hearing; h.) Adoption of special procedures for managing difficult or protracted actions that may involve complex issues, multiple parties, novel or difficult legal questions, or evidence problems; i.) Scheduling; and j.) Any other matters as may aid in disposition of the case.

4. The Prehearing Conference may be held by telephone; arrangements to do so should be made at least one full week in advance of the Prehearing Conference.
5. Upon request of either party, Prehearing Conferences shall be on the record.
6. A Prehearing Conference may result in a scheduling or other prehearing order and subsequent changes to any prehearing or scheduling order may be made by the ALJ by modifying the order for good cause.
7. Please note that failure to appear at the Prehearing Conference may result in a default judgment being entered against you.

HEARING AND RIGHT TO COUNSEL

8. Respondent may choose to proceed to a full evidentiary hearing on the merits, at which Respondent will be given the opportunity to cross-examine the Complainant's witnesses, present Respondent's witnesses, and present relevant evidence on Respondent's behalf.
9. **The hearing date will be determined at the Prehearing Conference.**
10. The hearing will be conducted in accordance with the Oklahoma Administrative Procedures Act and the Department's Rules of Practice and Procedure, which may be found in the OAC at Title 35.
11. Respondent has the right to be represented by counsel in this matter.

DEFAULT

12. Any Respondent who fails to appear after receipt of notice may be determined to have waived the right to appear and present a defense and a default may be presented by the Department to the Board at a regularly scheduled meeting proposing the relief requested by the Notice of Violation, or other relief if justice so requires.

JURISDICTION, VENUE, AND APPLICABLE LAW

13. Subject matter jurisdiction and venue are vested in the State Board of Agriculture in its quasi-judicial capacity, pursuant to Okla. Const. Art. VI, Section 31 and 2 O. S. § 2-4(7); accordingly, this is the proper forum to hear this matter.
14. Respondent has substantial business operations and assets within the State of Oklahoma.
15. Based upon current information and belief, at all relevant times hereto, Respondent has, among other things, engaged in the sale of a pesticide as Sayre Grain, located at 202 N. Broadway in Sayre, OK 73662.
16. Pursuant to Okla. Sta. Ann. 2 § 2-4(A)(3), ODAFF has authority to regulate persons who violate the Oklahoma Agricultural Code by initiating and prosecuting administrative, civil, or criminal actions and proceedings necessary under the Oklahoma Agricultural Code.

2 O.S. §3-86(C)(5)

C. It shall be unlawful for any person, whether or not a person holds a permit as a manufacturer, registrant, or distributor, to distribute, sell, or offer for sale within this state, deliver for transportation or transport in intrastate or interstate commerce, or to violate any part of this subarticle or rules promulgated by the Board. Any pesticide registration, permit, certificate, or identification issued may be suspended, canceled, revoked, or refused reissue by the Board after a notice and opportunity to be heard has been given to the holder of the registration, permit, certificate, or identification. Notice shall be given to the holder of the registration, permit, certificate, or identification by registered or certified mail at least ten (10) days prior to the date of hearing. The suspension, cancellation, revocation, or refusal to reissue any registration, permit, certificate or identification may be made if the Board finds that:

5. That any person intends to or has distributed, sold, stored, or used any pesticide or device in a manner inconsistent with its labeling.

ALLEGATIONS OF FACT

17. Based upon current information and belief, the following allegations of fact summarize the alleged violations committed by Respondent.

- On or about March 25, 2021, ODAFF conducted a pesticide marketplace inspection.
- The Inspector found that you were selling Just One Bite II Place Packs individually for \$0.80 each.
- These rat and mouse bait packs cannot be sold individually, as stated on the product label.
- On or about March 26, 2021, a Letter of Warning detailing the above violation was sent to Sayre Grain.

ALLEGED CONCLUSIONS OF LAW

18. Based upon the application of the above law to the aforementioned facts, Respondent violated 2 O.S. §3-86(C)(5) by selling a pesticide in a manner inconsistent with its labeling.

ATTORNEY CONFERENCES

19. If Respondent desires to meet with attorneys for the Department prior to the Prehearing Conference to discuss the allegations and/or seek a possible resolution, please contact the undersigned at 405-522-5997.

20. Additionally, OGC attorneys will be available for consultation on a first-come, first-served basis from 9:00 a.m. to 12:00 p.m. on the date of the Prehearing Conference.

