

Original (Program) Order													Attachment B			
Agency Programs/Activities: Inventory and Key Data																
Department of Agriculture and Markets																
Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)				
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1	Executive (Page 1)	SO	21	1,500	1,352	1,614	1,700	263	293	325	341					
1	Counsel's Office (Page 2)	SO	17	1,016	1,046	1,153	1,250	221	311	324	340					
1	Human Resources (Page 3)	SO	9	607	606	640	650	170	189	210	221					
1	Information Services (Page 4)	SO	22	1,950	1,962	2,200	2,300	324	360	400	420					
1	Centralized Licensing Project (Page 5)	SO		100	800	750	563									
1	IT projects/ Interactive License Project - IBM	SO		620												
1	Fiscal Management (Page 6)	SO	24	800	838	900	950	672	687	706	741					
1	Postage, telecomm, paper, copying (Page 7)	SO		804	814	850	850									
1	Office repairs/ retrofitting (Page 7)	SO		48	35	35	35									
1	Rent - 10B Airline Drive (Page 8)	SO		1,055	1,210	1,286	1,309									
1	Rent - Warehouse (Page 8)	SO		36	36	48	50									
1	Milk Labs - Remote Locations (Page 8)	SO		23	25	25	25									
1	Rochester Lease (Page 8)	SO		11	34	34	34									
1	Buffalo Lease (loss of Donovan bldg)(Page 8)	SO			25	46	46									
1	Internal Audit (Page 9)	SO	1	83	165	142	100									
1	NYS Council on Food Policy (Page 10)	SO	1		57	53	53									
1	NYC Wholesale Farmers Market (Page 11)	SO			8	492										
1	Northeast Dairy Leadership Team (Page 12)	SO			5	20	20									
1	Assistance to State Fair (Page 13)	SO		221	149	150	150									
1	Homeland Security - investment in training, equip upgrades (Page 14)	SO		1,800	590	600	600									
1	Animal Health Monitoring (Pages 17, 20, 21, 29, 30, 32, 34-37, 39, 40, 42, 43, 44-46)	SO	19	1,400	1,450	1,600	1,750									
1	Accredited Vets - Herd Health Assurance (Pages 18-19)	SO		11	50	50	50									
1	Veterinary Technical Services (Pages 20-21, 29, 30-31, 32, 34, 35, 37-41, 43, 46-48)	SO	29	2,100	2,200	2,304	2,500									
1	Animal Health Surveillance Data Warehouse Project (Pages 22-23)	SO				200										
1	Dog Licensing & Control (Page 24)	SO		771	642	445	480									
3	Animal Population Control (Page 25)	SO	3					514	1,089	1,089	1,285					
3	Pet Dealer Inspection/Licensing (Page 26)	SO	5	300	282	330	350	48	1	95	0					

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3	Horse Health Assurance (Page 27)	SO	1	100	103	104	94								
2	DAI TB Testing (Page 28)	SO	3	165	173	186	182								
1	Diagnostic Lab-State Ops Subsidy (Pages 128-130)	SO		943	1,064	1,064	1,064								
1	Plant Industry Division - Central Admin	SO	7	490	512	600	650								
1	Cooperative Agricultural Pest Survey (CAPS) (Pages 50-52)	SO- Fed	1												
1	Commodity Inspection and Plant Health Safeguarding (Pages 53-55, 66-67)	SO	18	780	804	1,021	1,100	421	347	374	402				
1	Apiary Inspection - Interstate Certificate (Pages 56-57)	SO	1	40	50	51	52								
1	Golden Nematode (Pages 58-59)	SO	2	96	99	104	108								
1	Asian Longhorned Beetle (Pages 60-61)	SO	20	1,038	1,068	1,107	1,200								
1	Plum Pox Virus Eradication (Pages 62-63)	SO	4		8	10	15								
1	Invasive Species (Pages 64-65)	SO	1												
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1	Farmland Protection & Ag Districts Law (Pages 69, 74-80, 82)	SO	5.5	435	683	462	500								
1	Farmers Mkt Nutrition Program (Pages 70-72, 96-97)	SO	1.55	82	85	88	95								
1	NYSERDA Study - Renewable Fuels Roadmap (Page 73)	SO				150									
1 & 2	Marketing & Promotion, Farm to School (Pages 81, 85- 86, 88-90)	SO	4.65	550	667	750	800	47	52						
2	Ag Protection-Econ Development (Pages 83, 93, 94, 98-101)	SO	3.25	140	180	206	220								
1	Public Utilities - Public Service Acct (Page 84)	SO	2					361	370	327	330				
1	Pride of NY (Page 87)	SO	1	165	168	176	190								
1	Community Gardens (Pages 91-92)	SO	0.5			53	80								
1	Ag Producers Security Fund (Page 95)	SO	2					319	282	187	201				
1	Ag. Child Care (Migrant) (Page 133)	SO	1	48	57	69	75								
1	Apple Market Order (Page 99)	SO	1.55					2,225	1,930	1,930	1,950				
1	Cabbage, Onion, Sour Cherry Market Order (Page 99)	SO						48	69	71	72				
2	Trade Show Participation (Page 89)	SO						101	121	124	127				
3	Wine Industry Acct (\$3.5m one time)	SO						2,006	356	335	0				

