

**MICHIGAN DEPARTMENT OF AGRICULTURE
& RURAL DEVELOPMENT**

In the matter of the proposed Michigan Blueberry Research & Education Program
Creating the Michigan Blueberry Commission:
Findings, Recommendations, and Order

**OPINION AND ORDER OF THE DIRECTOR:
MICHIGAN BLUEBERRY RESEARCH & EDUCATION PROGRAM CREATING THE
MICHIGAN BLUEBERRY COMMISSION**

Order of February 3, 2017 on the proposed program known as the Michigan Blueberry Commission.

I. DISCUSSION

The Agricultural Commodities Marketing Act, 1965 PA 232, as amended; MCL 290.651 *et seq.*, authorizes the establishment of commodity marketing programs. Pursuant to statute, the Director of the Michigan Department of Agriculture and Rural Development is responsible for establishing temporary committees to draft marketing programs, conducting public hearings, and determining by referenda of commodity producers whether such programs shall be established.

II. HISTORY OF PROCEEDINGS

On June 9, 2015, the Michigan Department of Agriculture & Rural Development Director Jamie Clover Adams received sufficient valid petition signatures from Michigan blueberry producers requesting the establishment of a research and marketing program for Michigan blueberries. The petitions further requested at least one public hearing to gather comments and gauge interest in a referendum for the creation of the Michigan Blueberry Commission under 1965 PA 232. The Director appointed a temporary committee to develop a proposed program. Two public hearings were held and comments were received, as well as written comments received via e-mail and regular mail service.

The records of both public hearings and the written testimony received were reviewed. Based on this information, one change was made to the proposed program language to prevent potential confusion related to the calculation of the assessment. This was outlined in an Opinion and Order signed by the Director of the Michigan Department of Agriculture and Rural Development dated December 5, 2016.

Additionally, it was ordered that the proposed program proceed to a referendum vote of producers as authorized by MCL 290.661.

III. REFERENDUM

A referendum for Michigan blueberry producers was scheduled to be held from January 9, 2017 through January 20, 2017. Procedures for the referendum were established. A mailing list of 520 producers was compiled by the Michigan Department of Agriculture and Rural Development and on January 5, 2017, a ballot with complete instructions and a postage paid return envelope were mailed by first class mail using this list. The procedures required that to be declared valid a ballot shall:

1. Have a legible and complete name and mailing address of the producer.
2. Have its envelope postmarked no later than January 20, 2017, or if mailed or hand delivered, but not postmarked, be date stamped at the Michigan Department of Agriculture and Rural Development in Lansing no later than January 20, 2017.
3. Be signed by a producer as defined in 1965 PA 232, as amended.
4. Contain a vote on the question on the ballot.
5. Indicate the total pounds of blueberries produced for sale in any one of the following years: 2016, 2015, or 2014.

To be eligible to vote, a producer must have been engaged in the business of producing or causing to be produced, beyond their own family use, blueberries produced for any processing or fresh market outlet a quantity of more than 50,000 pounds within any one growing and marketing season within the last three years: 2016, 2015, or 2014.

IV. PROCESSING, VERIFICATION AND TABULATION OF BALLOTS

The Operational Services and Central Licensing Unit of the Michigan Department of Agriculture and Rural Development forwarded all unopened return envelopes with ballots to the Executive Office. The Executive Office staff opened and date stamped each ballot with the date it was received and then placed them in a locked drawer. Grower identification and individual production information is kept completely confidential.

A total of 105 ballots were received. Twenty-three ballots were disqualified due to late postmark or insufficient production. Of the remaining 82 valid ballots, the following votes were cast regarding the establishment of the Michigan Blueberry Research & Education Program Creating the Michigan Blueberry Commission: 61 producers voted yes (74%) representing 36,021,458.9 pounds (73%) and 21 producers voted no (26%) representing 13,152,428 pounds (27%).

These results meet the requirements of 1965 PA 232, Section 11(1); MCL 290.661(1) which state:

“The affected producers shall be considered to have assented to the proposal if more that 50% by number of those voting representing more than 50% of the volume of the affected commodity produced by those voting assent to the proposal.”

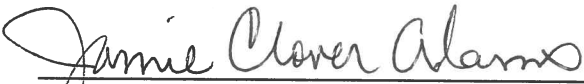
V. ORDERING PARAGRAPHS

Having examined the referendum results as stated above and being fully advised in these matters, I find that:

1. The Department has jurisdiction in this matter under 1921 PA 13, Sec. 5, as amended, MCL 285.5; and 1965 PA 232, as amended; MCL 290.651 *et seq.*;
2. The Department has received ballots in which 61 producers (74%) representing 36,021,458.9 pounds (73%) voted to establish the Michigan Blueberry Research & Education Program Creating the Michigan Blueberry Commission and 21 producers (26%) representing 13,152,428 pounds (27%) voted against the establishment of the program;

THEREFORE, IT IS HEREBY ORDERED that the Michigan Blueberry Research & Education Program Creating the Michigan Blueberry Commission shall be established since more than 50% of those voting, representing more than 50% of the production volume, assented to the program.

FURTHER, IT IS ORDERED that the Michigan Blueberry Research & Education Program Creating the Michigan Blueberry Commission shall be established beginning May 1, 2017 and ending April 30, 2022. As provided for in 1965 PA 232, as amended, Section 21, the Michigan Blueberry Commission shall be resubmitted to a referendum of the producers during each fifth year of operation.

By: 
Jamie Clover Adams, Director
Michigan Department of Agriculture & Rural Development

Dated: February 3, 2017 at Lansing, Michigan