

# MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

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

## MEETING MINUTES JANUARY 27, 2016

### **PRESENT:**

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

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

Chairperson Meachum called the meeting of the Commission of Agriculture and Rural Development to order at 9:04 a.m. on January 27, 2016. Commissioner Montri called the roll with Commissioners Hanson, Kennedy, Meachum, Montri, and Walcott, and Director Clover Adams present.

### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE MEETING AGENDA FOR JANUARY 27, 2016. SECONDED BY COMMISSIONER HANSON. MOTION CARRIED.**

### **APPROVAL OF NOVEMBER 18, 2015, MEETING MINUTES**

**MOTION: COMMISSIONER WALCOTT MOVED TO APPROVE THE NOVEMBER 18, 2015, MEETING MINUTES. SECONDED BY COMMISSIONER MONTRI MOTION CARRIED.**

### **NEXT SCHEDULED MEETING**

The next scheduled meeting will be held on Wednesday, February 24, 2016, at GreenStone Farm Credit Services, 3515 West Road, East Lansing.

### **COMMISSION RESOLUTIONS**

Commissioner Meachum shared the proposed resolution honoring Scott Piggott:

*The Michigan Commission of Agriculture and Rural Development (MDARD) is pleased to recognize and honor Scott Piggott, from the Michigan Farm Bureau, for his 18 years of dedication to developing, implementing, and promoting the Michigan Agriculture Environmental Assurance Program (MAEAP).*

*Scott graduated from Michigan State University with Bachelor and Master Degrees of Science in Biosystems Engineering, and was hired by Michigan Farm Bureau to become the organization's Natural Resources and Right to Farm Specialist.*

*Beginning in late 1997, Scott worked with agricultural commodity groups to help turn a unique idea into a revolutionary program that would become known as the Michigan Agriculture Environmental Assurance Program. Scott was at the forefront of the effort, helping guide the development and implementation of the program from its inception, overcome hurdles, misconceptions, and skepticism. He recognized MAEAP's innovative approach and encouraged other states to develop similar programs. For this, MAEAP received national recognition.*

*Scott not only had a vision for MAEAP, but also understood that during the initial stage of development, when the concept was not widely embraced, program credibility had to be based on a high environmental bar. Scott maintained his and his organization's commitment to credible performance. Scott understood that performance would happen one farm at a time, and would be based on a farmer's understanding and long-term commitment to MAEAP standards.*

*Scott promoted the concept that farmer incentives are critical to program growth and of high value to the landowner. He sought incentives throughout the public and private sector. He encouraged state and local recognition of participating farmers. Scott also understood and believed in the importance of technical assistance on the farm. He felt this needed to be provided by competent, local, technical staff. He led his organization's continued commitment to local conservation districts.*

*As the program grew, Scott never lost sight of the importance of the MAEAP partnership and sought meaningful strategies to maintain partner involvement. Under his leadership, Scott watched the MAEAP partnership grow from a handful of organizations to more than one hundred organizations. Working with many partners, Scott played a large role when MAEAP was codified into law in 2011.*

*Scott led the MAEAP Advisory Council as a co-chair, providing technical expertise, vision, and passion. He understood the importance of this industry-led program to the future of Michigan's agriculture and the preservation of the state's natural resources. He mentored MAEAP staff throughout his time with the program, encouraging program excellence, enthusiasm, and strategic thinking. He has continued to work diligently to put MAEAP in a position for long-term growth and stability.*

*The Michigan Department of Agriculture and Rural Development would like to thank Scott and recognize him for his 18 years of tireless dedication to developing, promoting, and guiding the Michigan Agriculture Environmental Assurance Program. His efforts have helped create a national model for successful, voluntary environmental programs, as well as laying a foundation for continued excellence and success of the program.*

**MOTION: COMMISSIONER WALCOTT MOVED THE RESOLUTION RECOGNIZING SCOTT PIGGOTT BE ADOPTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Mr. Piggott thanked the Commission for their recognition. He expressed that for all of the work accomplished with many partners and many friends and the thousands of farmers in the state that made MAEAP happen, including many on this Commission, a sincere thanks from the bottom of his heart.

Commissioner Meachum shared a proposed resolution honoring the retirement of Linda Jones:

*The Michigan Commission of Agriculture and Rural Development (MDARD) is pleased to recognize and honor Linda Jones upon her retirement from the Michigan Department of Agriculture and Rural Development on January 29, 2016.*

*Linda resides in Okemos, Michigan, with her husband Mike. They have two children, Bryan and Leslie, who live in Vancouver, British Columbia.*

*Linda earned a Master's Degree in Food Science from the University of British Columbia. Prior to her employment with the State of Michigan, Linda worked in technical service and marketing positions in the food and tourism industries in Canada. In 1997, she moved to Michigan when Mike accepted an offer for employment in Fisheries and Wildlife at Michigan State University.*

*Linda has served since 1998 as Executive Director of the Michigan Grape and Wine Industry Council and has been instrumental in the growth of the grape and wine industry in Michigan.*

*Linda is highly respected by her peers for her leadership and dedication, the impact of which will be felt for years to come. In 2009, Linda was awarded MDARD's prestigious Leadership Award by her peers. The award was the culmination of her years of steadfast and passionate commitment to the missions and values of MDARD and the Michigan Grape and Wine Industry Council.*

*The Michigan Commission of Agriculture and Rural Development commends Linda for her 17 years of outstanding and loyal service to the Michigan Department of Agriculture and Rural Development and to the people of the great State of Michigan. The Commission joins Linda's family, friends, and colleagues in wishing her a long, happy, and healthy retirement.*

**MOTION: COMMISSIONER KENNEDY MOVED THE RESOLUTION FOR LINDA JONES BE ADOPTED WITH BEST WISHES FOR HER LONG AND HEALTHY RETIREMENT. COMMISSIONER MONTRI SECONDED. MOTION CARRIED.**

Ms. Jones thanked the Commission for this honor, emphasizing it has been a pleasure to work for the department. One of her regrets is that she was unable to work with different programs; however, her position continually evolved over the 17 years and always presented interesting challenges. She has appreciated the department's support over the years, especially that of the Commission.