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1	Soil & Water Conservation - Agricultural Environmental Management (Pages 103-105)	SO	11	712	719	826	850									
1	Nonpoint Source Pollution Control (Pages 103-105)	SO	1	24	26	27	30									
1	Soil & Water Cons Committee Support (Pages 106-108)	SO	1	82	91	94	100									
2	CAFO Compliance, CREP, other initiatives (Pages 109-112)	SO		43	35	35	35									
1	Milk Control / Dairy Assistance - Admin	SO	6.2	324	342	348	375									
1	Milk Inspection, Labeling & Sanitation (Page 116)	SO	42	2,188	2,160	2,450	2,650	455	134	228	245					
1	Milk Producers Security Fund/Dairy Industry Account (Pages 117, 124)	SO	3.8					233	216	242	267					
2	Milk - Dairy Promotion Order (Page 118)	SO	3					11,626	11,884	12,042	12,153					
3	Western NY Milk Market Order (Page 119)	SO	2					219	218	221	221					
2	Foreign Dairy Inspection (Page 120)	SO						48	179	200	161					
3	Dairy Industry Statistics & Milk Price Gouging (Pages 121-123)	SO	2	232	232	116	120									
1	Federal Agricultural Statistics - Cooperative Surveys (Page 126)	SO	3	389	410	410	410									
1	"Core" Diagnostic Lab (Pages 128-130)	ATL		1,945	3,404	2,788	2,788									
1	Pro Dairy Contract (Page 131)	SO		718	748	823	823									
1	Ag in Classroom/ Cornell (Page 132)	ATL		134	48	142	142									
1	Ag. Child Care (Migrant) (Page 133)	ATL		4,653	4,720	5,521	5,521									
1	Local Fairs (Page 135)	ATL		453	453	453	453									
1	Wine / Grape Foundation (Page 136)	ATL		1,724	1,058	1,000	1,000									
1	Farm Viability Institute (Page 137)	ATL		1,250	2,192	4,000	1,702									
1	Center for Dairy Excellence/ FVI (Page 137)	ATL			188	750	750									
1	Farm Family Assistance/Cornell (Page 138)	ATL		309	332	588	588									
1	Organic Farming Program (Page 139)	ATL				250										
2	NYS Wine Marketing and Promotion (Pages 140-141)	ATL		488	2,213	1,800										
3	Agritourism (Page 142, 147)	ATL		11	497	492										
2	Econ Dev & Farm Viability ("Grow NY")	ATL - "GROW NY"		310	298	2,357	2,357									

