



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

DR. TIM BORING  
DIRECTOR

**NOTICE OF MEETING**

**MICHIGAN COMMISSION OF AGRICULTURE  
AND RURAL DEVELOPMENT**

**July 26, 2023**

The regular meeting of the Michigan Commission of Agriculture and Rural Development will be held on Wednesday, July 26, 2023. The business session is scheduled to begin at 10:30 a.m. The meeting is open to the public and this notice is provided under the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. The Commissioners will be meeting at Michigan State University Federal Credit Union Headquarters, Conference Room, 3899 Coolidge Rd, Michigan 48823. This meeting is also being conducted electronically to allow for greater remote public attendance and participation. To join the meeting via Microsoft Teams: by telephone dial: **1-248-509-0316** and enter the Conference ID: **598 640 912#** or by video conference visit [www.michigan.gov/mdard/about/boards/agcommission](http://www.michigan.gov/mdard/about/boards/agcommission) to join the day of the meeting.

In accordance with the Commission's Public Appearance Guidelines, individuals wishing to address the Commission may pre-register to do so during the Public Comment period as noted below and will be allowed up to three minutes for their presentation. Documents distributed in conjunction with the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment.

To pre-register to speak virtually during this meeting, individuals should contact the Commission Assistant **no later than Fri., July 21, 2023**, via email at [MDA-Ag-Commission@michigan.gov](mailto:MDA-Ag-Commission@michigan.gov) and provide their name, organization they represent, address, and telephone number, as well as indicate if they wish to speak to an agenda item. You may also contact the Commission Assistant at that email address to provide input or ask questions on any business that will come before the Commission at the meeting. The Commission Chair will call upon each person by name and telephone number when it is time for them to speak and there will be a meeting moderator facilitating participation. All others wishing to speak will be provided two minutes to do so. Instructions on how to be recognized will be provided at the beginning of the meeting.

Those needing accommodations for effective participation in the meeting should contact the Commission Assistant at 800-292-3939 one week in advance or may use the Michigan Relay Center by calling 711 for deaf, hard of hearing, or speech-impaired persons.

A handwritten signature in black ink that reads "Tim Boring".

Tim Boring  
Director

## MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT

MSUFCU Headquarters #2  
3899 Coolidge Rd  
East Lansing, MI

Option to Join via Remote Technology  
Dial: 1-248-509-0316; Conf. ID 598 640 912#

### July 26, 2023 TENTATIVE REVISED AGENDA

- |            |     |   |
|------------|-----|---|
| 10:30 a.m. | 1.  | <b>Call to Order and Roll Call</b>  |
|            | 2.  | <b>Approval of Agenda (action item)</b>   |
|            | 3.  | <b>Approval of Minutes</b> from the May 17, 2023, Commission of Agriculture and Rural Development Meeting <b>(action item)</b>  |
|            | 4.  | <b>Next Scheduled Meeting</b> (information only) <ul style="list-style-type: none"><li>• September 20<sup>th</sup>, 2023</li></ul>  |
| 10:35 a.m. | 5.  | <b>Commissioner Issues</b> <ul style="list-style-type: none"><li>• Retirement Resolution – James Padden <b>(action item)</b></li><li>• Retirement Resolution – Beth Howell <b>(action item)</b></li></ul>   |
| 10:40 a.m. | 6.  | <b>Commissioner Comments and Travel (action item)</b>   |
| 10:45 a.m. | 7.  | <b>Director's Report</b>  |
| 11:00 a.m. | 8.  | <b>Public Comment</b> <p>In accordance with the Public Appearance Guidelines in the Commission Policy Manual, individuals wishing to address the Commission will be allowed up to three minutes for their presentation. Documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment.</p> |
| 11:10 a.m. | 9.  | <b>Generally Accepted Processing Practices (GAPPs) – Introduction of Proposed Revisions:</b> Laura Doud, Environmental Stewardship Division (information only)  |
| 11:15 a.m. | 10. | <b>Proposed Updates to the Commission Policies:</b> Brad Deacon, Director of Legal Affairs and Emergency Management (information only)  |
| 11:30 a.m. | 11. | <b>Food and Agriculture Investment Fund Requests:</b> Jamie Zmitko-Somers, Division Director, Agriculture Development Division <b>(action item)</b>   |
| 11:40 a.m. | 12. | <b>Budget Update:</b> Sylvia Renteria, Director of Finance and Budget (information only)  |

- |            |     |   |
|------------|-----|---|
| 11:50 a.m. | 13. | Go At Ease  |
| 1:00 p.m.  | 14. | Call back to Order  |
| 1:00 p.m.  | 15. | <b>Generally Accepted Agricultural and Management Practices Site Suitability Determination for Silver Creek Poultry, LLC – Appeal Process Review and Summary of Departmental Activities:</b> Chad Rogers, Division Deputy Director, and Mike Wozniak, Right to Farm Program Manager, Environmental Stewardship Division (information only)  |
| 1:15 p.m.  | 16. | <b>Public Comment on Agenda Items</b><br>In accordance with the Public Appearance Guidelines in the Commission Policy Manual, individuals wishing to address the Commission will be allowed up to three minutes for their presentation. Documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. The public comment time provides the public an opportunity to speak; the Commission will not necessarily respond to the public comment. |
| 1:30 p.m.  | 17. | <b>Professional Committee Report – Appeal of the Generally Accepted Agricultural and Management Practices Site Suitability Determination for Silver Creek Poultry, LLC:</b> Ryan Coffey Hoag, Michigan State Extension Land Use Planning, Chair, Site Selection GAAMP Task Force (information only)   |
| 2:00 p.m.  | 18. | <b>Commission Discussion and Recommendation</b>   |
| 2:30 p.m.  | 19. | <b>Adjourn (action item)</b>  |

# **MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT**

MSUFCU Headquarters  
3777 West Rd  
East Lansing, MI

Option to Join via Remote Technology  
Dial: 1-248-509-0316; Conf. ID 930 224 647#

## **MEETING MINUTES May 17, 2023**

### **PRESENT:**

Andy Chae, Vice-Chair, Michigan Commission of Agriculture and Rural Development  
Juliette King-McAvoy, Michigan Commission of Agriculture and Rural Development  
Monica Wyant, Michigan Commission of Agriculture and Rural Development  
Dr. Felicia Wu, Michigan Commission of Agriculture and Rural Development  
David Williams, Michigan Commission of Agriculture and Rural Development  
Dr. Tim Boring, Director, Michigan Department of Agriculture and Rural Development

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

Chairman Chae called the meeting of the Commission of Agriculture and Rural Development to order at 10:30 a.m. on May 17, 2023. Chair Chae called the roll with Commissioners Chae, King-McAvoy, Wyant, Wu and Williams and Director Boring present.

### **APPROVAL OF AGENDA**

**MOTION: COMMISSIONER KING-McAVOY MOVED TO APPROVE THE MEETING AGENDA FOR MAY 17, 2023. COMMISSIONER WILLIAMS SECONDED. MOTION CARRIED.**

### **APPROVAL OF MARCH 15, 2023, MEETING MINUTES**

**MOTION: COMMISSIONER WYANT MOVED TO APPROVE THE MARCH 15, 2023, MEETING MINUTES. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.**

### **NEXT SCHEDULED MEETING**

The next scheduled meeting is July 26, 2023, meeting location and time is currently to be determined.

### **COMMISSIONER COMMENTS AND TRAVEL**

Commissioner Wu discussed her recent travel to Ethiopia for her job at MSU to work on a trial on milk nutrition.

Commissioner Wyant was excited to share that Michigan asparagus harvest was underway, and that her team at Meijer was excited to welcome the crop in the stores.

Chairman Chae explained his farm has started planting and field work for their summer vegetable crop. He had also traveled to Lansing to be part of a round-table discussion with Congresswoman Slotkin on the pending Farm Bill.

Commissioner King-McAvoy shared cherry and apple trees were in bloom, but it was too early to know what the crop this fall will look like.

Commissioner Williams explained his farm was in full swing of planting their row crops for the spring.

Commissioners Chae, King-McAvoy, Wyant, Williams and Wu traveled to attend today's meeting. There was no other travel submitted for approval.

**MOTION: COMMISSIONER KING-McAVOY MOVED TO APPROVE THE COMMISSIONERS' TRAVEL. COMMISSIONER WYANT SECONDED. MOTION CARRIED.**

### **COMMISSIONER ISSUES**

Chairman Chae reviewed the retirement resolutions before the Commission recognizing Paula Dankert, from the Food and Dairy Division, and Ahmed Jama, from the Pesticide and Plant Pest Management Division.

**MOTION: COMMISSIONER WYANT MOVED THE RESOLUTIONS FOR PAULA DANKERT AND AHMED JAMA BE ADOPTED. COMMISSIONER KING-McAVOY SECONDED. MOTION CARRIED.**

### **DIRECTOR'S REPORT**

Director Boring introduced himself to the commission as the new director of MDARD. Dr. Boring discussed broad priorities of the department, including, but not limited to environmental stewardship. Dr. Boring informed the commission of the discussions with the legislative bodies regarding the Farm Bill, the upcoming state budget and all legislative matters affecting the department. Dr. Boring explained he will maintain visibility in Michigan agriculture. He explained they had attended the Michigan School Lunch Hero event in Detroit a few weeks prior. The next day, Dr. Boring would be participating on a tour of Michigan Asparagus, and how that industry is important to Michigan agriculture. Dr. Boring explained the executive team was meeting one-on-one with multiple stakeholder groups, and expressed the department will continue to be accessible to all those involved in the industry.

### **PUBLIC COMMENT**

Dr. Cheryl Ruble, representing the Michigan Sierra Club, gave public testimony on CAFOs history in the state of Michigan.

Tom Progar, representing Michiganders for Just Farming System, expressed concerns for a proposed CAFO site in the Sister Lakes area.

Lauren Wiitorp, representing herself, expressed concerns for a proposed CAFO site in the Sister Lakes area.

Kimberly Korona, representing Michiganders for Just Farming System, expressed concerns for a proposed CAFO site in the Sister Lakes area.

### **OVERVIEW OF COMMISSION POLICIES: Brad Deacon, Director of Legal Affairs and Emergency Management**

Mr. Deacon gave an overview of the commission policies, and what they entail for the commission. Mr. Deacon informed the commission they are renewed every two years, making 2023 the year for review. Mr. Deacon suggested a timeline of September for approval. Commissioners discussed the timeline and said the department would conduct their internal review and present at the July meeting, then the approval would be placed on the September agenda.

**FOOD AND AGRICULTURE INVESTMENT FUND REQUEST: Jamie Zmitko-Somers, Division Director, Agriculture Development Division**

Ms. Zmitko-Somers reviewed the Food and Agriculture Investment Fund Requests the commission will be reviewing to help benefit Michigan agriculture and economic growth. Ms. Zmitko-Somers explained all grant applications will be before the commission for approval. Commissioners asked where the funding is appropriated from and how much is funded. Ms. Zmitko-Somers explained it is General Fund/General Purpose funding from the state budget.

Ms. Zmitko-Somers advised two Food and Agriculture Investment Program project requests are being presented for Commission consideration today. The first project is Manthei Inc., DBA Manthei Wood Products., which is in Petosky, Michigan. Joe Zelinski explained the fund request would be to invest in a \$8,730,300 Manthei Inc. plywood production expansion project and will create 10 jobs. This expansion will also increase the purchase of Michigan timber for production.

Ms. Zmitko-Somers advised MDARD is recommending a Food and Agriculture Investment Fund performance-based grant of \$90,000 for Manthei Inc.

**MOTION: COMMISSIONER WILLIAMS MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE BASED GRANT OF \$90,000 FOR MANTHEI INC. COMMISSIONER WU SECONDED. MOTION CARRIED.**

The next project is Long Road Distillery, LLC., which is in Grand Rapids, Michigan. The production expansion project will include several large equipment investments and building upgrades at their new facility to accommodate growth. Jon O'Connor explained the company will move all their processing, barreling, storage, and packaging operations to the new facility. This expansion will increase their use of Michigan grown grain to 1 million pounds in the first year.

Ms. Zmitko-Somers advised MDARD is recommending a Food and Agriculture Investment Fund performance-based grant of \$65,000 for Long Road Distillery, LLC.

**MOTION: COMMISSIONER WYANT MOVED TO APPROVE A FOOD AND AGRICULTURE INVESTMENT FUND PERFORMANCE BASED GRANT OF \$65,000 FOR LONG ROAD DISTILLERY, LLC. COMMISSIONER KING-MCAVOY SECONDED. MOTION CARRIED.**

**LEGISLATIVE UPDATE: Ashley Steffen, MDARD Legislative Liaison**

Ms. Steffen discussed the current group of agency led bills before the legislature. She highlighted a few that may have action before legislative summer break, including “Teddy’s Law” and Farmland Preservation updates on solar farms.