Commissioner Meachum presented a resolution honoring the retirement of Jack Spencer, noting Mr. Spencer retired from the department on January 1, 2016, and is unable to join the meeting today.

**MOTION: COMMISSIONER KENNEDY MOVED THE RESOLUTION FOR JACK SPENCER BE ADOPTED WITH BEST WISHES FOR HIS LONG AND HEALTHY RETIREMENT. COMMISSIONER WALCOTT SECONDED. MOTION CARRIED.**

### **ELECTION OF NEW OFFICERS**

Commissioner Meachum advised it has been a privilege to serve as chair of the Commission for the last year, noting it is an eye-opening experience. He thanked each of the other Commissioners and the Director for their support, and Ms. Ayers' for her unwavering dedication to assisting the Commission.

**MOTION: COMMISSIONER KENNEDY MOVED TO NOMINATE COMMISSIONER WALCOTT AS CHAIR AND COMMISSIONER MONTRI AS VICE CHAIR OF THE COMMISSION FOR 2016. COMMISSIONER HANSON SECONDED. MOTION CARRIED.**

Commissioner Meachum passed the gavel to Commissioner Walcott for chairing the remainder of the meeting.

**COMMISSIONER HANSON MOVED TO NOMINATE COMMISSIONER KENNEDY AS SECRETARY OF THE COMMISSION FOR 2016. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

**COMMISSIONER COMMENTS AND TRAVEL**

**Commissioner Montri** reported she attended the Midwest Winter Production and the Missouri Farmers Market Association Conferences noting it is always interesting to experience what is happening around farming in other states. At those conferences, she had the opportunity to share what is being accomplished in Michigan.

The 2016 Michigan Farmers Market Association Market Manager Certificate Program launched on Saturday, which continues to train market managers across the state. This year, there is a satellite campus in Illinois and individuals will be participating via webinars across the country.

She will be attending the Farms, Food, and Health Conference in Traverse City on Friday, as well as the Northern Michigan Small Farms Conference the following day.

On their farm, it has been a mild winter and they are still harvesting fresh winter greens. They are working through some of their storage crops, many of which have sold out. Spring planting will begin in four-six weeks.

**Commissioner Hanson** reported weather has been mild in the Upper Peninsula (UP), with only six-eight inches of snow on the ground in their area. The northern UP recently received 30 inches of snow in a 24-hour period.

For several years, she has been involved with the Miracle of Life Pavilion project, which was very fortunate to have received a \$4,200 grant from the Michigan Farm Bureau (MFB). Each year, the project hosts the display during the UP State Fair.

Farmers in her area were able to harvest corn in time this year. However, commodity prices are down in the UP and dairy farmers are expressing their frustration.

In response to question from Commissioner Kennedy, Commissioner Hanson advised moisture overall is more than adequate in the UP, following significant rainfall in November.

**Commissioner Meachum** reported he attended the Great Lakes Fruit, Vegetable, and Farm Market Expo in Grand Rapids, and the National Naturipe Berry Conference in Las Vegas. The International Fruit Tree Association annual conference will be held in Grand Rapids this year, which offers a great opportunity to host over 400 people from around the world in Michigan for that conference and associated tours.

Grain prices are iffy at best and many growers in his area are holding their harvest in hopes of a rally. Some elevators are trying to offer incentives to entice growers to deliver now. Fresh market apple prices are rising, but processing prices are coming down due to the quality problems experienced with this year's crop. This creates a mixed bag for the growers.

Southwest Michigan experienced a very wet and warm December. Crops from his operations are completely harvested and they were chisel plowing until the second week in January. Currently, there is about six inches of snow on the ground and they are hoping for winter to maintain a long, cool spring to prevent any spring frost.

**Commissioner Kennedy** reported the Saginaw Valley has received a good deal of moisture and enjoyed a very good harvest this year. Recent weather has been mild, with very little snow. Some ice in the fields could be detrimental to the wheat.

He attended the Michigan Agri-Business Association (MABA) conference, which over 1,200 people attended. The theme focused on new considerations – because the current vacuum in grain prices is affecting the industry and the cost of production is very narrow for growers, farmers are considering new ways of doing business.

Growers are holding corn for the long term. Ethanol processors are asking for delivery to continue production. Nationwide, growers are hopeful something will happen to change the situation.

During his organization's recent grower meeting, the Regional Conservation Partnership Program (RCPP) was discussed at length. Growers are looking for those types of alternatives to increase revenue, and considerable participation in that program is anticipated. Also trending is GIS (geographic information system) site-specific fertilization as a means to save money on the farm, as well as being a key in the 4R (right fertilizer source, right rate, right time, right place) side of things.

In response to question from the Director relative to the MABA conference, Commissioner Kennedy advised the current situation with prices definitely opens up consideration of incentives available through various conservation programs.

**Commissioner Walcott** reported the fruit and vegetable growers in his area are attending numerous small meetings that have been very interesting. Depression of crop prices is affecting growers and many are holding crops, waiting for the rally. A great deal of base is tightening from livestock producers that need the commodities. His area has received heavy amounts of moisture and has 8-12 inches of snow on the ground.

In addition to travel previously mentioned, Commissioners Hanson, Kennedy, Meachum, Walcott, and Montri traveled to attend today's meeting. There was no other travel submitted for approval.