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2	Agricultural Workforce Certification Program (Page 144)	ATL - "GROW NY"														
2	Farmland Viability Program (Page 145)	ATL - "GROW NY"														
2	Food & Agricultural Industry Development Grants (FAID) (Page 146)	ATL - "GROW NY"														
2	Farm to School (Page 148)	ATL - "GROW NY"														
1	NYS Cattle Health Assurance/ Cornell (Page 18)	ATL		450	637	450	450									
1	Quality Milk (Mastitis)/ Cornell (DL, Page 128)	ATL		1,084	1,926	1,304	1,304									
1	Johnes Disease/ Cornell (Pages 20 & 128)	ATL		300	555	588	588									
3	Rabies/Cornell (DL, Page 128)	ATL		406	228	250	250									
1	Avian Disease/ Cornell (Page 43 & 128)	ATL		575	906	315	315									
1	Future Farmers of America/ Cornell (Page 132)	ATL		128	205	230	230									
1	Ass'n of Ag Educators/ Cornell (Page 132)	ATL		28	69	118	118									
3	Local Fair Infrastructure Grants - contracts funded by '06 one-time approp	ATL			2,336	664	0									
1	Integrated Pest Mgt/ Cornell (Page 64)	ATL		1,312	1,325	1,000	1,000									
1	IPM Grape Entomologist Fredonia/ CU (Page 64)	ATL		47	78	47	47									
1	Geneva Experiment Station (Page 143)	ATL		309	290	588	588									
1	Geneva Exp St Seed Program (Page 143)	ATL		213	207	200	200									
1	Golden Nematode/ Cornell (Page 58)	ATL		47	28	98	98									
2	Apiary Inspection (Pages 56-57)	ATL		46	0	400	380									
2	Onion Research/ Cornell	ATL		15	158	100										
2	Apiary Research/ Cornell	ATL		46	80	85										
2	NYS Apple Growers Ass'n	ATL		680	675	750										
1	Golden Nematode/Potato Growers	ATL		44		125										
1	NYS Seed Improvement Project	ATL				20	20									
3	Long Island Wine Marketing	ATL				200										
3	Taste NY - NY Wine & Culinary Center	ATL				750										
3	NNY Agriculture	ATL		282	408	0										
3	Cornell - William H Miner Inst NNY	ATL				100										
3	Cornell - Willsboro Farm NNY	ATL				100										
3	New York Seafood Council	ATL		133	73	100										
3	Rabies - Long Island/ Cornell	ATL		0	553	350										
3	Maple Producers Ass'n	ATL		106	72	150										

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3	Maple Producers - NYS Fair	ATL			63	187									
3	Nelson Farms	ATL			34	66									
3	Turfgrass Enl Stewardship Fund	ATL		0	88	175									
3	Tractor Rollover Protection Program	ATL		15	161	100									
3	Hudson Valley Fruit Laboratory	ATL		33	82	85									
3	Plum Pox Virus Eradication & Indemnity	ATL			237	250									
3	Cornell - Phytosphthora Research Prog.	ATL			59	200									
3	NY Beef Producers Bull Testing	ATL				16									
3	NY Beef Producers Empire Heifer Dev	ATL				14									
3	Long Island Deer Fencing grants	ATL				100									
3	Cornell Chautauqua County Rabies	ATL				50									
3	Cluster-based/agribusiness grants	ATL				125									
3	NY Agricultural Land Trust revolving loan	ATL				30									
3	NY Agridevelopment Corporation	ATL				75									
1	FMNP - DOH suballocation	ATL		425	727	750									
3	Local Assistance carry-in items	ATL		594	516	338									
3	Fund 007 Member Items	ATL		848	1,300	1,740	1,000								
1	Food Inspection - Central Admin	SO	15	1,000	1,084	1,215	1,250								
1	Food Safety & Inspection - Field Inspection (Pages 150, 152-157)	SO	119	3,600	3,500	3,761	3,800	2,836	4,489	4,569	4,818				
1	Food Safety Inspection - Article 28 Activities (Page 151)	SO	20	1,160	1,200	1,300	1,400								
2	Farm Products Grading & Certification (Pages 159, 160, 162)	SO	28	1,370	1,144	1,151	1,250	1,798	1,832	1,800	1,870				
3	Controlled Atmosphere Storage (Pages 161, 163)	SO	1	64	60	62	65								
1	Food Lab (Page 165)	SO	40	1,552	1,550	1,622	1,650		25	115	45				
1	Kosher Law Enforcement (Page 167)	SO	12	700	726	757	780								
1	Weights and Measures (Page 169)	SO	8	149	151	172	175	262	344	381	403				
1	Motor Fuel Quality (Page 170)	SO	18					1737	2638	2492	3010				
1	Clean Air Program (Page 171)	SO						178	365	415	450				
2	Weights & Measures Device Inspections (Page 172)	SO							363	388	400				
2	Metrology Laboratory (Page 173)	SO							250	294	300				
1	Licensing of Weighmasters (Page 174)	SO							40	42	43				
1	State Fair Main Account	Enterprise	5					11,652	12,442	12,696	13,000				
3	Industrial Exhibit Authority Account	Enterprise	44					5,124	4,925	5,072	5,000				
1	State Fair Capital	CAP										1,664	1,205	1,643	1,750

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1	Food Laboratory	CAP										4	33	0	1,400
1	Fredonia Vineyard Lab	CAP											450	500	1,100
2	Cornell Equine Drug Testing Lab	CAP												107	0
<b>TOTALS</b>			621	54,354	64,034	71,247	60,337	43,908	46,801	47,694	48,816	1,668	1,688	2,250	4,250