**ADJOURN**

**MOTION: COMMISSIONER KING-McAVOY MOVED TO ADJOURN THE MEETING. COMMISSIONER WU SECONDED. MOTION CARRIED.**

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

Attachments:

- A) *Agenda*
- B) *Agriculture and Rural Development Commission Meeting Minutes March 15, 2023*
- C) *Retirement Resolutions for Paula Dankert and Ahmed Jama*
- D) *Food and Agriculture Investment Fund Grant Request for Manthei Inc.*
- E) *Food and Agriculture Investment Fund Grant Request for Long Road Distillers, LLC*
- F) *MDARD Summary of 2023-2024 Michigan Legislature May 10, 2023*

# STATE OF MICHIGAN



## DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

### MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT RESOLUTION COMMENDING

BETH A. HOWELL

WHEREAS, The Michigan Commission of Agriculture and Rural Development is pleased to honor Beth A. Howell upon her retirement from the Michigan Department of Agriculture and Rural Development (MDARD) on July 31, 2023; and,

WHEREAS, Beth was born in the "Buckeye State", specifically Lima, Ohio, moving at the age of two to her hometown of Ann Arbor. In 1981, she graduated from Huron High School and went on to study at Michigan State University, graduating with a bachelor's degree in Food Science and Packaging; and,

WHEREAS, Beth began her career with MDARD in 1986, just a few short months after her college graduation. Her work in food safety has led her to become a staple in Washtenaw County communities, where she has laid roots both professionally and personally. She is a valuable statewide resource in her current work in the Food and Dairy Division's South Region as a senior food safety inspector specializing in label reviews. Beth's expertise and behind the scenes work in this subject area has helped navigate a constantly evolving product market during progressive times where food safety and labeling accuracy is truly critical to ensuring the health and safety of Michigan's citizens; and,

WHEREAS, Beth was an active and contributing participant on the division's Specialized Meat Variance team, a group that received MDARD's prestigious annual Team Excellence Award in 2014; and,

WHEREAS, Beth's public service work translates deeply into her personal life as well. She has spent her adulthood volunteering countless hours at animal rescue facilities. During Hurricane Katrina alone she made three trips to the coastal sites impacted to assist with animal rescue; and,

WHEREAS, Beth is a devoted daughter, sister, aunt and friend. She has three siblings, three nephews and one niece who are a huge part of her world. She is looking forward to retirement and plans to enjoy more time with her family, and to continue her volunteer and animal rescue efforts, plus enjoy more of her hobbies such as biking, exploring parks, camping, and bird watching – especially the Bald Eagles; and,

WHEREAS, Beth has had exciting travel adventures to New Zealand and Hawaii, including a memorable trip to Australia with her grandmother where she especially enjoyed seeing the kangaroos, koalas, and the Sydney Opera House. While these destinations stand out, her favorite Michigan adventure will always be a trip to Mackinac Island for a bike around the island; and,

WHEREAS, with great honor and gratitude we acknowledge Beth's contributions throughout her career, providing a wealth of knowledge and experience to a new generation of food safety professionals; and,

THEREFORE, be it resolved that the Michigan Commission of Agriculture and Rural Development commends Beth A. Howell upon 37 years of loyal service and contributions to the Michigan Department of Agriculture and Rural Development, to food safety, and to the people of the State of Michigan. The Commission joins her family, friends, and professional colleagues in wishing her bountiful health, success, and joy in retirement.

Adopted July 26, 2023  
Lansing, Michigan

  
Andrew Chae, Chair

# Generally Accepted Fruit, Vegetables, Dairy, Meat, and Grain Processing Practices For Noise and Odor



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## PREFACE

The Michigan legislature passed into law the Michigan Agricultural Processing Act, (1998 PA 381), which requires the establishment of Generally Accepted Fruit, Vegetable, Dairy, Meat and Grain Processing Practices. These Generally Accepted Processing Practices (GAPPs) are written to provide uniform, statewide standards and acceptable management practices based on standard industry practices. These practices can serve processors in the various sectors of the industry for comparison or improvement of their own managerial routines. New scientific discoveries and changing economic conditions may require necessary revision of the GAPPs.

These practices were developed with industry, university, and multi-governmental agency input. As agricultural processing operations continue to change, new practices or technologies may become available to address the concerns of the neighboring community. Agricultural processors who voluntarily follow these practices are provided protection from public or private nuisance litigation under the Michigan Agricultural Processing Act.

Adherence to these GAPPS does not affect the application of other state and federal statutes.

The Michigan Department of Agriculture and Rural Development (MDARD) website for GAPPs is <http://www.michigan.gov/gapps>.

## I. INTRODUCTION

Like all other segments of our economy, agriculture has changed significantly during the past 50 years and will continue to change in the future. Agricultural processing has also experienced these same economic, technical, and competitive changes, as land use changes around these operations. As a result, processing facilities must have the flexibility and opportunity to change and adopt newer technology to remain economically viable and competitive in the marketplace while being protective of the environment. If a healthy, growing processing industry in Michigan is to be assured, efforts must continue to address concerns of processors and their neighbors, particularly in two areas: (1) processors who use GAPPs in their operations should be protected from harassment and nuisance complaints and (2) persons living near processing operations, who do not follow GAPPs, need to have concerns addressed when nuisance problems occur.

No two processing operations in Michigan can be expected to be the same, due to a large variety of variables, which together determine the nature of a particular operation. Record keeping is an important part of any processing operation. A GAPPs Management and Monitoring Plan is recommended for all processors. This plan will help the processor show conformance with the GAPPs. Processors may request a proactive inspection from MDARD for a GAPPs determination. Upon receipt of a nuisance complaint to MDARD, or as result of a proactive inspection, the processor may be required to develop a management and record keeping plan to verify conformance with the GAPPs. In addition to the information contained in this document, conformance with GAPPs requires that the management, storage, transport, utilization, and land application of fruit, vegetable, dairy product, meat, and grain processing by-products be in a manner consistent with Generally Accepted Agricultural and Management Practices as established under the Michigan Right to Farm Act, 1981 PA 93, MCL 286.471 to 286.474.

### **About This Document**

For quick reference, management standards are first presented as a **bold text** statement. This list is not meant to convey all the information regarding GAPPs. Rather, it is intended to be a useful tool to assist individuals in determining what management practices exist and in what section of this document further information can be found. The remainder of the document provides additional information on each of these management practices. The un-bolded text provides supplemental information to help clarify the intent of the recommended management practices.

Appendix A provides an outline for development of a GAPPs Management Plan.

## II. DEFINITIONS

(a) "Dairy product" means all of the following:

- (i) Dairy product as that term is defined in section 12 of the manufacturing milk law of 2001, 2001 PA 267, MCL 288.572.
- (ii) Milk product as that term is defined in section 4 of the grade A milk law of 2001, 2001 PA 266, MCL 288.474.

(b) "Fruit and vegetable product" means those plant items used by human beings for human food consumption including, but not limited to, field crops, root crops, berries, herbs, fruits, vegetables, flowers, seeds, grasses, tree products, mushrooms, and other similar products, or any other fruit and vegetable product processed for human consumption as determined by the Michigan Commission of Agriculture and Rural Development.

(c) "Generally accepted fruit, vegetable, dairy product, meat, and grain processing practices" means those practices as defined by the Michigan Commission of Agriculture and Rural Development. The Michigan Commission of Agriculture and Rural Development shall give due consideration to available Michigan Department of Agriculture and Rural Development information and written recommendations from the Michigan State University College of Agriculture and Natural Resources Extension and the Agricultural Experiment Station in cooperation with the United States Department of Agriculture, the United States Food and Drug Administration, the Michigan Department of Environment, Great Lakes and Energy, and other professional and industry organizations.

(d) "Grain" means dry edible beans, soy beans, small grains, cereal grains, corn, grass seeds, hay, and legume seeds in a raw or natural state.

(e) "Person" means an individual, corporation, partnership, association, limited liability company, or other legal entity.

(f) "Processing" means the commercial processing or handling of fruit, vegetable, dairy, meat, and grain products for human food consumption and animal feed, which includes but not limited to the following:

- (i) The generation of noise, odors, waste water, dust, fumes, and other associated conditions.
- (ii) The operation of machinery and equipment necessary for a processing operation including, but not limited to, irrigation and drainage systems and pumps and the movement of vehicles, machinery, equipment, and fruit and vegetable products, dairy products, meat, and grain products (*cont'd page 5...*)

and associated inputs necessary for fruit and vegetable, dairy, and grain, food, meat, or feed processing operations on the roadway as authorized by the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

- (iii) The management, storage, transport, utilization, and land application of fruit, vegetable, dairy product, meat, and grain processing by-products consistent with generally accepted agricultural and management practices as established under the Michigan Right to Farm Act, 1981 PA 93, MCL 286.471 to 286.474.
- (iv) The conversion from one processing operation activity to another processing operation activity.
- (v) The employment and use of labor engaged in a processing operation.
- (g) "Processing operation" means the operation and management of a business engaged in processing.
- (h) "State statutes" includes, but is not limited to, any of the following:
  - ( ) The county zoning act, 1943 PA 183, MCL 125.201 to 125.240.
  - (ii) The township zoning act, 1943 PA 184, MCL 125.271 to 125.310.
  - (iii) The city and village zoning act, 1921 PA 207, MCL 125.581 to 125.600.
  - (iv) The Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, MCL 324.101 to 324.90106
- (i) "Unverified nuisance complaint" means a nuisance complaint in which the director of the Department of Agriculture and Rural Development, or his or her designee, determines that the processing operation is using generally accepted fruit, vegetable, dairy product, meat, and grain processing.

### III. NOISE

**Noise that arises from the normal and necessary operation of an agricultural processing operation should be managed to the extent practical to avoid creating a nuisance condition for neighboring properties.**

The goal with outdoor noise levels is to reduce the intensity, frequency and duration of the noise and to manage the operation in a way that tends to create a positive attitude towards the operation. Because of the subjective nature of human responses to noise levels, recommendations for appropriate technology and management practices are not an exact science. A variety of practices can be used based upon the type of noise, proximity of neighbors and populated areas, and the time of day the noise levels are at their greatest. Maintaining a noise level of no greater than 75 decibels (dB), based upon an eight-hour time weighted average, measured at the property line is below the established standard for workers inside a building and should prevent creating health concerns for neighbors. Standard operations should be at a minimum maintained below this level to avoid creating nuisance concerns. In addition, the following conditions should be considered:

1. Some common contributors of noise coming from a processing facility include fan motors, evaporators, heating and ventilation systems, and loading/unloading areas. Sound reduction barriers may be utilized to reduce noise from these areas. Sound reduction barriers can take on a variety of forms. They can include the installation of noise reducing materials around the system, earthen berms, or the planting of tree and hedge barriers. The practices installed at a particular facility will vary depending upon the equipment used and the site specific conditions.
2. Assuring source equipment is in good repair and management consistent with industry practices and manufacturers recommendations is essential to maintaining reasonable facility noise levels.
3. Conformance with this GAPP does not relieve the processor of the obligation to comply with lawful and regulatory limits.

#### **Exceptions**

Certain events at a processing facility will create noise levels distinct from normal operations. These events create acceptable exceptions to this GAPP. Three classes of such events are especially relevant.

1. Seasonal Variation. Most food processors use raw agriculture products that have well defined harvesting times which result in peak processing needs for in-plant operation and input logistics (trucks, storage equipment, etc.). During these peak seasonal events, noise levels may exceed those of more normal operations but remain necessary for the effective operation of the processor.

Noise levels exceeding the 75 dB, or normal operation levels, but necessary to temporary peak operations are considered to be in conformance with this GAPP.

2. Maintaining Worker Safety. Due to worker safety concerns and compliance with worker safety requirements, vehicles and equipment may be equipped with safety devices such as back-up beepers or audible warning alarms. This equipment is considered essential to protecting worker safety. Operation and use of these alarms shall be considered to be in conformance with these GAPPs.
3. Construction, Maintenance, and Site Modifications. There may also be unique temporary circumstances which will affect the noise level of a processing site. During time periods where there are temporary disruptions to normal operations, processors should be encouraged to alert neighboring property owners of the circumstances and the duration of the project. Standard practices shall be utilized and the noise associated with those practices should be considered to be in conformance with this GAPP.

### **Documentation and Conformance**

Processing facilities should monitor noise levels outside of their buildings and at the property line. Records should be maintained to show the noise levels detected at various times throughout the operational day and year in order to determine seasonal variations. The records should be maintained on site to show conformance with this GAPP.