21. Arrangements to discuss the matter before the Prehearing Conference are encouraged.

ENFORCEMENT PROCEEDINGS

22. Enforcement proceedings may include but are not limited to:
- a.) Administrative fines or penalties;
 - b.) Revocation, suspension, or denial for up to one (1) year of any license, permit, or charter issued by ODAFF or the Board;
 - c.) Criminal actions, which could involve fines, imprisonment, or both; and
 - d.) Civil actions.
23. Pursuant to 2 Okla. Stat. § 2-18(A), after notice and opportunity for a hearing in accordance with the Administrative Procedures Act, if the State Board of Agriculture finds any person in violation of the Oklahoma Agricultural Code or any rule promulgated or order issued pursuant thereto, unless otherwise specifically provided by statute or rule, the Board shall have the authority to assess an administrative penalty of not less than One Hundred Dollars (\$100.00) and not more than Ten Thousand Dollars (\$10,000.00) for each violation.
24. Each animal, each action, or each day a violation continues may constitute a separate and distinct violation.
25. Fine matrixes containing typical fines for most violations of statutes and rules enforced by ODAFF may be found in the OAC at Title 35.

OKLAHOMA SMALL BUSINESS REGULATORY FLEXIBILITY ACT

26. The Oklahoma Small Business Regulatory Flexibility Act, 75 O.S. Supp. 2002, § 506, may apply to this action; please review the full act to determine if it applies to you.

ENFORCEMENT OF JUDGMENTS

27. Administrative penalties, civil penalties, and other fines imposed by the Board shall be enforced pursuant to the procedure outlined in 2 O.S. § 2-7(B) and the Uniform Enforcement of Foreign Judgments Act, 12 O.S. § 719 *et seq.*

INFORMAL DISPOSITION OF AN INDIVIDUAL PROCEEDING

28. Informal disposition of an Individual Proceeding may be made by Stipulation, Agreed Settlement, Consent Order, or Default.
29. Resolution by Stipulation, Agreed Settlement, Consent Order, or Default shall be approved by the State Board of Agriculture.
30. Proposed Final Administrative Orders shall be prepared and issued in accordance with the Administrative Procedures Act and presented to the Board of Agriculture for review and approval.

STIPULATION

31. If Respondent desires to resolve this matter without a hearing or further action, Complainant proposes an administrative penalty of **Two Hundred and Fifty Dollars (\$250.00)**.
32. If you wish to waive your right to hearing and stipulate to the above alleged findings of fact and conclusions of law, you may pay the full amount of the recommended penalty by check or money order and sign and return the attached Resolution by Stipulation along with your full payment of this penalty prior to the stated hearing date.

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY, OFFICE OF GENERAL COUNSEL



Teena G. Gunter, General Counsel, OBA # 17767
James Rucker, Deputy General Counsel, OBA # 14574
Wendi Morse, OBA # 33571
Kambi Maddy, OBA #13873
✓Shelby Turner, OBA #34010
Assistants General Counsel
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105-4298
Telephone: (405) 522-5997
Facsimile: (405) 522-5789

CERTIFICATE OF MAILING

This is to certify that on this 14 day of July, 2021, a true and correct copy of the forgoing instrument was mailed, via Certified Mail, Return Receipt Requested, as follows:

Sayre Grain
202 N. Broadway
Sayre, OK 73662



Gina Blaylock

**BEFORE THE STATE BOARD OF AGRICULTURE
STATE OF OKLAHOMA**

**THE OKLAHOMA DEPARTMENT OF)
AGRICULTURE, FOOD, AND FORESTRY,)
BY AND THROUGH THE)
OFFICE OF GENERAL COUNSEL)**

COMPLAINANT,)

v.)

Case No: OGC-21-110

**SAYRE GRAIN)
202 N. BROADWAY)
SAYRE, OK 73662)**

RESPONDENT.)

STIPULATION

Respondent accepts and stipulates to the proposed administrative penalty or fine of **Two Hundred and Fifty Dollars (\$250.00)** for this action and has accordingly signed this Resolution by Stipulation and returned same along with a check or money order in full payment of the proposed penalty or fine to: Office of General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln Blvd., Oklahoma City, OK 73105-4298.

Respondent waives their right to a full administrative and/or evidentiary hearing and enters this Resolution by Stipulation evidencing Respondent's consent to the proposed penalty and Respondent's stipulation to the allegations of fact and alleged violations of law made in the Notice of Violation.

RESPONDENT:

Signature

Printed Name and Title

Date: _____

2022 BOARD MEETING DATES

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JANUARY 26, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, MARCH 9, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, APRIL 27, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JUNE 15, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, JULY 27, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

THURSDAY, SEPTEMBER 15, 2022 10:00 AM AT
2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

TUESDAY, OCTOBER 18, 2022 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105

A REGULAR MEETING HAS BEEN SCHEDULED FOR:

WEDNESDAY, DECEMBER 7, 2022 10:00 AM AT

2800 N LINCOLN BLVD OKLAHOMA CITY, OK 73105