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<b>Disbursements - BUD155 actuals for 06-07 and 07-08, DOB projections for 08-09, 09-10</b>						<b>DOB #</b>	<b>DOB #</b>								
	Fund 001			18,589	28,175	31,784	20,889								
	Fund 003			34,917	34,560	37,723	38,448								
	Fund 007			848	1,300	1,740	1,000								
	<b>Total GF</b>			<b>54,354</b>	<b>64,034</b>	<b>71,247</b>	<b>60,337</b>								
	Fund 002 - hard dollar			2,497	5,289	1,750	4,250								
	Fund 002 - bondable					2,170	12,050								
	Fund 078			18,758	28,401	N/A	N/A								
	<b>Total CAP</b>			<b>21,255</b>	<b>33,690</b>										
	Fund 020, 021, 022			459	397	N/A	N/A								
	Fund 314			220	178	N/A	N/A								
	Fund 339			26,402	28,571	29,082	29,898								
	<b>Total SR-O</b>			<b>27,081</b>	<b>29,146</b>										
	Fund 325			11,650	12,442	N/A	N/A								
	Fund 450			5,127	4,926	N/A	N/A								
	<b>Total Ent</b>			<b>16,777</b>	<b>17,368</b>										
	Fund 261			4,841	4,569	N/A	N/A								
	Fund 265			611	345	N/A	N/A								
	Fund 290			11,840	7,237	N/A	N/A								
	<b>Total Fed</b>			<b>17,292</b>	<b>12,151</b>										
	<b>Math Check</b>			<b>136,760</b>	<b>156,389</b>										
	<b>All funds - from BUD 155</b>			<b>136,760</b>	<b>156,390</b>										

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1	Milk Control / Dairy Assistance - Admin	SO	6.2	324	342	348	375								

Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
1	Milk Inspection, Labeling & Sanitation (Page 116)	SO	42	2,188	2,160	2,450	2,650	455	134	228	245				
1	Milk Producers Security Fund/Dairy Industry Account (Pages 117, 124)	SO	3.8					233	216	242	267				
1	Federal Agricultural Statistics - Cooperative Surveys (Page 126)	SO	3	389	410	410	410								
1	"Core" Diagnostic Lab (Pages 128-130)	ATL		1,945	3,404	2,788	2,788								
1	Pro Dairy Contract (Page 131)	SO		718	748	823	823								
1	Ag in Classroom/ Cornell (Page 132)	ATL		134	48	142	142								
1	Ag. Child Care (Migrant) (Page 133)	ATL		4,653	4,720	5,521	5,521								
1	Local Fairs (Page 135)	ATL		453	453	453	453								
1	Wine / Grape Foundation (Page 136)	ATL		1,724	1,058	1,000	1,000								
1	Farm Viability Institute (Page 137)	ATL		1,250	2,192	4,000	1,702								
1	Center for Dairy Excellence/ FVI (Page 137)	ATL			188	750	750								
1	Farm Family Assistance/Cornell (Page 138)	ATL		309	332	588	588								
1	Organic Farming Program (Page 139)	ATL				250									
1	NYS Cattle Health Assurance/ Cornell (Page 18)	ATL		450	637	450	450								
1	Quality Milk (Mastitis)/ Cornell (DL, Page 128)	ATL		1,084	1,926	1,304	1,304								
1	Johnes Disease/ Cornell (Pages 20 & 128)	ATL		300	555	588	588								
1	Avian Disease/ Cornell (Page 43 & 128)	ATL		575	906	315	315								
1	Future Farmers of America/ Cornell (Page 132)	ATL		128	205	230	230								
1	Ass'n of Ag Educators/ Cornell (Page 132)	ATL		28	69	118	118								
1	Integrated Pest Mgt/ Cornell (Page 64)	ATL		1,312	1,325	1,000	1,000								
1	IPM Grape Entomologist Fredonia/ CU (Page 64)	ATL		47	78	47	47								
1	Geneva Experiment Station (Page 143)	ATL		309	290	588	588								
1	Geneva Exp St Seed Program (Page 143)	ATL		213	207	200	200								
1	Golden Nematode/ Cornell (Page 58)	ATL		47	28	98	98								
1	Golden Nematode/Potato Growers	ATL		44		125									
1	NYS Seed Improvement Project	ATL				20	20								
1	FMNP - DOH suballocation	ATL		425	727	750									
1	Food Inspection - Central Admin	SO	15	1,000	1,084	1,215	1,250								

Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
1	Food Safety & Inspection - Field Inspection (Pages 150, 152-157)	SO	119	3,600	3,500	3,761	3,800	2,836	4,489	4,569	4,818				
1	Food Safety Inspection - Article 28 Activities (Page 151)	SO	20	1,160	1,200	1,300	1,400								
1	Food Lab (Page 165)	SO	40	1,552	1,550	1,622	1,650		25	115	45				
1	Kosher Law Enforcement (Page 167)	SO	12	700	726	757	780								
1	Weights and Measures (Page 169)	SO	8	149	151	172	175	262	344	381	403				
1	Motor Fuel Quality (Page 170)	SO	18					1737	2638	2492	3010				
1	Clean Air Program (Page 171)	SO						178	365	415	450				
1	Licensing of Weighmasters (Page 174)	SO							40	42	43				
1	State Fair Main Account	Enterprise	5					11,652	12,442	12,696	13,000				
1	State Fair Capital	CAP										1,664	1,205	1,643	1,750
1	Food Laboratory	CAP										4	33	0	1,400
1	Fredonia Vineyard Lab	CAP											450	500	1,100
1 & 2	Marketing & Promotion, Farm to School (Pages 81, 85- 86, 88-90)	SO	4.65	550	667	750	800	47	52						
2	DAI TB Testing (Page 28)	SO	3	165	173	186	182								
2	Ag Protection-Econ Development (Pages 83, 93, 94, 98-101)	SO	3.25	140	180	206	220								
2	Trade Show Participation (Page 89)	SO						101	121	124	127				
2	CAFO Compliance, CREP, other initiatives (Pages 109-112)	SO		43	35	35	35								
2	Milk - Dairy Promotion Order (Page 118)	SO	3					11,626	11,884	12,042	12,153				
2	Foreign Dairy Inspection (Page 120)	SO						48	179	200	161				
2	NYS Wine Marketing and Promotion (Pages 140-141)	ATL		488	2,213	1,800									
2	Econ Dev & Farm Viability ("Grow NY")	ATL - "GROW NY"		310	298	2,357	2,357								
2	Agricultural Workforce Certification Program (Page 144)	ATL - "GROW NY"													
2	Farmland Viability Program (Page 145)	ATL - "GROW NY"													
2	Food & Agricultural Industry Development Grants (FAID) (Page 146)	ATL - "GROW NY"													
2	Farm to School (Page 148)	ATL - "GROW NY"													
2	Apiary Inspection (Pages 56-57)	ATL		46	0	400	380								
2	Onion Research/ Cornell	ATL		15	158	100									
2	Apiary Research/ Cornell	ATL		46	80	85									
2	NYS Apple Growers Ass'n	ATL		680	675	750									

Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
2	Farm Products Grading & Certification (Pages 159, 160, 162)	SO	28	1,370	1,144	1,151	1,250	1,798	1,832	1,800	1,870				
2	Weights & Measures Device Inspections (Page 172)	SO							363	388	400				
2	Metrology Laboratory (Page 173)	SO							250	294	300				
2	Cornell Equine Drug Testing Lab	CAP												107	0
3	Animal Population Control (Page 25)	SO	3					514	1,089	1,089	1,285				
3	Pet Dealer Inspection/Licensing (Page 26)	SO	5	300	282	330	350	48	1	95	0				
3	Horse Health Assurance (Page 27)	SO	1	100	103	104	94								
3	Wine Industry Acct (\$3.5m one time)	SO						2,006	356	335	0				
3	Western NY Milk Market Order (Page 119)	SO	2					219	218	221	221				
3	Dairy Industry Statistics & Milk Price Gouging (Pages 121-123)	SO	2	232	232	116	120								
3	Agritourism (Page 142, 147)	ATL		11	497	492									
3	Rabies/Cornell (DL, Page 128)	ATL		406	228	250	250								
3	Local Fair Infrastructure Grants (payout of contracts resulting from '06 approp)	ATL			2,336	664	0								
3	Long Island Wine Marketing	ATL				200									
3	Taste NY - NY Wine & Culinary Center	ATL				750									
3	NNY Agriculture	ATL		282	408	0									
3	Cornell - William H Miner Inst NNY	ATL				100									
3	Cornell - Willsboro Farm NNY	ATL				100									
3	New York Seafood Council	ATL		133	73	100									
3	Rabies - Long Island/ Cornell	ATL		0	553	350									
3	Maple Producers Ass'n	ATL		106	72	150									
3	Maple Producers - NYS Fair	ATL			63	187									
3	Nelson Farms	ATL			34	66									
3	Turfgrass Enl Stewardship Fund	ATL		0	88	175									
3	Tractor Rollover Protection Program	ATL		15	161	100									
3	Hudson Valley Fruit Laboratory	ATL		33	82	85									
3	Plum Pox Virus Eradication & Indemnity	ATL			237	250									
3	Cornell - Phytosphora Research Prog.	ATL			59	200									
3	NY Beef Producers Bull Testing	ATL				16									
3	NY Beef Producers Empire Heifer Dev	ATL				14									
3	Long Island Deer Fencing grants	ATL				100									
3	Cornell Chautauqua County Rabies	ATL				50									
3	Cluster-based/agribusiness grants	ATL				125									
3	NY Agricultural Land Trust revolving loan	ATL				30									

Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
3	NY Agridevelopment Corporation	ATL				75									
3	Carry-in Local Assistance items	ATL		594	516	338									
3	Fund 007 Member Items	ATL		848	1,300	1,740	1,000								
3	Controlled Atmosphere Storage (Page 161)	SO	1	64	60	62	65								
3	Industrial Exhibit Authority Account	Enterprise	44					5,124	4,925	5,072	5,000				
<b>TOTALS</b>			621	54,354	64,035	71,247	60,337	43,908	46,801	47,694	48,816	1,668	1,688	2,250	4,250

Relation to Core Mission (H=1, M=2, L=3)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)			
				2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
<b>Disbursements - BUD155 actuals for 06-07 and 07-08, DOB projections for 08-09, 09-10</b>						<b>DOB #</b>	<b>DOB #</b>								
	Fund 001			18,589	28,175	31,784	20,889								
	Fund 003			34,917	34,560	37,723	38,448								
	Fund 007			848	1,300	1,740	1,000								
	<b>Total GF</b>			<b>54,354</b>	<b>64,034</b>	<b>71,247</b>	<b>60,337</b>								
	Fund 002 - hard dollar			2,497	5,289	1,750	4,250								
	Fund 002 - bondable					2,170	12,050								
	Fund 078			18,758	28,401	N/A	N/A								
	<b>Total CAP</b>			<b>21,255</b>	<b>33,690</b>										
	Fund 020, 021, 022			459	397	N/A	N/A								
	Fund 314			220	178	N/A	N/A								
	Fund 339			26,402	28,571	29,082	29,898								
	<b>Total SR-O</b>			<b>27,081</b>	<b>29,146</b>										
	Fund 325			11,650	12,442	N/A	N/A								
	Fund 450			5,127	4,926	N/A	N/A								
	<b>Total Ent</b>			<b>16,777</b>	<b>17,368</b>										
	Fund 261			4,841	4,569	N/A	N/A								
	Fund 265			611	345	N/A	N/A								
	Fund 290			11,840	7,237	N/A	N/A								
	<b>Total Fed</b>			<b>17,292</b>	<b>12,151</b>										
	<b>Math Check</b>			<b>136,760</b>	<b>156,389</b>										
	<b>All funds - from BUD 155</b>			<b>136,760</b>	<b>156,390</b>										



**NEW YORK STATE  
DEPARTMENT OF AGRICULTURE AND  
MARKETS**

**CORE MISSION BUDGETING**

**PROGRAM INVENTORY**

**August 2008**

# **Administration Program**

New York State Department of  
Agriculture and Markets  
August 2008

**Patrick Hooker  
Commissioner**

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**Robert Haggerty  
First Deputy Commissioner**