Depending on the perceived noise, it may be possible to estimate the noise level without instrumentation. There are various charts available of the noise levels at some distance of common noise generators. If various background noises such as insects, nearby highways, etc. can be used for comparison, be sure to include them in the documentation.

If a noise survey has been performed in the work spaces, it may be possible to conduct a comparison between the various determined zones of noise levels and those outside of the building for an estimate.

Instrument measurements are beneficial when the decibel level is questionable. When instrumentation is used, be aware that noise can originate from multiple sources. Measurements at different distances may be useful to determine if off-site sources are contributing. Building walls, hills, and other structures may reduce noise levels. The drop-in noise levels resulting from the implementation of these practices is highly variable and should be measured on-site to determine actual effectiveness. Alternatively, they can be left out of any measured values and referenced as an additional factor, not included in the measurement, rendering the result as a conservative estimate.

## IV. ODOR

**Odor that arises from the normal and necessary operation of an agricultural processing operation should be managed to the extent practical to avoid creating a nuisance condition for neighboring properties.**

The goal for effective odor management is to reduce the frequency, intensity, duration, and offensiveness of odors, and to manage the operation in a way that tends to create a positive attitude toward the operation. Because of the range of human sensitivities to certain odors, odor management should consider that some people will be more adversely affected by a given odor than others. Selection of appropriate technologies and odor management practices must be determined on a case-by-case basis considering the source and nature of the odors as well as varying human sensitivity. The recommendations in this section are intended to provide a variety of responses that can be used to address odor concerns. The following management practices provide guidance on how to minimize potential odors from processing operations.

The principles upon which the most common and effective techniques for odor control are based include (1) reducing the formation of odor-causing gases and (2) reducing the release of odorous gases into the atmosphere. The degree to which these principles can be applied to the various odor sources depends on the level of technology and management that can be utilized.

One main source of odors are those associated with the anaerobic (in the absence of oxygen) decomposition of organic material by microorganisms. The intensity of odors depends upon the biological reactions that take place within the material, the nature of the material, and the surface area of the odor source. Sources of decomposition can include organic materials stored on-site prior to removal.

Processors should select and implement those practices which are applicable, appropriate, and practical for their operations. Odors may indicate an inefficient or improperly operated activity and opportunities may exist to increase operational efficiencies. The following are several practices that can be considered in reducing odor concerns:

- Avoid storage of materials which will create odor-forming gases to the extent possible. Alternatives should be considered for reducing storage of these materials or reusing them in a beneficial manner.
- Use available weather information to your best advantage. Temperature inversions and hot, humid weather tends to concentrate and intensify odors, particularly in the absence of breezes, while turbulent breezes will dissipate and dilute odors.
- Take advantage of natural vegetation barriers, such as woodlots or windbreaks, to help filter and dissipate odors.

Establish vegetated air filters by planting conifers and shrubs as windbreaks and visual screens between odor sources and residential area.

- The odor of fermented processing materials, such as waste products or products headed to a secondary market, can be minimized by storing them at the appropriate dry matter content (generally no greater than 33 percent moisture). Keeping excessive moisture out of the material will reduce the presence of anaerobic bacteria. Use covered storage if technically and economically feasible and evaluate ventilation systems to prevent buildup of gases, moisture, and heat that may intensify odors.
- Design, operate and maintain by-product and waste handling and treatment systems per established good engineering practices and standards.
- Establish operating procedures for handling and treatment of by-products and wastes. Ensure employees are properly trained in these operational procedures.
- Frequent removal of spilled materials from outside spaces, coupled with appropriate storage will reduce odor potential.
- Avoid disturbing odor sources (such as dredging storage ponds) during times such as holidays and community events to the extent possible. Take advantage of cold weather seasons to complete these activities when feasible. Communicating with landowners as to when these events will occur and the duration of the event can help reduce odor concerns.
- Clean exhaust fans and shutters regularly of dust and debris to maximize warm season ventilation.
- Maintain equipment in good working order and in accordance with normal management practices.
- Maintaining positive community relations will also prevent the occurrence of nuisance complaints. Keeping the facility area esthetically pleasing and participation in community events helps to build positive community relations.

### **Exceptions**

Due to the nature of processing, certain odors may increase in intensity for a limited period of time during process start-up, shut-down, or product changeover. Other activities integral to agricultural processing, such as agitation, cleaning, and maintenance of storage structures or ponds, can occur at various times of the year, depending upon the operational needs of the facility. These temporary changes are acceptable under this GAPP provided they are normal and necessary to the operation. These activities may increase the intensity of the odors but should be relatively short in duration. Some larger facilities, or those with unique circumstances, may require a greater period of time for completing these activities in an appropriate manner. When possible, proper planning should occur prior to the event. Processors should maintain records of when these events occur and evaluate improvements to reduce odors and incorporate those improvements into their Odor Management Plan. Care should be taken to minimize off-site odor impacts to avoid creating a violation under the Natural Resources and Environmental Protection Act, Public Act 451 of 1994.

## **Documentation and Conformance**

Documenting conformance with odor reduction should include routine olfactory observations made around the facility. A processor should evaluate their facility for potential odor sources and determine what practices are appropriate for addressing the concerns. Keeping records of odor events noted by employees, service providers, and neighbors, and determining the source of the concern will help the processor in addressing future concerns and create awareness by the processor of the activities creating potential odor concerns.

The development of an Odor Management Plan can also assist the processor in identification of odor sources and implementation of odor reduction practices. The goal of an effective Odor Management Plan is to identify opportunities and propose practices and actions to reduce the frequency, intensity, duration, and offensiveness of odors that neighbors may experience in such a way that tends to minimize impact on neighbors and create a positive attitude toward the processor. A processor experiencing odor concerns from a neighboring property should develop an Odor Management Plan in order to attempt to avoid neighbor conflicts. Some aspects of an Odor Management Plan include working with employees or routine service providers and asking them to report noticeable offensive odor events as they come and go from the facility and travel the community. The intent is to establish and maintain an effective, open line of communication with immediate neighbors so that they too will be comfortable reporting odor events to the facility.

## **V. APPENDIX A - GAPP Management Plan**

### **Description of Facility:**

- Indicate facility type, location and operational times
- Identify times of year where increases in noise and odor levels are expected to be greatest due to operational changes
- Schedule for plan review and evaluation

### **Noise Monitoring:**

- Identify any areas of noise generation that may create a concern for neighboring properties
- Determine what practices may be utilized to reduce or eliminate noise level concerns
- Determine frequency of noise to determine appropriate monitoring schedule
- Document schedule that will be followed
- Document methodology that will be used to determine noise levels (i.e. comparison to common noise generators, monitoring equipment)
- Keep records

### **Odor Monitoring**

- Identify any areas of odor generation that may create a concern for neighboring properties
- Determine what practices may be utilized to reduce or eliminate odor concerns
- Determine frequency and quantify intensity of odor to determine appropriate monitoring schedule
- Document schedule that will be followed
- Document methodology that will be used to determine odor levels (i.e. complaints from neighbors, employees, or regular service providers)
- Keep records

## **VI. APPENDIX B - REVIEW COMMITTEE**

A current list of Food Processing GAPP Committee members is pending confirmation.

2024-2025 DRAFT



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

DR. TIM BORING  
DIRECTOR

**MICHIGAN COMMISSION OF AGRICULTURE  
AND RURAL DEVELOPMENT  
POLICY MANUAL  
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# **MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT POLICIES**

## **OVERVIEW**

This overview includes individual sections covering the following:

- Statement of Purpose
- Responsibilities
- Legal Authority
- Procedures
  - Officers
  - Compensation and Expenses
  - Meetings
  - Voting
  - Ethics
  - Policy Manual
- Resolutions
- Legislative, Legal, and Media Issues
- Public Appearance Guidelines
- Duties of the Director of the Michigan Department of Agriculture and Rural Development
- Policy Development

## **STATEMENT OF PURPOSE**

The Michigan Commission of Agriculture and Rural Development has the responsibility to recommend, and in some cases determine, policy on food, agricultural, and rural development issues.

As gubernatorial appointees subject to the advice and consent of the Senate, the Commissioners are representatives of the Executive branch of government and cooperate and collaborate with the Governor in the development, creation, implementation, and communication of policy. Effective and efficient administration requires a significant degree of interaction, especially in the implementation of Executive Orders and Executive Directives issued by the Governor that apply to the Commission and to the department.

Michigan's multi-billion-dollar food and agriculture industry needs ongoing focus and support for it to continue to grow. To this end, the Commission encourages diverse, equitable, and inclusive partnerships of government, private industry, trade associations, and residents working toward common goals of protecting the public health, growing our economy, and preserving our environmental heritage.

The Commissioners strive to generate statewide interest and mobilize support for issues important to the food and agriculture sector and to promote the future health and growth of Michigan's vast food and agriculture economy.

## RESPONSIBILITIES

The Commission of Agriculture and Rural Development should assist the Governor in protecting Michigan's health, economy, and environment through policies that:

- Align with State of Michigan statutes, regulations, and Governor-issued Executive Directives and Orders;
- Protect public health, safety, and welfare of the people of the State of Michigan by reporting information about imminent threats;
- Enhance food safety;
- Prevent and mitigate diseases and pests of humans, plants, and animals;
- Promote land and water stewardship, including implementing the Domestic Action Plan for Lake Erie ~~to decrease phosphorus by 40 percent by 2025~~;
- Develop land-use policies allowing for long-term agricultural viability;
- Develop, diversify, and expand agriculture's economic potential including encouraging opportunities for all businesses;
- Protect all consumers and ensure ~~fairness~~ fair business practices in the marketplace;
- Recognize and celebrate the heritage of agriculture, including the events and activities that make Michigan a great place to live, work, and play;
- Promote and foster efforts supporting viable rural communities;
- Promote public awareness of Michigan agriculture, food, and fiber;
- Promote good stewardship of public resources, including reporting of irregularities relating to public money or public property;
- Coordinate and partner on food, agricultural, and rural development interests with government agencies at the federal, state, and local levels; the private sector, academia, and the many diverse and interested organizations to achieve these goals; and
- Participate from time to time as a group in food and agriculture industry tours.

## LEGAL AUTHORITY

The Michigan Commission of Agriculture was created under Act 13 of 1921 (attachment A); and reorganized under Act 380 of 1965, as amended (attachment B); and named in other statutes that provide specific duties and responsibilities. Executive Orders 2009-45 (attachment C), 2009-54 (attachment D), and 2011-2 (attachment E) further explain the role, powers, and duties of the Commission. Executive Order 2011-2 also renamed the Commission into the Commission of Agriculture and Rural Development.

The Commission of Agriculture and Rural Development shall consist of five members, not more than three of whom shall be members of the same political party, appointed by the Governor and with the advice and consent of the Senate. The term of the office of each member shall be four years. A member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the unexpired term. Each member of this commission shall hold their office until the appointment and qualification of their successor. The Commission shall elect from its members such officers as it deems advisable, and not later than March 31 of each year the Commission shall designate a Chair to serve in that role through March 31 of the following year, unless a new chair is elected prior to that date. A member may not serve as Chair for consecutive annual periods. Commissioners "shall be knowledgeable about modern agriculture or food supply and committed to the protection, promotion, and preservation of the food, agricultural, conservation, and economic interests of the People of the State of Michigan." (Executive Order 2009-54).

A majority of the Commission members serving is required to constitute a quorum.

The business of the Commission shall be in compliance with the Open Meetings Act, Act 267 of 1976 (attachment F); and records of the Commission are subject to the Freedom of Information Act, Act 442 of 1976 (attachment G).

The chief executive officer of the department is the Director of the Department of Agriculture and Rural Development. The Director is appointed by the Governor and with the advice and consent of the Senate. The Director shall consult with the Commission on agricultural policy matters and the Commission may provide advice to the Director on matters relating to the department, including, but not limited to, agricultural policy.

The Commission has specific responsibilities as delegated within various pieces of legislation:

- a) Michigan Renaissance Zone Act, 1996 PA 376 (MCL 125.688c and MCL 125.2688e)~~Michigan Renaissance Zone Act, 1996 PA 376~~: responsibility to act on Agriculture Processing and Renewable Energy Renaissance Zones.
- b) Julian-Stille Value-Added Act, 2000 PA 322 (MCL 285.302)~~Julian-Stille Value-Added Act, 2000 PA 322~~: responsibility to act on Value-Added Grants and the Agriculture Development Fund.
- c) Insect and Plant Disease Act, 1931 PA 189 (MCL 286.206)~~Insect and Plant~~

| Disease Act, 1931 PA 189: responsibility to act on Nursery Inspection Fees.