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

### **DIRECTOR'S REPORT**

Director Clover Adams reported one of the issues raised during the Governor's recent State of the State address was infrastructure, including broadband, wastewater, and drinking water. Wastewater is a barrier to processing in Michigan and she is hopeful this

overarching consideration of that infrastructure will assist food processing in some of our rural communities.

An All Supervisor Training meeting was held Monday at the Agro-Culture Liquid Fertilizer facility in St. Johns, which offers an excellent venue for training meetings. The session focused on critical conversations with staff, was well received, and included a good deal of beneficial role playing activity.

The Governor appointed members to the Rural Development Fund Board at the end of last year. In March, the board will hold its inaugural meeting in Gaylord. She and the four members will consider providing a framework for the Rural Development Fund. In light of the mines working in the UP, there now is likely to be revenue in the fund. The board will provide guidance to the department on how those funds can be utilized, which will be primarily for infrastructure in rural areas.

She had the opportunity to testify last week before the House Agriculture Committee regarding the Operation Excellence and Strategic Excellence initiatives. She reported that Standard Operating Procedures have been instituted for nearly all of the department's activities (the remainder to be completed this year) which incorporate quality, quantity, and timeliness factors into each activity. The department will continue to identify and remove impediments and 40-50 percent of those raised have already been removed. Every two weeks, supervisors are conducting intentional conversations with staff about their work and identifying if they need assistance or tools to better complete their jobs. Through this process, we have decreased food licensing processing times by 50 percent, improved processing times on Farmland Preservation Program agreements by 53 percent, increased the number of new Michigan Agriculture Environmental Assurance Program (MAEAP) verifications by 16 percent, increased Migrant Labor Housing inspections by 21 percent, increased food inspections by 7.6 percent, and met the quality and timeliness standards in the Bovine TB Program 95 percent of the time. She outlined the benefits realized by each of these improvements. In addition, Weights and Measures Program device inspections, which were up 20 percent at one point last year, finished the year with a two percent increase – this was accomplished with two fewer staff and having to defer staff time to skimmer device inspection of nearly 12-13,000 gasoline pumps.

The Operation Excellence effort is bringing impressive results and she is extremely proud of the staff and the work they have been able to accomplish. Currently, efforts are progressing toward defining metrics, aligning goals with outcomes, and using the data to better manage programs going forward. The goal is to ultimately focus only on what truly adds value to better steward taxpayer and stakeholder money while providing excellent customer service.

In response to question from Commissioner Walcott, the Director advised the industry has now joined MDARD staff in inspecting gasoline pumps for skimming devices. New challenges are surfacing because skimming devices are becoming more technically advanced and allow for remote monitoring. Staff will be speaking at the annual meeting of local law enforcement and prosecutors to attempt engaging them in this process.

## **DIRECTOR'S TRAVEL**

Director Clover Adams has no new out-of-state travel planned in the near future.

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

**Randy Zeilinger, Garden City and Michigan Small Farm Council (MSFC)**, expressed concern relative to some of the wording in the Site Selection Generally Accepted Agriculture and Management Practices (GAAMP). In light of recent environmental damage in Michigan, he feels the proposal to add the Michigan Departments of Environmental Quality (MDEQ) and Natural Resources (MDNR) with unknown powers to make declaratory rulings regarding animals, trans-genetics, non-natives, etc., could be detrimental to how a farm can be operated. There has been considerable discussion around transparency of Michigan government and advised they have no way of knowing what transpires within the GAAMP Committee meetings. The only time the public sees the language is once the committees have produced their proposals. MSFC has tried for years to be a part of the committee, but has been refused a seat. He feels what is legal or not legal under the GAAMPs is unclear. Too many departments are involved and feels there is a potential for personal vendettas against a group of farms. The proposed GAAMPs were commented on during the last Commission meeting and he is not aware of the content of the revised version to be considered for approval today.

## **2016 GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES: Jim Johnson, Division Director, and Wayne Whitman, Right to Farm Program Manager, Environmental Stewardship Division; Brad Deacon, Director, Office of Legal Affairs; Professor Dale Rozeboom, MSU Department of Animal Science (Manure Management and Utilization GAAMP Chair); and Professor Tim Harrigan, MSU Department of Crop and Soil Sciences (Nutrient Utilization GAAMP Chair)**

Mr. Johnson advised he appreciates the opportunity to complete the review and approval process of the 2016 GAAMPs. He reminded the Commission the Right to Farm (RTF) Act is very specific in terms of the role the Commission has relative to establishing a set of defined GAAMPs, those standards that are used for determining compliance with the RTF Act. It also dictates the GAAMPs be reviewed and approved on an annual basis. In November, the GAAMPs were introduced for the Commission's review, and today it has the opportunity to ask questions and ultimately make a decision about each of the eight GAAMPs as presented. Each GAAMP can be approved individually, or they can be approved as a group.

Mr. Whitman advised he contacted each of the eight respective GAAMP committee chairs in April and there were several meetings among those committees with changes proposed in the Site Selection, Manure Management, and Nutrient Utilization GAAMPs. There were no recommended changes in the other five GAAMPs.

Chair of the Nutrient Utilization GAAMP, Professor Harrigan, reviewed the proposed changes in that GAAMP, which include new recommendations to reflect 2014 changes to Part 115 of the Natural Resources and Environmental Protection Act (NREPA) addressing beneficial use of certain industrial byproducts. Those byproducts include wood ash, coal ash, paper mill waste products, soil wash from sugar beets, etc., which being non-traditional, are difficult to define. Committee discussion focused on determining a process for identifying chemical and biological content of those

byproducts, which the generators in turn are required to list on their labels. In the process, the generator, the applicator, and the landowner share responsibility in following the GAAMP.