**Counsel**  
Ruth Moore

**Special Assistant for  
Intergovernmental Affairs**  
Bill Ketzer

**Special Assistant**  
Vacant

**Executive Assistant**  
Rich Bennett

**Special Assistant**  
Chip Pratt

**Internal Audit**  
Tracy Robbins

**Special Assistant**  
Rebecca Smith

**Public Information**  
Jessica Chittenden, Director

**Ron Rausch**  
Special Assistant

**Deputy Commissioner**  
Jerry Cosgrove

**Special Assistant**  
Jim Barber

**Special Assistant**  
Bob Lewis

**Ag Protection & Dev.**  
William Kimball, Director

**Food Laboratory**  
Daniel Rice, Director

**Food Safety & Inspection**  
Joseph Ferrara, Acting Director

**Milk/Dairy Services**  
Will Francis, Director

**Weights and Measures**  
Ross Andersen, Director

**Council on Food Policy**  
Ann McMahon

**Fiscal Management**  
Lucy Roberson, Director

**Human Resources**  
Karen Stenard, Director

**Information Systems**  
Dave Phelan, Director

**Kosher Law Enforcement**  
Rabbi Weiss, Director

**State Fair**  
Daniel O'Hara, Director

**Deputy Commissioner**  
Jackie Moody-Czub

**Special Assistant**  
Phil Giltner

**Animal Industry**  
Dr. John Huntley, Director

**Plant Industry**  
Robert Mungari, Director

**Soil & Water**  
Michael Latham, Director

**Statistics**  
Steve Ropel, Director

**Equine Issues**

**Wine Grape Task Force**

EXECUTIVE

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Administration Program

Division of Counsel's Office

**Program:** Counsel's Office

**Mandate:** Section 8 of the Agriculture and Markets Law (AML) directs the Counsel of the Department to represent and appear for the Department in all actions and proceedings involving any question under the AML or within the jurisdiction of the Department; act as counsel for any officer of the Department in the conduct of hearings, investigations or inquiries; advise the Commissioner or any officer of the Department regarding their powers and duties; and perform all other counsel duties and services as requested.

**Mandated Funding Level:** None

**Brief Description/History/Background:** The Counsel's Office provides legal advice and representation to Department officers in the exercise of their powers and duties pursuant to the Agriculture and Markets Law and other applicable authority.

**Issues:** None

**Population Served:** Department officers and employees, regulated parties, general public

**Performance Measures:** In 2007-8, the Counsel's Office handled 85 litigation assignments involving the prosecution of actions to enjoin the operation of food establishments under conditions whereby food may become contaminated, unwholesome or injurious to health. Contempt proceedings were brought in seven cases against food establishment operators who violated court orders granted in response to actions to restrain the processing of food under severe insanitary conditions. A total of 204 actions were commenced for the recovery of 642 penalties assessed for violations of the AML. Settlements were reached in 4,861 cases without litigation. A total of \$1,772,051 was recovered. Counsel's Office represented the Department or worked with the Attorney General's Office in several other complex litigation matters in State and federal court. One hundred forty-eight Counsel's Office assignments in 2007-8 involved requests for hearings to consider the denial or revocation of licenses. Counsel's Office also handled 758 contract assignments, prepared 118 opinions for staff interpreting the requirements of the AML and other statutes. Counsel's Office also handled 30 rulemaking assignments; 110 Ethics Law requests; 70 Freedom of Information Law requests; and conducted 51 confidential investigations. For the 2007 legislative session, Counsel's Office tracked hundreds of bills affecting Department operations and the agricultural industry, and prepared 45 ten-day memoranda to the Governor recommending action on bills. Counsel's Office also assisted in the coordination and development of the Department's 2008 legislative program, drafting 12 proposals, nine of which were introduced during the legislative session.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Division of Human Resources**

**Program:** Human Resources Management

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** The mission of the Division of Human Resources Management is to establish and administer the Department's human resources and personnel programs and policies relating to recruitment and retention, classification of positions, examination development, time and attendance, employee benefits, labor relations, training and development, and health and safety programs. The Division is responsible for ensuring that the Agency maintains a qualified and effective workforce, which enables the Department to carryout its programs. Specifically, the Division: classifies and properly allocates positions; recruits, interviews and appoints employees; terminates employees; administers employee benefits programs; develops examinations for Department/State titles; monitors employee performance through probationary reports, performance evaluations and consultations; advises Department supervisors and managers in correcting/improving employee performance and behavior; disciplines employees for misconduct and incompetence; counsels employees; processes employee grievances; monitors training needs and develops and/or arranges for appropriate training; administers various training/tuition reimbursement programs negotiated through the State's collective bargaining process; provides policy advice to our Executive Office.

**Issues:** None

**Population Served:** Department employees and control agencies

**Performance Measures:** During 2007-08, the Division managed approximately:

Hires	93
Exam Development	2
Division Restructures	2
Union Matters/Discipline	15
Health & Safety Concerns	5
Investigations	3
Internal Training Presented	3
Classification Actions	40
Applicant Correspondence	160
Eligible Lists Canvassed	54

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Administration Program

Division of Information Systems

**Program:** Division of Information Systems

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** The mission of the Division of Information Systems is to assist the agency as it serves the agricultural community and the consuming public, and to support the program divisions in meeting their statutory responsibilities. In that capacity, the Division oversees or provides all of the agency's computer hardware, software, communications, system development, system maintenance and end-user support services.