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- d) ~~Michigan Right to Farm Act, 1981 PA 93 (MCL 286.473 and MCL 286.474)~~Michigan Right to Farm Act, 1981 PA 93: responsibility to define and review annually the Generally Accepted Agricultural and Management Practices; and, make recommendation to the Director when a review of a Livestock Siting Suitability Determination is requested.
- e) ~~Michigan Seed Law, 1965 PA 329 (MCL 286.714)~~Michigan Seed Law, 1965 PA 329: responsibility for prohibition of local ordinances unless reviewed by Commission.
- f) ~~Anhydrous Ammonia Security Act, 2006 PA 417 (MCL 286.775)~~Anhydrous Ammonia Security Act, 2006 PA 417: responsibility to establish Safety and Security Practices.
- g) ~~Michigan Organic Products Act, 2000 PA 316 (MCL 286.915)~~Michigan Organic Products Act, 2000 PA 316: responsibility to determine Registration Fees.
- h) ~~Animal Industry Act, 1988 PA 466 MCL 287.703b)~~Animal Industry Act, 1988 PA 466: responsibility for determination of Livestock Zoning and Movement Restrictions.
- i) ~~Pseudorabies and Swine Brucellosis Control and Eradication Act, 1992 PA 239 (MCL 287.827)~~Pseudorabies and Swine Brucellosis Control and Eradication Act, 1992 PA 239: responsibility to establish fee for testing of animals.
- j) ~~Michigan Agricultural Processing Act, 1998 PA 381 (MCL 289.824 and MCL 289.824)~~Michigan Agricultural Processing Act, 1998 PA 381: responsibility to define Generally Accepted Practices for Processors.
- k) ~~Food Law Act 92 of 2000, as amended (MCL 287.4111)~~Food Law Act 92 of 2000, as amended: responsibility to consult on fees if the Local Health Department ceases ~~their~~ inspections.
- ~~l) State Potato Industry Commission, 1970 PA 29: responsibility to provide permission for Potato Commission to re-apportion districts.~~
- ~~m) l) State Bean Commission, 1965 PA 114 (MCL 290.553)~~State Bean Commission, 1965 PA 114: responsibility to provide permission for Bean Commission to re-apportion districts.
- ~~n) m) Agricultural Commodities Marketing Act, 1965 PA 232 (MCL 290.657)~~Agricultural Commodities Marketing Act, 1965 PA 232: responsibility to provide permission for re-apportionment of 232 Check-Off Programs.
- ~~o) n) Natural Resources and Environmental Protection Act, 1994 PA 451 (MCL 324.3120, MCL 324.8201, MCL 324.8322, MCL 324.8328, MCL 324.8501, MCL~~

324.8517, MCL 324.8703, MCL 324.8705, MCL 324.8707, MCL 324.8708, MCL 324.8710, MCL 324.8713a, MCL 324.9304a, MCL 324.31704, MCL 324.32708a, MCL 324.36111b, MCL 324.36201, MCL 324.40103, MCL 324.40111a, MCL 324.41301, MCL 324.41302, MCL 324.43102, and MCL 324.51301)~~Natural Resources and Environmental Protection Act, 1994 PA 451:~~ responsibility to determine agriculturale purpose within surface water discharge provisions; approval of conservation easement practices; approval of pesticide container recycling program; provision for reviewing local pesticide use ordinances; approval of Michigan Agriculture Environmental Assurance Program conservation practices; provision for reviewing local fertilizer ordinances; development and approval of voluntary groundwater stewardship practices; approval of members to Conservation Species Advisory Panel;~~identify jointly with Michigan Department of Environmental Quality 2,500 acres for cranberry production;~~<sub>;</sub> definition of agriculture purpose for water diversions; water conservation measures and within the Generally Accepted

Agriculture and Management Practices; approval of scoring for purchase of Development Rights; ~~spending~~ monitoring of Agricultural Preservation ~~F~~und Boards; agriculture practices/Generally Accepted Agriculture ~~le~~ and Management Practices within hunting-/conservation practices; and orders on restricted species/invasives.

p)o) Horse Racing Law of 1995, 1995 PA 279: promulgation of rules for premiums at fairs.

## PROCEDURES

### Officers

Not later than March 31 of each year, the Commission of Agriculture and Rural Development shall designate a member of the Commission as the Chair through March 31 of the following year, unless a new Chair is elected prior to that date. A member of the Commission may not be designated as Chair for consecutive annual periods. The Commission may also designate a member to serve as Vice Chair and as Secretary.

In the absence of the Chair, the Vice Chair, or in the absence of both, the Secretary, shall serve as Acting Chair.

### Compensation and Expenses

Members of the Commission shall serve without compensation (Executive Order 2009-54). Members of the Commission may receive reimbursement for necessary travel and expenses consistent with relevant statutes and the rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

Each Commissioner shall submit a signed expense voucher and statement of respective work completed to the Commission Assistant for payment.

### Meetings

The Commission shall hold meetings as it deems necessary.

The yearly meeting schedule will be set at the preceding November meeting, but is subject to change with proper notification.

The Commission reserves the right to cancel meetings or hold special meetings at the direction of the Chair and in accordance with the law.

The Commission shall:

1. Ensure at least three Commissioners, a quorum, are present at the posted meeting location;
2. If possible, post the alternate locations or technological attendance options as permitted by law as part of the formal Open Meetings Act notice, allowing the public to attend and participate through public comment;
3. Shall prohibit the use of texting, or other forms of electronic communication among its members during an open meeting that constitute deliberations toward decision-making or actual decisions in a manner violating the Open Meetings Act.

The Director, in consultation with the Chair, shall develop a proposed agenda for each meeting to include action items, staff reports, presentations, and public comment.

All Commission meetings shall be compliant with the Persons With Disabilities Civil Rights Act and State of Michigan Attorney General Opinion No. 7318 (attachment H).-  
and State of Michigan Attorney General Opinion No. 7318 (attachment H).

The statement of purpose and agenda (when possible) shall be included in/with the posted Meeting Notice.

The Commission shall avoid meeting in facilities or areas subject to public access restrictions.

Minutes will be kept of all meetings of the Commission and retained per the Open Meetings Act and the State of Michigan Records Retention and Disposal Schedule.

### Voting

Unless otherwise requested by a Commissioner, voting on matters before the Commission is by voice vote. If any Commissioner requests a roll call vote, the Executive Assistant to the Commission shall record the vote of each Commissioner.

### Ethics

The members of the Commission shall adhere to basic principles for ethical conduct as outlined in statutes, rules, and Executive Directives.

A member of the Commission of Agriculture and Rural Development:

- 1) Shall discharge the duties of the position in a nonpartisan manner, in good faith, in the best interests of this state, and with the degree of diligence, care, and skill that a fiduciary would exercise under similar circumstances in a like position.
- 2) Shall not make or participate in making a decision, or in any way attempt to use his or her position as a member of the Commission to influence a decision, on a matter before the department or the Commission regarding a loan, grant, or other expenditure in which the member is directly or indirectly interested.
- 3) Shall not be interested directly or indirectly in any contract with the department or the Commission that would cause a substantial conflict of interest.
- 4) Shall not use public resources to make contributions or expenditures.
- 5) Shall disclose governmental waste, fraud, and abuse to appropriate authorities.
- 6) Shall not represent a personal opinion as the opinion of the Governor, the Office of the Governor, a state department or agency, or any other governmental entity.
- 7) Shall not divulge to an unauthorized person, in advance of the time prescribed for its authorized release to the public, confidential information acquired as a result of their performance of governmental duties.
- 8) Shall report any alleged violation of these standards of ethical conduct to the  
director ~~their department head~~.

- 9) Members of the Commission shall comply, and the Commission shall adopt policies and procedures for members to comply, with the requirements of this paragraph, State of Michigan statutes and regulations, Governor Directives (ED 2019-03) and Orders, and all of the following:
- a) 1978 PA 472, MCL 4.411 to 4.430 (Lobbyists, Lobbying Agents, and Lobbying).
  - b) 1978 PA 566, MCL 15.181 to 15.185 (Incompatible Public Offices).
  - c) 1968 PA 318, MCL 15.301 to 15.310 (Conflicts of Interest).
  - d) 1968 PA 317, MCL 15.321 to 15.330 (Contracts of Public Servants with Public Entities).
  - e) 1973 PA 196, MCL 15.341 to 15.348 (Standards of Conduct for Public Officers and Employees).
  - f) 1976 PA 169, MCL 15.401 to 15.407 (relating to political activities by public employees).
  - g) 1976 PA 388, MCL 169.201 to 169.282 (the Michigan Campaign Finance Act).

### Policy Manual

The Commission Policy Manual shall be reviewed, revised as necessary, and re-approved on at least a biennial basis.

## RESOLUTIONS

The Commission may adopt resolutions to honor or recognize individuals and organizations, or to represent the Commission of Agriculture and Rural Development's position on a specific issue, topic or activity, and to convey that information or a request for action.

A. For resolutions meant to represent the Commission of Agriculture and Rural Development's position on a specific issue, topic or activity, or to convey a request of action on the part of others, the following procedure should be followed:

- A Commissioner with a resolution request should contact the Chair at least 20 days prior to a regularly scheduled Commission meeting;
- The Director is contacted and appropriate staff, with particular expertise in the subject area, will be assigned to draft the resolution;
- The draft resolution is returned to the Commission Chair and the Commissioner making the original request for review;
- The draft is distributed to all Commissioners in the pre-meeting mailing one week prior to a regularly scheduled Commission meeting.
- If it is deemed necessary to draft a resolution on the day of the Commission meeting, a Commissioner may request that the Commission Chair consider the resolution for placement on the agenda. If the Chair places the resolution request on the agenda, the Commission shall vote to approve the addition of the resolution to the agenda. Once formally placed on the agenda, the full Commission may consider the resolution.

B. To qualify for a Commission Resolution upon employee retirement or other celebratory occasion, each individual or organization must meet at least one of the following criteria:

- Retirement after 15 years or more of employment with the state of Michigan and outstanding service as an employee of the department when recommended by division director and approved by the Director.
- Outstanding contribution to an industry serviced by this department when recommended by the Director.
- Any individual or organization so designated by the Commission of Agriculture and Rural Development.
- Other special circumstances.

- When possible, the draft resolution is presented for approval at the next Commission meeting. If the resolution is needed prior to that date, it may be approved at the discretion of the Commission Chair and presented for final approval at the next Commission meeting.

When appropriate, departmental retirees not qualifying for a Commission resolution shall receive a letter of commendation from the Director of the Michigan Department of Agriculture and Rural Development.

~~Procedures for writing resolutions shall be established by the Office of Communications with approval of the Commission Assistant and the Director.~~

## LEGISLATIVE, LEGAL, and MEDIA ISSUES

Commissioners shall refer all legal, legislative, and media contacts relating to the duties of the Commission to the Director of the department or the Director's designee.

To remain informed on important public policy matters before the Legislature, the Commission asks for regular updates on legislative activities, and for the department to advocate positions on legislation in accordance with Commission policies and those policies established by the Governor.

The Commission shall occasionally be required to meet legislative obligations as included in appropriations boilerplate language.

When legislative urgency requires a response from the department, and there is no applicable policy from the Commission or the Governor, the Commission may call a special meeting pursuant to the Open Meetings Act.

Outside of Commission meetings, individual Commissioners may express their opinions to the Director on legislative issues.

While each Commissioner as a member of the public is free to contact their legislators and voice opinions during the legislative process or to the media, no Commissioner shall speak on behalf of the Commission to the media or on legislative matters unless done in coordination with the Director.

## PUBLIC APPEARANCE GUIDELINES

Public comment and input are important to the development of public policy. As a public body, the Commission of Agriculture and Rural Development needs and wants to hear from the public. In the interest of fairness and ensuring there is adequate time for as many voices as possible, the Commission operates under the following guidelines:

1. Public appearances will be scheduled during the Public Comment period of a regular session of the Commission of Agriculture and Rural Development. If there is a change in this scheduled time, it will be noted on the original agenda distributed in advance of the meeting. Those registering in advance (prior to noon on Friday before the week of the Commission meeting) of the meeting will be notified.
2. If an attendee needs a reasonable accommodation to participate in the Michigan Commission of Agriculture & Rural Development Public Meeting, please contact the commission assistant at [MDA-Ag-Commission@michigan.gov](mailto:MDA-Ag-Commission@michigan.gov) in a reasonable timeframe to process accommodation needs.
- 4.3. Persons addressing the Commission will be requested to identify their: name, address, and the organization (if any) they are representing. In those instances in which a person is representing an organization, the presenter should indicate whether the presentation represents the official views of the organization.
- 2.4. All persons wishing to address the Commission must declare their intent by completing a Public Appearancepublic comment card prior to or during the Public Appearancepublic comment portion of the meeting, unless they have already contacted the Assistant to the Commission, and their names appear on the agenda. For virtual meetings, those wishing to speak should note that in the chat function, and for those joining by telephone, the Chair will provide those wishing to speak opportunity to identify themselves and time to speak. For all meetings, the Chair will ask if there is anyone wishing to speak before closing the public comment period.
- 3.5. The public comment period(s) (time(s) allotted on agenda of the meeting will last until closed by the Chair or by vote of the Commission.
- 4.6. Anyone wishing to address the Commission is limited to a presentation of no more than three (3) minutes. Extensions shall be at the discretion of the Commission Chair or by vote of the Commission.

