



STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
LANSING

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**DATE:** March 26, 2009

**TO:** Honorable Cameron Brown, Chair  
Senate Agriculture Appropriations Subcommittee

Honorable John Espinoza, Chair  
House Agriculture Appropriations Subcommittee

**FROM:** Nancy Nyquist, Legislative Liaison

**SUBJECT:** Policy Changes Report

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Section 229(1) of PA 253 of 2008 requires the Michigan Department of Agriculture (MDA) to provide a report on specific policy changes made to implement public acts affecting the department. The policy change report is attached for your review

Please contact me at (517) 241-4381 if you have any questions or would like any additional information.

Attachment (2)

cc: Senate Agriculture Appropriations Subcommittee  
House Agriculture Appropriations Subcommittee  
The Joint Committee on Administrative Rules  
Jessica Runnels, Senate Fiscal Agency  
William Hamilton, House Fiscal Agency  
Jacques McNeely, State Budget Office

# **MICHIGAN DEPARTMENT OF AGRICULTURE POLICY CHANGES FOR CALENDAR YEAR 2008**

Policy changes were made by the Michigan Department of Agriculture in calendar year 2008 to implement public acts in the following areas:

## **Environmental Stewardship Division**

In December 2006, the General Property Tax Act (PA 206 of 1893) was amended by the Michigan Legislature. This action gives property tax exemptions to farm owners of 'methane digesters and methane electric generating equipment' who have on their payroll anaerobic digester operators that are certified as 'qualified' by the Michigan Department of Agriculture. To be qualified means that the operator possesses the skills necessary to start, maintain and troubleshoot an anaerobic digester and power generation equipment, and the farm is Michigan Agriculture Environmental Assurance Program (MAEAP) Verified. In order to meet this need MDA worked with Michigan State University Extension to develop the On-Farm Anaerobic Digester Operator Training Program. MSU-E will offer this program twice a year while MDA works with operators to conduct the certification when request

## **Pesticide and Plant Pest Management Division**

### **Regulation 637 Amendments**

On February 21, 2008, amendments to Regulation 637, Pesticide Use, were filed with the Secretary of State, and were published in the March 15, 2008 Michigan Register. Regulation 637 was initially promulgated in 1992 and since that time it has never been amended.

Many of the amendments to the regulation simply clarify existing requirements. There are two significant amendments that affect turf and ornamental lawn markers and integrated pest management / parental notification requirements. The turf and ornamental lawn marker requirements are now more restrictive and are intended to return markers to their original symbolism and now restrict their use to pesticide applications only. Integrated pest management in schools and day care centers and parental notification of pesticide applications to school and day care center property requirements were moved into Act 451, Part 83, Pesticide Control in March 2005 and as such most of the provisions are being removed from the regulation to correct conflicts between the regulation and the parent act.

## **Laboratory Division**

### **Service Seed Testing Policy Change**

The Laboratory Division ended its long standing fee based seed quality testing program authorized within the Michigan Seed Law (P.A. 329 of 1965, as amended). Elimination of supporting general funds, loss of experienced technical staff and the inability to increase fees to fully cover the activity were prime decision factors. Farmers and seed manufacturers/retailers requiring seed testing services can utilize private laboratories for their testing needs.

## **Food and Dairy Division**

The Food and Dairy Division now recognizes the MDA Emergency Action Plan document for establishment specific emergency plans as a method of staying open during unforeseen circumstances, if followed correctly. The policy was developed as a result of an amendment in the Food Law, Public Act 92 of 2000, MCL 289.6147.

The Food and Dairy Division has replaced traditional inspections with evaluations. Evaluations are food safety audits, inspections or assessments and measure the degree of active managerial control that a firm has. Evaluations may be announced or unannounced. The policy was developed to address an amendment in the Food Law, Public Act 92 of 2000, MCL 289.1105.

The Division now utilizes the 2005 US FDA Food Code as regulation for food safety instead of the 1999 US FDA Food Code. The policy was developed as a result of the adoption of the 2005 Food Code in the Food Law, Public Act 92 of 2000 as amended.

MDA now charges a \$197 fee for mandatory plan review. In addition, MDA has increased the fee for STFU plan review from \$177 to \$197. These fees are charged as a result of an amendment in the Food Law, Public Act 92 of 2000.

Finally, in June of 2008, updates of the Grade A Milk Law, Public Act 266 of 2001 (MCL 288.471 et seq) and the Manufacturing Milk Law, Public Act 267 of 2001 (MCL 288.561 et seq) became effective. As a result of these law revisions, the Dairy Section is updating its policies and implementing policy changes accordingly.