Commissioner Montri asked if there were any farmers serving on the Nutrient Management GAAMP Committee. Dr. Harrigan advised various industry participants, including MFB and MABA, represent farmers, and other members are farmers themselves, as well as serving as organization representatives. Over the years, he has invited numerous farmers to attend their meetings and participate in the discussion.

In response to inquiry from Commissioner Walcott, Dr. Harrigan advised the key question relative to byproducts is the actual content of the materials to ensure there is no co-mingled ingredient. The generator must conduct the testing and create a label to reflect those ingredients so as it moves down the chain everyone is aware of exactly what they are receiving. The applicator and landowners are responsible for being aware of exact contents and ensuring application is conducted properly.

The Director advised these changes are proposed as a result of the Legislature passing a new statute in 2014 that created various beneficial use categories of material that normally were not land applied. Responsibility for Beneficial Use Category III came to the department under the Fertilizer Program and the department is charged with determining if it is acceptable to be utilized as a soil nutrient. The GAAMP is aligning with that change in the law to outline the respective acceptable management practices.

The Director expressed the department's appreciation to Professor Harrigan for his outstanding efforts in chairing the Nutrient Utilization GAAMP Committee.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2016 NUTRIENT UTILIZATION GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Professor Dale Rozeboom, Chair of the Manure Management GAAMP Committee, noted the Task Force met several times in 2015. They made a major effort to address the technicalities and science within the GAAMP and to ensure all references were current and applicable. Bolded portions represent the actual requirements within the GAAMP and for clarification, references within those portions are now included as informational text only and no longer bolded, which represents numerous changes.

The Odor Management Section was closely reviewed, in particular number 16 which referred to residences in location to existing facilities. It was determined the sentence about new residences was not needed, because they could not instruct people where to build a new home.

Remaining text was formatted or moved to provide logical thought progression within the GAAMP. Also, Table 4 was revised, based on the most current nutrient excretion data available. It addresses the manure nutrient excretion data referred to by technical

service providers, which is critical in the formation of comprehensive nutrient management plans.

The Task Force continues discussion about winter spreading of manure while continuing to review applicable scientific literature, as well as responses and plans of other states. They considered the growing popularity of run-off risk forecasting tools, which involve weather event data and current forecasts. Wisconsin and Washington have those in place and other states are pursuing it. Because Michigan is not yet in a position to utilize that data, language referencing it was not included. Some clarification of the current winter application language is included in the proposed changes.

In response to inquiry from Commissioner Walcott, Dr. Rozeboom advised there definitely remains an avenue for daily spread by the farmer on his land based on available field conditions.

Commissioner Montri acknowledged that Dr. Rozeboom raises animals and asked if there were other farmers on his Task Force. Professor Rozeboom advised member James DeYoung has farmer clientele, Natalie Rector represents Michigan Corn Growers, and Laura Campbell from MFB represents farmer interests. They have not extended a public invitation to a Task Force meeting; but, they have received requests and allow farmers to attend. Mr. Whitman noted that, obviously, the department receives feedback through every complaint investigation it conducts.

The Director asked what the statute requires relative to membership of the GAAMP review committees. Mr. Whitman advised the RTF Act relative to GAAMPs states the Commission shall give due consideration to available MDARD information and written recommendations from Michigan State University (MSU) College of Agriculture and Natural Resources, Extension, and Agriculture Experiment Station, in cooperation with the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) and Consolidated Farm Service Agency (FSA), MDNR, and other professional and industry organizations. This is the basis for the membership on many of the GAAMPs committees, including MFB, MDEQ, and depending on the particular GAAMP, experts in specific applicable areas. Each chair determines who needs to be on their respective committee.

The Director thanked Professor Rozeboom for his outstanding contributions through chairing of the Manure Management and Utilization GAAMP Committee.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2016 MANURE MANAGEMENT AND UTILIZATION GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER HANSON SECONDED. MOTION CARRIED.**

Mr. Johnson noted the Site Selection GAAMP was sent back to the committee following the November Commission meeting for consideration of references to other laws and the definition of livestock, which have been addressed in the revised proposed changes.

Mr. Whitman advised the Site Selection GAAMP Committee met five times, and as recently as November 23, 2015. Among the suggestions by committee members was to provide a definition of livestock. The term farm animals had been used as defined in the RTF Act; however, the title of the GAAMP indicates livestock, and the universe of farm animals may be larger than livestock, such as aquatic species or bees. For the purposes of the GAAMP, it addresses odor control, nutrient management, and run-off control. In November, the Commission requested the Task Force consider the definition, as well as removing the reference to invasive species, which it was done.

There now is one new definition for livestock, which reads, "For purposes of the Site Selection GAAMPs, livestock means those species of animals used for human food, fiber, and fur, or used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, privately owned cervids, ratites, swine, equine, poultry, and rabbits. For the purpose of the Site Selection GAAMPs, livestock does not include dogs and cats. Site Selection GAAMPs do not apply to aquaculture and bees." The purpose is to provide guidance and recommendations for farmers to site a new facility or expand an existing one, while looking at social compatibility, topography, manure management, and nutrient utilization, which are those factors to reduce the risk of problems or complaints about the facility. To be consistent, other changes from "farm animals" to "livestock" were made throughout the GAAMP.

In response to question from Commissioner Montri, Mr. Whitman advised he is not aware of any issues with siting of aquaculture facilities in Michigan through RTF.

Mr. Whitman advised a change on page 4 in the general definition of the four categories includes reference to Category 3 to be consistent with changes made in 2014 and 2015. Further on, where there are more detailed descriptions of the various categories, Category 4 language remains unchanged and is simply moved to this new location. Other changes involve additional formatting to provide clarification. In response to question from Commissioner Montri, Mr. Whitman confirmed a local unit of government could authorize Category 4 agriculture use.