In instances where there are several speakers on the same subject, the Chair is authorized to request ~~that~~ the group appoint a representative to address the Commission on the group's behalf -or- each individual presentation shall be limited to three (3) minutes. If a spokesperson is designated, that individual may be granted 10 minutes.

- a. A group of persons speaking on a common subject are encouraged to

choose a spokesperson for their group.

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- b. The Commission of Agriculture and Rural Development will make every attempt to accommodate all individuals who wish to speak, and may set time frames different from those referenced above in order to encourage and allow maximum public input.
- c. Questions asked by Commissioners and/or department staff will not be considered part of the three minutes allotted for public comment.

5.7. ~~Fifteen (15) copies of W~~ritten comments (if possible) should be provided to the Executive Assistant to the Commission for distribution, either prior to electronically or at the meeting. This will allow the presenter to include detail and background not possible within the allowed time frame scheduled for oral presentation. These written comments will become a part of the formal Commission record and will provide the Commission and staff with a precise, clear reference upon which to base their response to concerns.

All documents distributed at the meeting will be considered public documents and are subject to provisions of the Freedom of Information Act. It is the responsibility of the presenter to make sure all statements made are accurate and based on fact.

6.8. The Commission, at its discretion, may or may not hear matters relative to litigation. The Commission will not comment on or question presentations made relative to matters that are in litigation or pending litigation. Contacts on legal matters made to the Commission should be referred to the Department of Agriculture and Rural Development.

7.9. The public comment time provides the public an opportunity to speak. The Commission will not necessarily respond to the public comment.

DUTIES OF THE DIRECTOR ~~RELATED TO-OF~~  
THE MICHIGAN ~~DEPARTMENT-COMMISSION~~ OF  
AGRICULTURE and RURAL DEVELOPMENT

It shall be the responsibility of the Director to provide leadership and administrative oversight in the day-to-day activities of the department and to carry out the tasks as designated under law.

- A. The Director shall have authority over all employees, agents, and entities operating under the jurisdiction of the department.
- B. The Director shall assist the Commission in policy decisions for the department, the industry, and government, including policy decisions that may require consultation with Michigan's federally recognized Indian tribes, per the department's Tribal Consultation Policy. The Director shall also recommend adjustments in administrative policies both in the development and implementation thereof.
- C. The Director shall report to the Commission on a monthly basis or otherwise as the Commission requests, and shall direct appropriate staff to report as needed.
- D. The Director shall make recommendations to the Commission on issues that require Commission approval.
- E. The Director is the chief budget officer for the department. It is the duty of the Director to secure appropriate funding and human resources to carry out the department's programs and to recommend program adjustments where needed or required.
- F. The Director is the chief spokesperson for the department, including legislative matters, and shall be responsible for recommending changes in current law or to recommend new laws that further the goals and commitment of the department.
- G. The Director is the appropriate person to respond to Commission issues regarding department operation.

## POLICY DEVELOPMENT

Accurate information, based on scientific and economic research, is essential to development of sound policies. Recognizing its close operational relationships, the Michigan Commission of Agriculture and Rural Development would work cooperatively with the Department of Environment, Great Lakes, and Energy, the Michigan Department of Natural Resources, and the Michigan Natural Resources Commission as it strives toward promoting quality of life in Michigan; and, would seek input and expertise from other State of Michigan agencies and organizations as appropriate in developing policies to meet the objectives of the Commission and the department to serve the citizens of the State of Michigan. Further, public understanding is necessary to gain support of such policies.

The Commission may adopt policies as either overarching goals for, or as specific direction to the department.

An intensive ongoing communications effort should be developed to generate public awareness and support of policies recommended.

Policies adopted by the Commission of Agriculture and Rural Development will be communicated to the Governor, Legislature, stakeholders, and the general public as necessary.

In the Policy development process, the Commission:

1. Recognizes the value of agricultural diversity in Michigan's agriculture sector. This diversity – in crop type, ownership, size of operation, etc. – contributes heavily to Michigan's economic success.
2. Recognizes the value of diversity, equity, and inclusion in Michigan's food and agricultural sector with inclusion of people in all protected classes as defined by the State of Michigan in the decision making process. This diversity of thought and inclusion contributes heavily to Michigan's economic success.
3. Recognizes that social change has led to greater consumer demand for wider food choices and consumer interest in food and agriculture systems and seeks to support new opportunities to meet these demands.
4. Recognizes that access to healthy food is an important issue to be addressed in underserved communities.
5. Recognizes the value of vibrant local food networks which provide greater stability for small farms and contribute to the quality of life for Michigan residents.
6. Recognizes the importance of food and agricultural businesses for the state's economic stability, and the vital role of the department's programs in supporting business activity.

7. Recognizes that good public policy requires a balance of competing interests, social and economic values, science, and the political environment. MDARD will consider all of these variables.
8. Recognizes the value of engagement with a broad array of stakeholders including those who have not traditionally been involved in policy development.
9. Recognizes that public policy decisions need to balance responsiveness with short-and long-term impacts, and considerations of those impacts on all of the people of the State of Michigan.
10. Recognizes the value of an intensive ongoing communication effort to generate public awareness and support of policies, including communication with the Governor and legislature, as necessary.
11. Recognizes the importance of climate and renewable energy to the food and agriculture sector, and to all the people of the State of Michigan.
12. Recognizes the importance of recycling and food waste prevention efforts.

These statements are not intended to be construed as a position on any specific policy issue.

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## Overview of the Michigan Commission of Agriculture and Rural Development Policies

Re-approved in ~~Detroit, Michigan~~  
~~September 15, 2021~~

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**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 1**

Policy Title: **GUIDING PRINCIPLES**

By policy the Michigan Commission of Agriculture and Rural Development affirms the department's commitment to lead and serve the citizens of Michigan through the following values:

<b>Integrity</b>	We say what we will do and we do what we say. We shall strive to be role models to ensure that honesty, respect, fairness, impartiality, trustworthiness, and dependability are standards of all employees' personal and professional conduct.
<b>Excellence</b>	We are committed to getting the work done in a way that we are proud of and that our stakeholders are confident in and impressed with. We are committed to the development of our organization's mission, values, goals, and systems to monitor, measure, and sustain quality.
<b>Diversity, Equity, and Inclusion</b>	We are committed to a sustainable department-wide diversity, equity, and inclusion program that fosters an enhanced workforce and brings added value to its mission in serving the people of the State of Michigan. We include all food and agriculture external stakeholders, members of the public, and every employee of the Department of Agriculture and Rural Development to be represented and contribute to the important decisions that affect their lives.
<b>Teamwork</b>	We focus on what we can do together, sharing information, resources, and energy to achieve our vision for the department and the State of Michigan.
<b>Customer Focus</b>	We provide the highest quality of service to our customers. It is our responsibility to identify customers and their expectations, and to devise ways to address their needs in a timely manner.
<b>Meeting Staff Needs</b>	We are committed to the development of our entire workforce and encourage participation, learning, and creativity to foster individual achievement at all levels of the organization.
<b>Effective Communication</b>	We encourage the exchange of ideas and information throughout the Department of Agriculture and Rural Development and with our customers and organizational partners.

**Continuous  
Improvement**

We will take responsibility to seek out and advocate new methods for improving our services.

Re-approved in ~~Detroit, Michigan~~  
~~September 15, 2021~~

Page 2 of 2

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 2**

Policy Title: **EQUAL OPPORTUNITY PROGRAM**

The Commission of Agriculture and Rural Development is committed to equal opportunity and an inclusive culture in state employment, and promoting diversity, equity, and inclusion in the workforce through involvement and empowerment, where inherent worth and dignity of all people are recognized. The Commission of Agriculture and Rural Development reaffirms the Michigan Department of Agriculture and Rural Development's policy, which is attached.

Re-approved ~~in Detroit, Michigan~~  
~~September 15, 2021~~

Page 1 of 2

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The State of Michigan and the Department of Agriculture and Rural Development will provide equal employment opportunity for all persons regardless of religion, race, color, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position and will prohibit employment discrimination. Equal opportunities in state contracting and grant and loan programs and prohibiting discrimination in the provision of state services will be ensured.

The Department of Agriculture and Rural Development is committed to a department-wide diversity, equity, and inclusion program that builds upon our values and invests in our employees. We provide an inclusive culture through involvement and empowerment, where the inherent worth and dignity of all people are recognized.

This policy is promulgated consistent with state and federal law, including Governor Executive Directives.

The State of Michigan, Department of Agriculture and Rural Development and I, as the department Director, firmly support equal employment opportunity. I will ensure the Department of Agriculture and Rural Development is committed to reviewing all aspects of employment, including recruitment, selection, retention, and promotion, to identify and eliminate barriers to providing all persons equal employment opportunity. In hiring, the Department of Agriculture and Rural Development will ensure equal opportunity by not inquiring about an applicant's salary history.



~~Gary McDowell~~Dr. Tim Boring, Director

Dated: January 1, 2021

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 3**

Policy Title: **DEPARTMENTAL SAFETY**

It ~~is shall be~~ the policy of the ~~Michigan~~ Commission of Agriculture and Rural Development to foster the safety and occupational well-being of the department's employees during the performance of their official duties. All departmental employees shall work cooperatively to identify unsafe working conditions involving themselves and others.

The department shall strive to meet or exceed federal, state, local and industrial safety and health standards.

This policy shall be implemented within the department by utilizing the following:

- A. An active safety program shall be developed, implemented and annually reviewed.
- B. The Director shall appoint a safety committee, composed of departmental staff, to provide recommendations to the Director regarding safety issues and programs.
- C. The Director shall provide ongoing education for employees on safety and the safe use of materials within the workplace.
- D. The Director shall designate an individual to serve as Departmental Safety Officer.

Re-approved ~~in Detroit, Michigan~~  
~~September 15, 2021~~

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 4**

Policy Title: **PROMOTION OF AGRICULTURE**

It ~~shall be~~ is the policy of the Commission of Agriculture and Rural Development to foster and encourage the expansion and promotion of all agricultural goods and services and improve public awareness of Michigan food and agriculture products and to strengthen the economy of rural Michigan.

We encourage positive public relations and promotional activities to increase sales of Michigan's products in cooperation with the food and agricultural industry, including commodity marketing programs and individual companies. It is important that consumers everywhere recognize the quality of Michigan products.

We encourage continued cooperation with all partners, stakeholders, and private industry. It is important to provide assistance in identifying and developing opportunities in new and existing markets domestically and internationally. We will provide the food and agricultural industry with current information and compliance assistance to support growth of the agri-food industry.

Further, we encourage the expansion of Michigan food and agriculture through business, education, research, legislative changes, and cooperation with other governmental agencies and organizations.

We are committed to and encourage expanding opportunities and fostering entrepreneurship for innovation and new technology within the food and agriculture sector. The Commission directs the department to assist in the coordination, development, and promotion of the bio-economy to improve the environment and economy of the Great Lakes State.

Re-approved ~~in Detroit, Michigan~~  
~~September 15, 2021~~

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 5**

Policy Title:       **FOOD SAFETY  
ANIMAL AND PLANT HEALTH  
CONSUMER PROTECTION and INDUSTRY SUPPORT**

It is the policy of the Commission of Agriculture and Rural Development to help safeguard the health and welfare of all consumers of this state and to protect the food chain by assuring safe, secure, wholesome and accurately labeled food and other consumer products.

In accordance with its statutory duties, the department shall:

- Prevent, control, and eradicate reportable infectious, contagious and communicable diseases of domestic animals; and work with others on the prevention, control, and response to all diseases of animals;
- Prevent, control, and eradicate pests and diseases of plants;
- Prevent and respond to contamination of any portion of the food or feed supply by noxious materials or toxic substances;
- Protect all consumers' health by maintaining a safe and wholesome food supply; and,
- Promote the economic viability of food and agricultural industries in this state through producer security programs; grading, testing, and evaluation certification programs; and industry collaboration programs.

To achieve this, it shall be the mandate of the Michigan Department of Agriculture and Rural Development to:

- A. Enforce laws and regulations that: protect the safety and wholesomeness of foods; govern weights and measures and their respective devices and practices; govern the commercial handling, inspecting, and processing of farm produce; and govern product advertising and labeling;
- B. Provide regulatory response and resource expertise for support of domestic animal health and welfare programs, food and dairy, and weights and measures regulatory programs, and assist the livestock, food, and dairy industries;
- C. Enforce laws and regulations that protect the welfare of the public and the health of the livestock and animal industries of this state and work with the regulated industries and the veterinary profession to promote compliance;
- D. Provide, through laboratory services, accurate scientific analyses and technical data necessary to support the consumer protection and regulatory services of the department;

- E. Provide all Michigan consumers and agri-businesses the necessary technical assistance to ensure wholesomeness and purity of food, dairy, meat, poultry and consumer products;
- F. Conduct investigations and surveys and support research, when necessary, to monitor the state's food chain and recommend changes and modifications to existing standards to protect the food chain;
- G. Recommend necessary changes to existing laws and policies to accomplish these mandates;
- H. Provide personnel and expertise in the management and control of the food chain and animal and livestock industry during a crisis by providing effective emergency services planning and response within the department and participate in a coordinated statewide emergency preparedness program, to ensure the food chain, animal food supply, and livestock and plant industries are free from undesirable substances, diseases, and pathogens;
- I. Seize, control, or quarantine animals and plants, when necessary, to protect the food chain and the animal and plant industries of this state and destroy and dispose of animals and plants in those situations where threat of exposure to the food chain or the environment is imminent;
- J. Seize or otherwise control food and food products to protect the health and welfare of all consumers;
- K. Seize or otherwise control animal feeds and other products to protect animals, and the health and welfare of all consumers;
- L. Work with the dairy, grain, nursery and other industries to facilitate legislatively enacted producer security and inspection programs; and
- M. Collaborate with Michigan's fairs, festivals, and other agricultural events to celebrate Michigan's agricultural heritage and promote understanding and support for Michigan's food and agriculture industry.

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 6**

Policy Title: **EMERGENCY MANAGEMENT**

It is the policy of the ~~Michigan~~ Commission of Agriculture and Rural Development that the department maintain an ongoing capability to prepare for, respond to, recover from, and mitigate impacts of emergencies and disasters affecting the food and agricultural resources of this state.

The department will utilize the principles of the National Incident Management System and will appoint an Emergency Management Coordinator to provide leadership, assistance, and support to employees of the department in meeting their responsibilities to the food and agriculture sector and the general public during times of emergency or disaster. The principal duties of the Emergency Management Coordinator are to:

- Establish and maintain an emergency management program based on departmental duties and structure that is capable of responding to emergencies and disasters affecting Michigan's food and agricultural resources;
- Maintain the Food and Agriculture support plans to the Michigan Emergency Management ~~Act Plan~~ as required by The Emergency Management Act (1976 PA 390)-Public Act 390 of 1976; and prepare and train departmental personnel to meet the emergency and disaster responsibilities of the department;-
- Represent the department and its stakeholders on the Michigan Citizen-Community Emergency Response Coordinating Council to advance the cause of emergency planning in the food and agriculture sector as required by ~~SARA Title III, PL 99-499 of 1968 and Executive Order 2007-18 Michigan Citizen-Community Emergency Response Coordinating Council~~SARA Title III, (PL 99-499 of 1986) and Executive Order 2007-18 Michigan Citizen- Community Emergency Response Coordinating Council;
- Cooperate and coordinate with federal, state, and local emergency management agencies in providing emergency and disaster services to the affected public;
- Develop relationships with the food and agricultural community that enhance the delivery of emergency and disaster services; and
- Coordinate with other agencies and the private sector to provide human and animal food and water to victims of disasters and emergencies when normal food and feed delivery systems are unable to do so.

It is further the policy of the Commission that all personnel and divisions of the department will fully support the emergency management program whenever the opportunity to do so arises.

Re-approved ~~in Detroit, Michigan~~



**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 7**

Policy Title: **ENVIRONMENTAL STEWARDSHIP AND FARMLAND PRESERVATION**

It is the policy of the Commission of Agriculture and Rural Development to cooperate with local, state, and federal agencies to protect soil, air, water, and ecology while promoting profitable working lands: agriculture, forestry, aquaculture, and horticulture. This includes but is not limited to:

- Protection of air quality;
- Surface and ground water pollution prevention strategies;
- Minimizing soil loss and promoting soil health;
- Regulation and education regarding agri-chemical use and storage;
- Responsible manure and fertilizer management;
- Promoting energy conservation, efficiency, generation programs;
- Wildlife habitat expansion and enhancement programs for private landowners;
- Forest stewardship programs improving forest health and sustainability;
- Enhanced drainage for agricultural productivity and public health;
- Enhanced drainage for the prevention of flood damage;
- Supporting irrigation strategies improving productivity and water use efficiency;
- Facilitating Conservation District capacity to deliver environmental programming;
- Supporting state tax policies benefitting working lands in Michigan;
- Adoption of technologies for mitigating and adapting to climate change; ~~and-~~
- Adoption of testing and monitoring procedures for emerging chemicals in fertilizers, soil conditioners, and related products.

Michigan must also continue to strengthen the economic viability of the food, fiber, and agricultural industry, and to help provide profitable economic opportunities for businesses on working lands. Agriculture, forestry, aquaculture, and horticulture operations must have the protection and freedom to expand or change to remain competitive and profitable. Only in this manner can Michigan create a truly sustainable policy for the protection of natural resources on working lands.

Re-approved ~~in Detroit, Michigan~~  
~~September 15, 2021~~ Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 8**

Policy Title: **RIGHT TO FARM PROGRAM**

Pursuant to the ~~Michigan Right to Farm Act, as amended, (1981 PA 93)~~~~Michigan Right to Farm Act (Act), P.A. 93 of 1981~~, as amended, the Michigan Commission of Agriculture and Rural Development has the responsibility to define Generally Accepted Agricultural and Management Practices (GAAMPs).

When defining GAAMPs, the Commission will give due consideration to available Michigan Department of Agriculture and Rural Development (MDARD) information and written recommendations from the Michigan State University (MSU) College of Agriculture and Natural Resources, MSU Extension, and MSU AgBioResearch in cooperation with the United States Department of Agriculture, Natural Resources Conservation Service, the Farm Services Agency, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the Michigan Department of Natural Resources (MDNR), and other professional and industry organizations.

The GAAMPs will be developed, adopted, and revised pursuant to the procedures in the Appendix below. The Commission will define GAAMPs by formal vote. GAAMPs will be reviewed annually and revised by the Commission when necessary.

The Commission recognizes commodity diversity in Michigan's agricultural industry, which produces more than 300 commodities using a multiplicity of varied management procedures and techniques, and will strive to define specific GAAMPs encompassing all sectors of the industry. Given the breadth of the industry, it is the policy of this Commission that GAAMPs include any traditional farming practice ~~which-that~~ is not detrimental to the environment or human and animal health.

The following list includes categories and examples of farm products as defined under the Michigan Right to Farm Act:

- A. Forages, Sod Crops, and Renewable Fuels: forages, grasses, pasture, seed crops, sod crops, and turf.
- B. Field Crops: cereal grains, feed grains, feed crops, field crops, seed crops, soybeans, dry beans, potatoes, sugar beets, mint, hops, ginseng, and other herbs.
- C. Livestock and Dairy: breeding and grazing livestock, dairy cattle and dairy products, beef cattle, veal, swine, equine, sheep, goats, bison, llama, privately owned cervid, and wool. (Livestock does not include dogs and cats.)

- D. Poultry and Ratites: laying chickens and eggs, broiler chickens, turkeys, ducks, geese, guinea fowl, peafowl, ostriches, emus, rheas, cassowaries, kiwis, and game birds that are propagated and maintained under the husbandry of humans.
- E. Fish and Fish Products: aquatic animals such as fish, shrimp and other crustaceans, mollusks, reptiles, and amphibians, aquatic plants, and other aquacultural products reared or cultured under controlled conditions.
- F. Bees and Bee Products: colonized bees raised for pollination or to produce honey, and wax.
- G. Small Fruit: blueberries, grapes, strawberries, raspberries, and cranberries.
- H. Tree and Tree Crops: fruit trees, nut trees, coniferous trees, deciduous trees, saw logs, firewood, pulpwood, and maple syrup.
- I. Vegetable Crops: asparagus, carrots, celery, cole crops, cucurbits, lettuce, onions, peppers, snap beans, sweet corn, and tomatoes.
- J. Greenhouse and Nursery Products: bedding plants, vegetable and flower seedlings, foliage plants, flowering plants, cut flowers, seeds, tree seedlings, shrubs, ornamental plants, and other nursery stock.
- K. Mushrooms: agaricus, shiitake, oyster, morel, and chanterelle.
- L. Fur Bearers: mink, fox, rabbits, and chinchilla.

This listing should not be construed to be all encompassing. Other products may be identified and added to the above list at the discretion of the Commission consistent with the [Right to Farm Act](#).

Pursuant to the Memorandum of Understanding with EGLE, MDARD staff will be utilized for the investigation and resolution of non-emergency environmental complaints and agrichemical spills. MDARD procedures will be followed for the investigation and resolution of other farm-related complaints. MDARD staff will provide public information and education on the Act, the GAAMPs, and other statutes. MDARD and MSU may conduct informational seminars in cooperation with other agencies and individuals concerning the GAAMPs. MDARD staff may request other public agencies, professional and industry organizations, and individuals to assist on Right to Farm [Act](#) issues.

Re-approved ~~in Detroit, Michigan~~

~~September 15, 2021~~ Page 2 of 4

## APPENDIX

### MICHIGAN COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT PROCEDURES FOR THE DEVELOPMENT, ADOPTION, AND REVIEW OF “GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES”

The Michigan Right to Farm Act, as amended (1981 PA 93, MCL 286.471 et seq.) ~~(Public Act 93 of 1981, as amended, MCL 286.471 et seq.)~~ says in part:

A farm or farm operation shall not be found to be a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to generally accepted agricultural and management practices according to policy determined by the Michigan commission of agriculture. Generally accepted agricultural and management practices shall be reviewed annually by the Michigan commission of agriculture and revised as considered necessary. (MCL 286.473(1)).

Annually, the Commission will establish and review policy for the implementation of Generally Accepted Agricultural and Management Practices (GAAMPs). In addition, the Michigan Department of Agriculture and Rural Development (MDARD) staff will present to the Michigan Commission of Agriculture and Rural Development (Commission) on the status of all existing GAAMPs and the need, if any, for proposed new GAAMPs. The Commission will direct MDARD staff as to whether significant changes should be examined in any set of GAAMPs or a new set of GAAMPs should be developed.

#### **New and Existing GAAMPs may be developed and/or adopted by the following procedure:**

##### **1) Creation of New Material**

- a) The Commission identifies the need for GAAMPs and takes a vote to proceed with a request to the Michigan State University (MSU) College of Agriculture and Natural Resources or any other resource or topical experts as deemed appropriate to name a Chairperson for a GAAMPs Advisory Committee. MDARD will assist in the formulation and management of the Advisory Committee.
- b) The Advisory Committee develops scientifically-based draft GAAMPs pursuant to the Michigan Right to Farm Act. The Advisory Committee may give due consideration to available MDARD experience reviewing existing language in the field and written recommendations from any other educational, professional, and industry organizations.
- c) MDARD staff reviews the draft GAAMPs and discusses suggested changes with the GAAMPs Advisory Committee, then submits to the Commission.
- d) The Advisory Committee Chairperson presents the new draft GAAMPs to the Commission for review.
- e) The Commission considers the draft GAAMPs and may request other methodologies be used to further identify or define the GAAMPs.
- f) In addition, the Commission may identify existing scientifically-based materials, including but not limited to, publications from university, research and extension sources, documents from other departments, and/or documents from other state agencies or federal agencies that may be adopted by the Commission as GAAMPs.
- g) The Commission votes on whether to adopt the new GAAMPs.

## **2) Annual Review of Existing GAAMPs**

- a) MDARD contacts Advisory Committee Chairpersons to begin the annual review process and to determine if and how new technology, research results, or new regulations may impact the current GAAMPs.
- b) If the Advisory Committee Chairpersons determine that substantial changes to the GAAMPs are warranted, they contact their committee members to reconvene their respective committees to review current GAAMPs and propose recommended changes.
- c) MDARD staff reviews GAAMPs in light of recent Right to Farm program environmental complaints and site selection verification requests for new and/or expansion of existing livestock facilities and provides feedback to the Advisory Committee Chairperson or Committee as part of the review process.
- d) The Advisory Committee Chairperson or Committee completes its review and proposed draft GAAMPs are prepared for review.
- e) MDARD will conduct a Public Input meeting to receive additional comments on the GAAMPs; input is provided to the Advisory Committee Chairperson for Committee consideration.
- f) The Advisory Committee presents revised GAAMPs to the Commission.
- g) The Commission reviews existing GAAMPs, with any changes proposed by the Advisory Committee(s), and votes whether to adopt the revisions to the GAAMPs.