Commissioners Meachum and Montri pointed out typographical errors on page 9 in the Additional Considerations section. Mr. Whitman will make those corrections, as well as any others that may be needed throughout the document.

Mr. Whitman noted consideration for facilities with a total capacity of less than 50 animal units was added to Section VI, in that when they request siting verification from MDARD, the department will use criteria applicable to the holding capacity for the number of animal units of the proposed facility. This is consistent with the review process overall.

Commissioner Montri noted MSFC has requested over the last two years to have one of their members serve on the Site Selection GAAMP Committee, but that has not been granted. Mr. Johnson advised consistently across all of the GAAMPs committees, they are comprised by the chair utilizing individuals who have direct expertise in that particular area and bring to that dialog that which is helpful in moving that set of standards forward. Commissioner Montri noted she agrees that expertise in each particular area is needed; however, should there be concern if people feel the process is

not transparent. Mr. Whitman pointed out the GAAMPs are posted on the department's website, a public comment period is established, and a public comment meeting is held. The chairs have allowed guests to attend and provide their views. Mr. Deacon confirmed transparency does exist and stressed the Commission is the public body where the decision on the wording is accomplished. Through the act, the Commission has tasked the expertise and the science to MSU, each chair voluntarily directs their task force with the individuals they feel most applicable. On an annual basis, the GAAMPs are presented to the Commission in a public forum and anyone wishing to speak may do so, which is beyond the separate public input meeting which is reported back to the Commission as well. This year is a good example of the process working as it should when the Commission in November, based partially on public input, asked the Site Selection Task Force to reconsider some of its proposed changes and the committee responded to those concerns with the version being presented today. MSFC was invited to attend a Site Selection Task Force meeting in 2014 and they did take that opportunity to speak. Commissioner Walcott emphasized that many small farmers are already represented by the organizations who are members of the various GAAMP task forces.

The Director confirmed this Commission provides considerable transparency for the process through its meetings, as well as through the GAAMPs public meeting and public comment period provided each year. If discretion for who brings value to the table is taken away from the experts, their value would be completely diluted. The Commission has delegated that base portion to MSU for bringing recommendations back to the Commission for discussion and decision.

In response to question from Commissioner Montri, Mr. Deacon advised providing for public engagement is why a previous Commission requested the department hold a public comment session prior to the draft GAAMPs being finalized and presented to the Commission for consideration. Because MDARD is aware of the level of interest in the GAAMPs, it has included multiple layers and venues for the public and for interested stakeholders to participate in the process that far exceeds what is required in statute. The Commission, as the public body responsible for adopting the GAAMPs, takes the recommendations from the various task force committees and adopts or amends the GAAMPs in meetings open to the public.

Mr. Johnson added the purpose of the GAAMPs is to reduce nuisance conditions to the point it provides some protection to the farm community. The department receives approximately 150 new complaints each year and each of those is an evaluation of the content of the GAAMP documents and their implementation. That feedback is reported to and taken into consideration by the respective GAAMP committees.

**MOTION: COMMISSIONER MEACHUM MOVED TO APPROVE THE 2016 SITE SELECTION AND ODOR CONTROL FOR NEW AND EXPANDING LIVESTOCK PRODUCTION FACILITIES GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH CHANGES AS PRESENTED. COMMISSIONER KENNEDY SECONDED. MOTION CARRIED.**

Mr. Johnson advised the remaining GAAMPs contain no proposed changes. Mr. Deacon reported no public comments were received relative to those five GAAMPs. There was no additional discussion.

**MOTION: COMMISSIONER MONTRI MOVED TO APPROVE THE 2016 CARE OF FARM ANIMALS, CRANBERRY PRODUCTION, FARM MARKETS, PESTICIDE UTILIZATION AND PEST CONTROL, AND IRRIGATION WATER USE GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES WITH NO CHANGES AS PRESENTED. COMMISSIONER MEACHUM SECONDED. MOTION CARRIED.**

**MICHIGAN AGRICULTURE ENVIRONMENTAL ASSURANCE PROGRAM DATABASE: Jim Johnson, Division Director, and Bob Pigg, Resource Specialist, Environmental Stewardship Division**

Mr. Johnson reported one significant change to NREPA Part 87 for the Michigan Agriculture Environmental Assurance Program (MAEAP) last spring was the requirement to create a database, and the budget process included spending authority for that purpose. Data management has always been a challenge in the program, with a great deal of information kept in numerous spreadsheets. The department appreciated this change to the law that actually authorizes the project. Bob Pigg, the division's database expert, will share details of the process that will provide for creation of the MAEAP database.

Mr. Pigg advised there are over 37 local programs supported by local access databases updated to a State of Michigan database for technical assistance, risk assessment, and other issues. The MAEAP Advisory Committee created a group to lead the database procurement effort. The core group consists of the Environmental Stewardship Division Deputy Director, MAEAP Manager, and himself.

Since September 2015, the team has been working with the Department of Technology, Management, and Budget (DTMB) to define the requirements and identify potential vendors. The database would have capability of access in near real time by everyone across the state.

Requirements of the system are statements of problems or needs in enough detail to explain issues fully. The team met with DTMB requirements gathering specialists over two months to create the requirements document. The team shared requirements with vendors that have an ongoing relationship with the State of Michigan to avoid an otherwise lengthy Request for Proposal (RFP) process.

The team asked for proposals from IBM, a SalesForce vendor called DeLoitte, and the Institute of Water Research at Michigan State University. The State of Michigan currently holds contracts with each of them, which could be amended to include the MAEAP database. All three responded with proposals, which vary widely in approach and in the time required to implement the solutions.