## **3) The appointment of Advisory Committee Chairperson**

- a) Through the retirement of existing Chairperson or the Commission acknowledges the need for new sets of GAAMPs.
- b) MDARD's Chief Deputy Director sends a letter to the Dean of Michigan State University College of Agriculture and Natural Resources formally requesting the appointment of a new Chair to lead the Advisory Committee.

All sets of GAAMPs may undergo the annual review process simultaneously to streamline and maximize staff efficiency.

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 9**

Policy Title:       **GENERALLY ACCEPTED AGRICULTURAL AND  
MANAGEMENT PRACTICES  
DETERMINATION OF NON-COMPLIANCE**

It is the policy of the ~~Michigan~~ Commission of Agriculture and Rural Development to determine that a farm/farmer is not following Generally Accepted Agricultural and Management Practices if a Right to Farm complaint case involves air and/or odor issues, and Michigan Department of Agriculture and Rural Development staff is refused access to review practices and/or records related to the appropriate Generally Accepted Agricultural and Management Practices.

Re-approved in Detroit, Michigan  
September 15, 2021

Page 1 of 1

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 10**

Policy Title: **APPEALS FROM MDARD'S SITE SUITABILITY DETERMINATIONS**

Under the Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities (Site Selection GAAMP), farms may request a site suitability determination from MDARD. MDARD's site suitability determinations are sent to the farmer and the local unit of government, and posted on MDARD's Right to Farm- ~~(RTF) website~~ ~~(RTF) website~~. MDARD's site suitability determination can be appealed to MDARD's Director as provided below.

**A. Who can request to appeal MDARD's site suitability determination**

The following people or entities can request to appeal MDARD's site suitability determination:

- The owner of the proposed livestock facility.
- A person with property within one-half mile of the site of the proposed livestock facility.
- The local unit of government in which the site for the proposed livestock facility is located.
- A local unit of government ~~that~~~~which~~ is within one-half mile of the proposed livestock facility.

**B. Timing of a request to appeal**

A request to appeal must be filed within 30 days from the date MDARD's site suitability determination is posted on MDARD's RTF Siting website.

**C. Contents of a request to appeal**

A request to appeal MDARD's site suitability determination is made by sending a written description of the appeal including all documentation supporting the appeal to MDARD's Director through the Commission email at:  
[MDA-Ag-Commission@michigan.gov](mailto:MDA-Ag-Commission@michigan.gov).

The request to appeal must identify with specificity the section or requirement in the Site Selection GAAMPs that the requestor believes MDARD failed to or improperly applied when it made its site suitability determination.

The request for appeal must include relevant facts, data, analysis, and supporting documentation for the appellant's position.

A request to appeal that does not identify with specificity the manner in which MDARD failed to or improperly applied the Site Selection GAAMPs or does not provide supporting documentation will be denied. The Director will notify the Site Selection GAAMPs Chair, as well as the Commission of Agriculture and Rural Development of this decision. MDARD will send a letter to the entity who submitted the request to appeal stating the reason the request has been denied. A denial of a request to appeal is a final agency decision on MDARD's site suitability determination.

A request to appeal meeting the requirements of this section will be approved by Right-to-Farm, on behalf of the Director and will proceed through the appeal process outlined below. MDARD shall make all determinations regarding requests to appeal within 14 days after the close of the 30- day appeal window.

#### **D. Appeal process**

Once MDARD approves a request to appeal, the following process will be initiated:

1. MDARD will ask the Chairperson of the Site Selection GAAMPs Committee to convene a panel of recognized professionals to review MDARD's site suitability determination. The panel of recognized professionals may include, but are not limited to, personnel from the following: conservation districts, industry representatives, Michigan Department of Environment, Great Lakes and Energy, professional consultants and contractors, professional engineers, the United States Department of Agriculture - Natural Resources Conservation Service, university agricultural engineers, and other university specialists and shall contain no less than three recognized professionals.
2. Within 28 days, the panel of recognized professionals shall review MDARD's site suitability determination and consider the information provided by the Appellant. The panel of recognized professionals shall create a written report to be considered at the Commission's next scheduled public meeting.
3. The Commission will consider the panel of recognized professionals' reports, oral or written comments from the appellant(s), and other public comments regarding MDARD's site suitability determination.
4. The Commission shall make a recommendation to the MDARD Director. The Commission's recommendation can take one of three forms: (i) approve MDARD's site suitability determination; (ii) reverse MDARD's site suitability determination; or (iii) send the case back to the panel of recognized professionals or MDARD staff with instructions to consider certain factors or issues that were not sufficiently considered during the panel's initial review, including a timeframe for providing the information to the Commission. In the event of a tie vote by the Commission, the matter shall be submitted to the Director without a recommendation from the Commission.

5. The Director shall issue a written final decision regarding the site suitability determination within 14 days of the Commission's recommendation/ submission.
6. Following the Director's final decision, the farmer, appellant, and local unit of government will be sent MDARD's final decision and the final decision will be posted on the MDARD RTF Siting website.

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT  
POLICY NO. 11**

Policy Title: **ENFORCEMENT**

It is the policy of the Michigan Department of Agriculture and Rural Development to utilize progressive enforcement when possible, including, but not limited to compliance assistance, warning letters, settlement agreements, probationary periods, issuance of fine, administrative hearings or a combination of these. The department will consider various factors, such as:

- Nature of the violation
- Establishment of compliance history
- Establishment of maintenance and/or self-inspection programs
- Establishment of probationary status
- Economic benefit for the establishment versus harm to the consumer associated with the alleged violation(s)
- Length of time the requirement has been in effect; and
- Other evidence or/ special circumstances offered by the establishment operator

A maintenance and/or self-inspection program is considered an essential component of good business practices and the implementation of these programs will be considered and weighted accordingly.

The department is committed to the fair and impartial enforcement of laws and regulations.

Serious, repeated, and/or multiple violations of laws and regulations may result in criminal prosecution where provided for in law.

**MICHIGAN COMMISSION OF AGRICULTURE AND  
RURAL DEVELOPMENT**

**POLICY NO. 12**

Policy Title: **FISCAL CONTROL**

It is the policy of the Commission of Agriculture and Rural Development that sound fiscal control practices be utilized in the conduct of department activities. All memoranda of understanding or other documents which commit department be compliant with applicable state and federal rules, regulations, and policies.~~resources shall be reviewed by the Director of Finance and Budget and the department Director.~~

Re-approved ~~in Detroit, Michigan~~

~~September 15, 2021~~ Page 1 of 1

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<u>B</u>	<u>Act 380 of 1965, Executive Organization Act</u>	<u>41</u>
<u>C</u>	<u>EO 2009-45, Department of Agriculture Executive Reorganization (creation of Department of Natural Resources and Environment and direct Governor appointment of Director)</u>	<u>43</u>
<u>D</u>	<u>EO 2009-54, Department of Agriculture Executive Reorganization (Restoration of commission oversight of policy)</u>	<u>71</u>
<u>E</u>	<u>EO 2011-2, Department of Agriculture Executive Reorganization (commission powers and agency name)</u>	<u>83</u>
<u>F</u>	<u>Act 267 of 1976, Open Meetings Act</u>	<u>86</u>
<u>G</u>	<u>Act 442 of 1976, Freedom of Information Act</u>	<u>94</u>
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## ATTACHMENTS

A) — PA 13 of 1921, Department of Agriculture

B) — PA 380 of 1965, Executive Organization Act

C) — EO 2009-45, Executive Reorganization (Creation of Department of Natural Resources and Environment and Direct Governor Appointment of Director)

D) — EO 2009-54, Executive Reorganization (Restoration of Commission Oversight of Policy)

E) — EO 2011-2, Executive Reorganization (Commission powers and agency name)

F) — PA 267 of 1976, Open Meetings Act

G) — PA 442 of 1976, Freedom of Information Act

H) — PA 220 of 1976, Persons With Disabilities Civil Rights Act



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

DR. TIM BORING  
DIRECTOR

**DATE:** July 18, 2023

**TO:** Michigan Commission of Agriculture and Rural Development

**FROM:** Jamie Zmitko-Somers, Director, Agriculture Development Division

**SUBJECT:** Amendment to Ethel's Baking Company – Food & Agriculture Investment

---

### **Amendment Request**

In July of 2022 a Food & Agriculture Investment performance-based grant of \$60,000 was approved for Ethel's Baking Company. Over the course of the last year the company needed to make adjustments to their plans due to a number of challenges including increased cost of equipment, lack of financing, and ongoing challenges brought on by the pandemic. Ethel's did complete a portion of the project for a total investment of \$157,036.68. The company will now look at doing a phase 2 of the project at a later date in 2024. Background information on the company and their original project description is included in this memo.

### **Background**

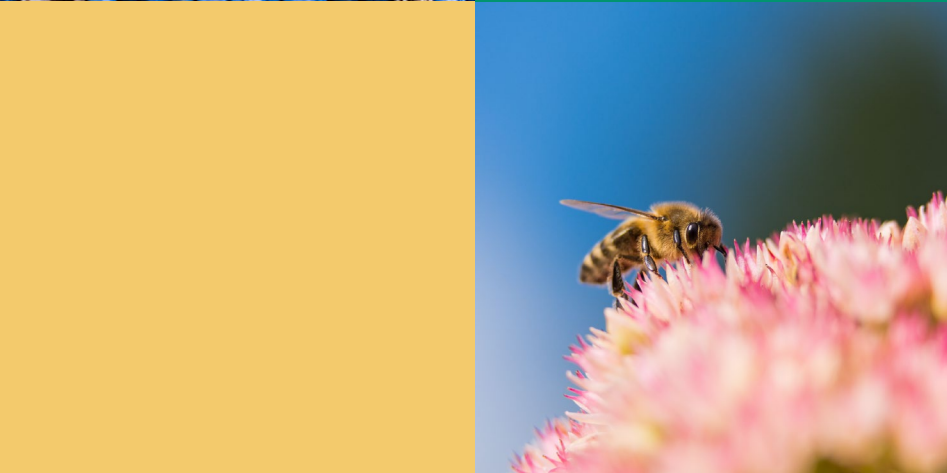
Ethel's Baking Company is a premium producer of gluten-free dessert bars found in the fresh bakery sections of more than 350 stores in Michigan and across the Midwest. Founded in 2011, the company's debut at a local food market spurred on a business and brand which can be found in local, regional, and nationally known retailers such as Meijer, The Fresh Market, Safeway, Fresh Thyme, Wegman's, Plum Market, Hiller's Market, Fresh Farms, and Whole Foods Market. Growth over the last decade has meant expanding from less than 1,300sq ft of production space to now more than 15,000sq ft of production space.

### **Original Project Description**

The company is intending to add equipment and machinery to its current building in Shelby Township, enhancing baking capacity to meet increasing demand. The equipment will not only be utilized for increased production for current SKUs but also produce cookies, a new product line offering. The upgrades and expansion will also improve employee/operator safety and ergonomics, as well as facilitate the opportunity for the hiring of additional team members. The machinery planned in the expansion will contribute towards consistent consumer experience of products, enhance food safety and preventative controls, and allow Ethel's Baking Company to make an important and significant step in corporate growth. This increased growth will allow Ethel's to serve a larger portion of the sector and engage in detailed conversations with target retailers such as Costco and Target. Ethel's has been approached by Canadian retailers as well and this expansion will likely make it a reality for Ethel's to have the capacity to export to Canada. Total project investment was initially \$1,235,341.

**MDARD Staff Recommendation**

Michigan Department of Agriculture and Rural Development staff recommend the Michigan Commission of Agriculture and Rural Development approve an amendment to the project and approve a reduced grant amount of \$20,000 from the original \$60,000.