The results will include the ability for data collection, management, and analysis capabilities, as well as an integrated geographic information system (GIS) which is

critical to telling the MAEAP story visually. It will provide for conducting special results-based analysis at a level we simply are not able to do currently.

The team has met with vendors to review proposals and vendors have refined their proposals based on feedback provided. The revised proposals have been reviewed by the team and a recommendation will be made to the Director in the next two weeks.

Mr. Johnson summarized that a technician would actually have hardware technology to work with the farmer in the field, with all of the data available to them in the Cloud. When walking a grower through an A\*Syst tool, creation of a risk mitigation plan would be entered into the data set. As the grower implements practices to address issues, that information would be immediately entered into the database. Currently, environmental benefits can only be hand-calculated in October after all accumulated reports are entered for the year. The database will provide for calculating that on a daily basis and changes in the environment could be readily available. More importantly, that information could be depicted on a map to demonstrate implications for each watershed. Several other data layers could be added to help drive various environmental decisions. This will also provide the capacity to tell the story of how effective MAEAP has been on the Michigan environmental landscape.

The goal is to have at least the basic level of data input rolled out to the technicians by their annual training in October.

In response to question from Commissioner Walcott, Mr. Pigg advised confidentiality of information would remain the same as it is today – only at the time farmers request verification would their information become public or subject to the Freedom of Information Act. Information available to the department would be in an aggregated format only.

Commissioner Walcott emphasized the database will be a very important verification tool for the farming community, in particular to prevent blame being laid upon them every time there is an environmental issue. He expressed his appreciation to the department for working toward this effort.

#### **RECESS AND RECONVENE**

Chairperson Walcott recessed the meeting at 10:48 a.m. for a brief break. He reconvened the meeting at 10:58 a.m.

#### **MICHIGAN AGRICULTURE ENVIRONMENTAL ASSURANCE PROGRAM TIERED SYSTEM: Jim Johnson, Division Director, and Joe Kelpinski, MAEAP Manager, Environmental Stewardship Division**

Mr. Johnson advised one of the other changes to Part 87 of NREPA, which is where MAEAP is authorized, is the requirement of a tiered system for recognizing farm operations that are progressing through the MAEAP verification process. There is a connection between this and the database being developed in order to track that progress.

Mr. Kelpinski advised the Tiering Committee as required by the legislative update to MAEAP was appointed by the MAEAP Advisory Council. The Tiering Committee is chaired by Laura Campbell from MFB and members include representatives from The Nature Conservancy (TNC), Michigan Association of Conservation Districts (MACD), Michigan Corn Growers Association (MCGA), Michigan Wheat Board (MWB), Michigan Soybean Promotion Committee (MSPC), Michigan Milk Producers Association (MMPA), Institute of Water Research (IWR), Michigan Environmental Council (MEC), Michigan Integrated Food and Farming Systems (MIFFS), and MDARD, as well as farmers.

The committee met on three occasions over a period of four months from August to December 2015. Additionally, there was discussion of potential recommendations during the November 2015 MAEAP Advisory Council meeting.

During the initial meeting, discussion focused on developing a three-tiered system: Tier 1 (entry level), Tier 2, and Tier 3 (verification). They established that requirements for Tier 1 would include the farmer having Phase 1 completed, a Risk Assessment completed by a technician, an Improvement Plan in place for implementation by the farmer, and no direct discharges from the farm being evident at the time of assessment. Discussion also began on what Tier 2 would look like; however, because there are numerous assessment tools and considerable variability, it was too difficult to determine the “halfway” point and the group could reach no consensus.

Following the second meeting, the committee reported and sought input from the MAEAP Advisory Council. Although it was a good discussion, there was no resolution around Tier 2. It was recognized that the size and scope of the database required to encompass all of the different information required would significantly add to the cost of that database.

The committee met for a third and final time, during which they discussed the MAEAP Advisory Council comments, reconsidered a three tier system, decided upon a two tier system, discussed a possible “Super MAEAP” designation (a farm verified in all systems), determined the database may offer an idea in two-three years, and voted on final recommendations for presentation to the MAEAP Advisory Council.

The final recommendation to create a two tier system for MAEAP involvement maintains the original requirements for Tier 1 as reviewed earlier. In addition, farmers will have the option for issuance to them of an annual performance report as recognition of their efforts. This would be an “opt in” situation requiring the farmer to request the report, and it would require a farm continue to make corrections identified in their Improvement Plan. The report would include various data the farm could use to demonstrate the positive impacts their operation is making on the environment. Additionally, the aggregated data could be provided to individual commodity groups, depicting the environmental sustainability data applicable to their specific group of farmers. Tier 2 would consist of MAEAP verification as it stands in its current form.

Committee recommendations were reviewed during the January 11, 2016, MAEAP Advisory Council meeting and forwarded to the Director for approval. The Director approved the recommendations on January 19, 2016, and additionally recommended a

sunset provision be added to the tiered system. Therefore, by December 31, 2019, the tiered system will be reconsidered to determine if it is still operating the way it should, and if it provides analytical information to determine where a middle tier might exist.

The committee also considered what to name Tier 1 to clarify the achievement. It should convey thoroughness of the Risk Assessment and no-discharge aspects. This will be discussed as they move forward.

Ultimately, there could be an implementation of a Tier 3 (or 4) in the future that would include farms verified in all applicable systems. An Incentive Committee is working to determine if additional incentives could be found and determining an applicable name – such as MAEAP Gold, MAEAP Platinum, etc., to convey a farm operation has gone environmentally above and beyond.

Commissioner Walcott asked what other states are doing with the obvious connection to Lake Erie's algae bloom. Mr. Kelpinski advised Ohio has legislation that bans winter spreading of fertilizers and requires fertilizer applicator certification. Laura Campbell from MFB advised Indiana does not have additional legislation, but is working on their nutrient reduction strategy.

Commissioner Walcott noted it is exciting to continually see MAEAP verification actions on the farm. Mr. Kelpinski advised MAEAP has experienced considerable growth, particularly in the Western Lake Erie Basin over the last two years.

The Director advised Laura Campbell from MFB has graciously agreed to co-chair the MAEAP Advisory Council now that Scott Piggott has moved on. She looks forward to Ms. Campbell guiding the council to the next level.

### **LABORATORY DIVISION OVERVIEW: Craig VanBuren, Acting Division Director, Laboratory Division**

Mr. VanBuren advised he currently is the Acting Division Director for the Laboratory Division and comes from the Metrology Lab and the Consumer Protection Programs. He provided a high-level overview of the Laboratory Division program activities.

The division is comprised of seven sections and responsible for providing support to not only other divisions within MDARD, but also Michigan businesses, federal partners, and directly to consumers.

The Drugs, Disease, and Fuel Section consists of eight staff, with one vacancy. Staff conduct approximately 2,500 tests annually for performance enhancing drugs at race tracks and fairs, as well as over 25,000 sample tests per year for various animal diseases, which helps facilitate movement of livestock across Michigan and assist with imports and exports. This section also tests the motor fuel samples gathered in the field to ensure quality is what consumers expect and saw an increase of over 200 samples to 3,500 this year. Operation Excellence improvements included facilitation of communication with customers, along with changes in work times and staff utilization.

With three staff and three vacancies, the Food and Feed Safety Section tested 14,000 samples for drugs and additives in human, pet, and livestock food and feed to ensure safety of the food supply across the entire spectrum. Through Operation Excellence, improved communications with other divisions and customers provided for outlining and agreeing on realistic expectations for customers. Through these efforts and even with fewer staff, they were able to realize an 18 percent increase in samples processed over last year.

In the Microbiology Section there currently are seven staff, two vacancies, and one position in the process of being filled. Staff test for various pathogens in food, as well as ensure milk is safe to transport. All milk samples must be tested within 24 hours. Through Operation Excellence, they worked with the Food and Dairy Division to develop a method to directly report results back to the field inspectors. Changes in test methods improved sensitivity of tests. Over 7,700 samples were processed last year and 100 percent of turn times were met.

Staff in the Pesticide and Pesticide Data Section tested about 1,000 samples last year for pesticides for the USDA Pesticide Data Program which assists with registration for the EPA, identifies crops where alternative pest control methods are needed, and promotes exports. They also conduct misuse tests where pesticides may pose health risks to humans, livestock, and animals. Operation Excellence efforts obtained service agreements with companies for equipment used to help reduce equipment downtime. To help increase turn time, funding from other divisions provided for the filling of two vacant positions. Even with an unexpected 80 percent increase in pesticide environment samples last year, staff were able to meet 98 percent of required turn times.

The Motor Fuel Quality Section consists of field staff inspectors who collect fuel samples from gas stations, checking for quality on site and sending samples to the Laboratory for final testing. They also ensure gas stations are selling the correct vapor proportioned fuel, which helps Michigan comply with EPA regulations to continue receiving federal highway dollars. Through Operation Excellence, better communication between field and laboratory staff provided for improved inspection methods to increase efficiency. Sample collection increased by 40 percent at 3,900 stations, with a goal of reaching each station every 18 months.

Weights and measures standards for the state are maintained by the Metrology Laboratory, and field staff support Michigan businesses by ensuring their equipment is correctly calibrated. Two staff, with a very large workload, coordinate to cover the entire state. Through Operation Excellence, reinforced scheduling suggestions to customers greatly improved efficiencies. Over 800 items were calibrated last year. We maintain the largest precision mass calibration laboratory in the country.

The Weights and Measures Section provides consumer protection by ensuring devices utilized in commerce are correct, as well ensure packages are correct. Improvements realized through Operation Excellence included redefining work areas and consolidating reports to significantly improve efficiencies. Fourteen Weights and Measures inspectors and 12 Motor Fuel Quality Inspectors (who assist on the gasoline pump side) conducted 81,000 device tests last year. Even though the section was down two staff from the

previous year and handled the additional issues of inspecting for skimmers on gasoline pumps, they still performed two percent more tests than the previous year.

The Laboratory remains challenged because of several staff vacancies, an overall 40 percent reduction in the last 15 years, with the same workload. Finding efficiencies has improved productivity. Twenty-six field staff cover the entire state with considerable travel time required to reach every location. Staff handled 237 motor fuel quality and almost 2,000 weights and measures complaints, which takes considerable staff time to investigate and report.

Much of the Laboratory's equipment is becoming old and outdated, and as a result, there is considerable downtime. The Laboratory buildings themselves are aging and require constant monitoring of facilities and controls to ensure operational and environmental conditions required. Currently, the Laboratory is unable to keep pace with new technologies, and is challenged by fewer staff and the inundated amount of consumer complaints received.

He invited the Commissioners to visit either or both of the laboratories to experience first-hand their capabilities and what staff accomplish on a daily basis.

In response to inquiries from Commissioners Kennedy and Montri, Mr. VanBuren advised there is a five-year plan for equipment replacement, and \$150,000 was received in this year's budget to begin working toward that goal. There currently is no funding to fill vacant positions.

In response to inquiry from Commissioner Meachum, Mr. VanBuren advised compliance by businesses is improving. Complaint substantiation remains at about 10 percent. The majority of issues are actually discovered during routine investigations, and those are related to maintenance and equipment issues, not intentional fraudulent action.