# FY23 and FY24 Budget Update

Sylvia Renteria

Director of Finance and Budget

July 26, 2023



# Legislative Status

- HB 4437 reported out June 28<sup>th</sup>
- FY23 and FY24 budgets included
- Governor's signature needed to finalize budget
- FY24 budget starts October 1, 2023

# Year to Year Comparison

Funding Source	2023 Budget *	2024 Enrolled	Increase (Decrease)	Percentage Change
General Fund - Ongoing	\$ 65,989,800	\$ 72,281,800	\$ 6,292,000	10%
General Fund - One Time	\$ 67,000,000	\$ 20,500,000	\$ (46,500,000)	(69%)
Restricted	\$ 45,054,400	\$ 46,068,200	\$ 1,013,800	2%
Federal	\$ 19,930,900	\$ 29,762,700	\$ 9,831,800	49%
<b>TOTAL</b>	<b>\$ 197,975,100</b>	<b>\$ 168,612,700</b>	<b>\$ (29,362,400)</b>	<b>(15%)</b>

\* Includes HB 4437 supplementals

# General Funds Investments

Investments (in millions)	2023	2024	Total
Agricultural Climate Resiliency		7.0	7.0
County Fairs, Shows, and Expositions		2.0	2.0
Double Up Food Bucks	2.0	1.1	3.1
Emerging Contaminants	8.0	4.1	12.1
Food and Agriculture Supply Chain		1.8	1.8
Laboratory Animal Welfare		0.7	0.7
Local Conservation Districts		1.0	1.0
Minority Owned Food and Agriculture Ventures		2.9	2.9
Soil Health/Regenerative Agriculture		6.0	6.0
Washtenaw MiFarmLink Project		0.1	0.1
<b>Total</b>	<b>\$ 10.0</b>	<b>\$ 26.7</b>	<b>\$ 36.7</b>

# Restricted Funds Investments

Investments (in millions)	2023	2024	Total
Craft Beverage Council		0.4	0.4
Laboratory Equipment		0.5	0.5
Producer Security Program		0.1	0.1
<b>Total</b>	<b>\$ -</b>	<b>\$ 1.0</b>	<b>\$ 1.0</b>

# Federal Funds Investments

Investments (in millions)	2023	2024	Total
Farm Stress	0.1		0.1
Seafood Processors	0.2		0.2
Resilient Food Systems Infrastructure		10.1	10.1
<b>Total</b>	<b>\$ 0.3</b>	<b>\$ 10.1</b>	<b>\$ 10.4</b>



# Thank you!



Additional Public  
Testimony submitted  
are linked under  
Meeting Material

## **Silver Creek Poultry Farm Site Suitability Report**

### **July 19, 2023**

This Site Suitability Report discusses items considered by recognized professionals, listed at the end of this report, regarding the appeal to reconsider the Michigan Department of Agriculture and Rural Development (MDARD) siting verification determination for the Silver Creek Poultry located in Section 10 of Silver Creek Township, Cass County, Michigan.

The professionals reviewed the following information provided by MDARD staff prior to development of the recommendation:

1. Correspondence and supporting documentation from those who submitted comments to the Michigan Commission of Agriculture Rural Development.
2. Supporting documentation from the facility's application to MDARD for siting verification.
3. Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection and Odor Control GAAMPs) dated January 2023

The review request contained several concerns (summarized herein) which were discussed by the professionals:

**Concern:** Silver Creek's proposed site is not a Category 2.

**Conclusion:** The proposed livestock facility of 45,000 laying hens (450 animal units) is located within a ¼ mile radius of seven residential homes, as determined by site review using Google Earth Pro (a standard practice for site suitability determination by MDARD). A new Livestock Production Facility with a capacity of 450 Animal Units falls under Table 4 of the Selection and Odor Control GAAMPs and would be considered a Category 2 facility. The property line setbacks outlined in Table 4 are either met or signed variances were obtained.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Category 2 Notice was deficient.

**Conclusion:** Notification letters were sent to all neighboring property owners with ¼ mile from the livestock facility who were required to receive notification except for one resident. Applicant states this individual was notified verbally in person, which the property owner denies having taken place. The person verbally notified is part of this appeal.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** The method for estimating setback measurements is not supported by competent evidence.

**Conclusion:** All measurements and setback distances are determined by site review using Google Earth Pro (a standard practice for site suitability determination by MDARD) and reaffirmed utilizing ArcGIS. All setbacks as described in the Site Selection GAAMPs

for wetlands, floodplains and drinking water sources are met; and minimum property line setbacks are met.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** High public use areas not identified.

**Conclusion:** The Site Selection and Odor Control GAAMPs require a livestock production facility to be at least 1500 feet from a high public use area. Using Google Earth, a daycare was identified 1539 feet northwest of the facility, measured from the corner of the closest proposed livestock building to the property line of the daycare (Measuring building to building is standard practice for determining setback distances by MDARD).

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Drinking water sources and wells not identified.

**Conclusion:** The proposal identifies all known water wells and wellhead protection areas, demonstrating conformance to required setbacks with no required deviations needed from the local health department or the Michigan Department of Environment, Great Lakes, and Energy (EGLE). Specifically, the proposed livestock production facility is not located within any known wellhead protection areas, it exceeded the 75-foot setback from private water supplies, 800-foot setback from Type IIb or Type III water supplies, and 2,000-foot setback from Type I or Type II water supplies (water supplies are defined by EGLE Drinking Water and Environmental Health Division's policy and procedure).

Land application of manure in relation to a wellhead protection area is not within the purview of the Siting GAAMPs to directly consider in the decision of whether to issue site suitability.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Wetlands and floodplains.

**Conclusion:** The proposed livestock production facility does not lie within a wetland as determined by site review using EGLE Wetlands Map Viewer (A standard practice for site suitability determination by MDARD). The United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey indicated there were no wetlands in this area. Additionally, the application provided Federal Emergency Management Agency (FEMA) flood maps indicating the proposed site is outside of any designated floodplain. The soil borings provided by the applicant, conducted by a licensed professional, further validated the onsite soil conditions are not described as hydric or wetland soils, as required for wetland designation.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Silver Creek's proposal ignores construction and operational stormwater controls, wastewater and wash water management, manure and mortality storage concerns, runoff and erosion and leaching controls, and manure application concerns.

**Conclusion:** The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a reinforced concrete floor.

The facility provided adequate plans describing the components necessary to follow the Manure Management and Utilization Generally Accepted Agricultural and Management Practices (GAAMPs) for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

According to the FEMA flood maps, the barns are not located within a 100-year flood plain and the nearest surface water is approximately 600 feet to the south and southwest.

Permits, such as soil erosion sediment control, well, and septic, are required by other state agencies and are not within the purview of the Site Selection and Odor Control GAAMPs to directly consider in the decision to issue site suitability.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Abandoned gravel site is not an appropriate site for an egg layer operation.

**Conclusion:** A professional soils scientist, hired by Silver Creek Poultry, reviewed soil conditions at the proposed site and determined there are no indications of unstable or high-water soils. Additionally, during construction of the site, a compactor roller will be used to properly compact the site soils prior to construction of the buildings. This is standard construction practice for compaction of site soils.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Migrant labor housing needs to be measured for appropriate setback distances from a livestock operation. White Pines Mobile Home Park was not analyzed for this issue.

**Conclusion:** White Pines Mobile Home Park is approximately 4500 feet from the proposed livestock production facility. The Site Selection and Odor Control GAAMPs require no Livestock Production Facilities are built within 500 feet. There are no other migrant labor housing facilities existing within 500 feet of the proposed livestock production facility.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Lack of information and use of incorrect information on odor control and management.

1. MI offset tool cannot be used for egg layer operations because it contains no “egg layer” option;
2. Open air manure and mortality compost structure not accounted for, and “crusted manure” option is not supported;
3. Starting point for distance measurements is not correct and is not verified; and,
4. Gross underestimation of mortalities means sources of odor have not been identified and cannot be measured.

**Conclusion:** The only tool available and prescribed for use in the Site Selection and Odor Control GAAMPs is the Michigan Odor from Feedlot Setback Estimation Tool (MI OFFSET) 2018. The odor emission factor utilized was reviewed and found to be consistent with similar poultry operations in the state using the MI OFFSET 2018 model to determine the facilities impacted area by odor (A standard practice for site suitability determination by MDARD). Mortality management is not a consideration in the MI OFFSET 2018 model.

The standard procedure was used for placement of the offset footprint. The MI OFFSET 2018 model results for the proposed facility were reviewed, and it was concluded it was applied correctly.

Because there were no non-farm residences identified within the footprint of the MI OFFSET odor estimation tool, no additional technologies are required by the Site Selection and Odor Control GAAMPs.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Silver Creek and MDARD ignored MI OFFSET information for layers and significantly underestimated odors.

**Conclusion:** The odor emission factor utilized is consistent with similarly managed poultry broiler-layer operations in the state using the MI OFFSET 2018 to determine the facilities impacted area by odor (A standard practice for site suitability determination by MDARD). The proposed operation is described to be managed on sawdust; the odor generated is consistent with the broiler designation utilized.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Weather data in the MI OFFSET is incomplete.

**Conclusion:** The MI OFFSET 2018 was used as intended. MI OFFSET 2018 was developed by Michigan State University and approved for use under the Site Selection and Odor Control GAAMPs by the Michigan Commission of Agriculture and Rural Development under the recommendation of the Site Selection and Odor Control GAAMPs Advisory Committee.

The professionals agree the information submitted met the criteria set forth in the Siting GAMMPs.

**Concern:** Silver Creek's Odor Management Plan is inadequate.

**Conclusion:** The odor management plan outlined in the site verification request meets the criteria of the Site Selection and Odor Control GAAMPs.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** The manure management storage and system plans are incomplete and inaccurate.

**Conclusion:** The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility has exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Silver Creek grossly underestimated mortality management needs and its plan fails to meet the GAAMPs.

**Conclusion:** The Site Selection GAAMPs requires the applicant to identify the processes and procedures used to safely dispose of the bodies of dead animals (Bodies of Dead Animals Act, PA 239 of 1994, as amended). Silver Creek Poultry met this requirement by stating they plan to compost the dead animals. The Mortality Management Plan also references a rendering company when excess mortalities occur.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Proposals for land application of manure are inappropriate.

**Conclusion:** The facility demonstrated adequate plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground water and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection and Odor Control

GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Air Pollution – Odors.

**Conclusion:** The Site Selection and Odor Control GAAMPs require the use of an Odor Management Plan, including the application and evaluation of the Michigan Odor from Feedlot Setback Estimation Tool (OFFSET). The Michigan OFFSET is a means of estimating odor source magnitudes and potential impacts from livestock production facilities. The intent of the tool is to have zero non-farm residences within the 5% odor footprint to maintain a 95% annoyance-free level from odor. This does not mean the facility will be odor free.

The professionals reviewed the Odor Management Plan and concluded there were zero non-farm residences in the 5% odor footprint for the facility.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** The facility will impact recreation by degrading water quality and having odors.

**Conclusion:** The Site Selection and Odor Control GAAMPs require a facility to be at least 1500 feet from the livestock facility to a high public use area. According to the measurements no high public use areas are within this distance. Additionally, no high public use areas fall within the 5% odor footprint of the livestock facility.

The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Nitrate contamination in the groundwater

**Conclusion:** The facility is required to be built according to the NRCS 313 Standard for Waste Storage Facilities. The storage of the manure and mortalities will be done in a covered building on a concrete floor.

The facility plans to follow the Manure Management and Utilization GAAMPs for land application of manure. When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of ground and surface waters. The facility exceeded the minimum manure storage onsite by at least five times the standard requirement of six months.

The Manure Management Systems Plan utilizes manure accumulation estimates and manure nutrient analysis from similar layer operations to estimate annual manure nutrient accumulation, an accepted method within the Site Selection GAAMPs. The plan includes a land base, crop yields, and soil testing, and indicates appropriate utilization of those manure nutrients accumulated annually.

When land application occurs, the facility plans to apply the manure to the land at a time, place, and rate that will be protective of surface and ground waters.

The professionals agree the information submitted met the criteria set forth in the Site Selection and Odor Control GAAMPs.

**Concern:** Health concerns from air pollution, including ammonia; MDARD failed to apply the GAAMPs regarding road and transportation issues; food system concerns; zoonotic diseases; decrease in property values; the amount of noise generated; impact on tourism; impact on wildlife.

**Conclusion:** These items are not within the purview of the Site Selection and Odor Control GAAMPs to directly consider in the decision of whether to issue site suitability.

**Final Conclusion:**

The final conclusion of the recognized professionals is to affirm the siting proposal. It is our opinion all criteria in the Site Selection and Odor Control GAAMPs were appropriately addressed in the determination of site suitability.

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**Professional Review Committee Members:**

**Suzanne Reamer**

United States Dept of Agriculture  
Michigan Natural Resources Conservation  
Service

**Gerald May**

Chair of Site Selection and Odor Control  
GAAMP  
Retired MSU Extension

**Ryan Coffey Hoag**

MSU Extension  
Land Use Planning

**Bruce Washburn**

Michigan Department of Environment, Great  
Lakes, and Energy  
Water Resources Division