**REGULATORY REFORM EFFORTS AND LEGISLATIVE UPDATE: Brad Deacon, Director, Office of Legal Affairs and Emergency Management Coordinator; and Matt Blakely, Director of Policy Development and Legislative Affairs**

Mr. Deacon reported he was next door where the Michigan State Police is conducting Incident Command System 300 training for MDARD staff as a part of the department's ongoing efforts to build its capacity for emergency response at all levels. The 300 course is the first in-person class, which follows the online courses individuals complete, and provides hands-on experience through various emergency management exercises.

Relative to rulemaking and regulatory reform, in February of 2011, Governor Snyder issued Executive Order 2011-5 to direct all agencies to review every regulation on the books, which was a monumental task.

Five Michigan State University College of Law students worked part-time for MDARD that summer to complete that task. They considered the health and safety benefits of the rules, whether they were mandated by Constitution or statutory provisions, the cost of compliance with the rules for the public and regulated community, whether they conflict with or duplicate similar rules or statutes by the state or federal government,

whether the rules exceeded national or regional compliance requirements, the date they were last reviewed, and any other developments, particularly within the industry.

At that time, the department had 101 regulations with 941 rules and each of those was reviewed. Many of those had been obsolete for a long time; however, they remained because it costs money to have them removed. He reviewed several examples of outdated or conflicting rules that existed. From the 101 regulations, 36 have been removed, and 552 of the 941 rules have been deleted, which equates to 41 percent being eliminated. MDARD is second only to LARA in the number of reductions.

Some rules still need updating and two of those are currently in process. Those have been communicated through public notice of the regulatory impact statement, with hearings scheduled February 19. They are Regulation 619 related to scionwood and Regulation 633 regarding restricted use pesticides. Mr. Deacon will forward additional details on these regulations to Commissioner Meachum per his request. At this point, these are the only two additional updates in process, but the effort will continue.

Mr. Blakely reported Senate Bills 651-3 relate to a process of creating an easier way to transfer Commercial Forest (CF) farmlands to Qualified Forests (QF). There would be no penalty for withdrawing from CF and it allows for that transfer to QF. Work will continue on suggested amendments.

Senate Bill 671, from Goeff Hansen, proposes the addition of beer, liquor, and other spirit types to the Grape and Wine Industry Council. Those businesses pay into the fund that supports the Council, so there is interest in having them represented. Funding level is one concern that is being discussed.

Senate Bills 681-3 are aquaculture bills, and there is similar legislation in the House. MDARD is named in the bill as housing a new division for aquaculture, and it has ramifications for MDEQ and MDNR as well. Discussions among the three agencies are ongoing toward this effort, which could provide for substantial growth opportunity for aquaculture producers.

House Bills 550-560 are the department's repeal legislation, which represent various outdated laws or those covered by a new law and are no longer applicable.

House Bills 5166-68 are the House companion bills to the aquaculture conversation, with the same language as that introduced in the Senate.

In House Bill 5180, Representative Pagel has identified a need to provide healthy food to the needy in rural or food desert settings. He is recommending certain funding be given to a group already accomplishing very similar work to help them further those efforts through loans, for example to purchase a cooler to house fresh produce. The challenge is the large amount of funding being proposed at this point. In response to question from Commissioners Kennedy and Montri, Mr. Blakely advised he would forward the name of the organizations involved in the legislation. In response to inquiry from the Director, Mr. Blakely confirmed this is the same group that received funding from the Farm Bill for the same purpose, which raises some questions around these bills.

Testimony was received today relative to House Bills 5189-91 concerning theoretical long-term funding for the PA 116 Program. The Commission is very well aware this very popular program has been struggling and needs more consistent funding. There has been a dramatic reduction in the past five years, from seven and one-half employees to three and one-half staff, thus causing some delays in filing and processing. There also are complications in communication with Treasury; therefore, farmers are experiencing a delay in receiving their credit checks. MFB is championing that cause and bringing it to awareness. MDARD is currently working with Treasury, the communications problem has been identified, and a fix should be implemented soon.

Commissioner Montri inquired about House Bill 5130 regarding hoophouse construction. Mr. Blakey advised he is watching the legislation, will update the Legislative Status Report, and forward the revised version to Commissioners. The department recognizes the value in this bill; however, some language needs to be revised and various areas need clarification.

In response to question from Commissioner Meachum, Mr. Blakely advised the PA 116 Program staff have implemented efficiencies to process a greater number of documents. The bills, although an accounting quagmire, would theoretically bring additional funding to the program. Further conversations will be needed as it moves forward. In response to question from the Director, Mr. Blakely confirmed legislation was passed that doubled the cost of the county filing fee, which is paid for by MDARD. Mr. Johnson confirmed the number of Farmland applications in process remains at 5-7,000 each year, with some variability in acres in the program, and about 42-43,000 contracts. Commissioner Meachum noted with the lower grain prices, more farmers may be looking to take advantage of PA 116.

### **COMMISSIONER ISSUES**

There were no issues brought forward by the Commission.

### **PUBLIC COMMENT**

**Randy Zeilinger, Garden City and Michigan Small Farm Council (MSFC)**, advised MSFC co-founder and Executive Director Mike Beers, age 34, was killed in a traffic accident on December 18. He leaves behind a wife and two small children. The Commission expressed their sympathies.

### **ADJOURN**

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

There being no further business, the meeting was adjourned at 11:58 a.m.

#### Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes November 18, 2015*
- C) *Resolution honoring Scott Piggott*
- D) *Retirement Resolution honoring Linda Jones*

- E) *Retirement Resolution honoring Jack Spencer*
- F) *Director Jamie Clover Adams – Issues of Interest Report*
- G) *2016 Draft Generally Accepted Agriculture and Management Practices*
- H) *Michigan Agriculture Environmental Assurance Program Database Presentation*
- I) *Michigan Agriculture Environmental Assurance Program Tiered System Presentation*
- J) *Legislative Status – January 2016*