Specifically the Division supports the operation and maintenance of a network of almost 600 users including the central office in Albany, regional offices in New York City, Rochester, Poughkeepsie, Buffalo, the State Fair grounds in Syracuse and the Averill Harriman State Campus in Albany; provides support for computer users and associated resources in the central office as well as field offices across the state; provides maintenance and support for over 90 customized computer applications that were developed in-house to meet specific division regulatory and administrative needs; provides development and oversight of new computer applications and initiatives to support the agency's new and changing program and administrative needs; and provides support and maintenance of the agency's web servers for both the external internet site and the internal intranet site.

**Issues:** None

**Population Served:** Employees within all divisions of the Department of Agriculture and Markets

**Performance Measures:** The Division currently supports the Department's staff utilizing 700 network accounts, 272 laptops, 320 desktop computers, and 19 symbol and 165 smart phone hand held devices. In support of the staff the help desk has responded to 2533 help desk calls over the last year spending a total of 1570.5 person-hours in support of agency staff. The Division operates 36 production servers providing database, application and email services to the agency. The current email server hosts 762 mailboxes which occupy 210 gigabytes of space.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Administration Program

Division of Information Systems

**Program:** Centralized Licensing System

**Mandate:** None

**Mandated Funding Level:** Limited to annual appropriation

**Brief Description/History/Background:** The Department is responsible for licensing, registering, certifying and inspecting a variety of business operations that provide New York State residents with safe and healthful food and milk products, healthy and disease-free animal stock and herds, healthy and disease and pest-free plant material, and accurate weight and volume measures.

The regulation and enforcement of these various types of businesses is assigned to a number of program divisions, each with its own tracking systems. The volume for each licensing program varies from as few as 20 licenses to as many as 25,000. In general, the vast majority of license programs are supported by automated applications written by agency IT personnel; however, several are a combination of user developed software and manual effort.

In an effort to standardize licensing functions and increase efficiency through automation, the Department released an RFP for a centralized licensing system that would meet their needs. The Centralized Licensing System project will integrate all licensed, registered and certified entities into a single database that supports a centralized 'master' record for each entity, regardless of how many licenses the entity holds or from which division within the agency the license is obtained.

After careful assessment, Versa Systems was selected as the provider of a customizable off-the-shelf licensing product. The project was designed with discrete components so that it could be implemented incrementally over a period of two years. Analysis, installation and configuration work for phase 1 began in December 2007 and includes all licenses and registrations for the Divisions of Food Safety and Inspection, Milk Control and Dairy Services, and Plant Industry. Phase 2 will include licenses and registrations from the Divisions of Animal Industry, Agricultural Protection, Weights and Measures, Kosher Law Enforcement and integration with the Department Food Laboratory.

**Issues:** None at this time.

**Population Served:** The Centralized Licensing system will directly serve all Divisions within the Department of Agriculture and Markets. Through those Divisions, it will serve food establishments, the agricultural community and the public who rely on those sectors.

**Performance Measures:** The first phase of this project will bring in over 100,000 organizational or individual entities for licensing or registration, and will issue 50442 licenses for the 3 divisions participating. Once all divisions are online the system will be handling 180,000 entities and processing 79,500 licenses per year.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Division of Fiscal Management**

**Program:** Fiscal Management

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** The mission of the Division of Fiscal Management is to provide efficient and timely financial and office services to support the programs and employees of the Department, and ensure that State and other resources allocated to the Department are used effectively and in accordance with applicable laws and regulations. The Division administers all agency budget development, coordination and execution activities, and all fiscal and business management services. Specifically, the Division: prepares the agency budget request; assigns appropriated funds and prepares fiscal plans; performs revenue accounting, fiscal monitoring, and budget execution; reviews and processes contracts, purchases, and travel vouchers; processes the agency payroll; performs various office services such as space and telecommunications planning and fleet management; completes Federal grant applications, billings, and indirect cost proposals; and manages inventory systems and procedures to safeguard physical assets.

**Issues:** None

**Population Served:** Employees and contractors

**Performance Measures:** In 2007-08, the Division managed more than:

\$182 million	Appropriations
4,000	Travel Vouchers
1,800	Purchase Orders
10,900	Invoices
1,579	Contract Vouchers
713	Contracts/RFPs

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Division of Fiscal Management**

**Program:** Fiscal Management – Central Services

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** This compilation of costs reflects basic expenses in support of all programs, managed by the Fiscal Management Division. Within central services support it is assured that the following is purchased and paid for in a timely manner: postage, overnight mail, cyber security, internet resources, REMI contract, recycling, McKinneys subscriptions, paper, records center, payments to OGS (courier, telephones, etc), Fiscal Management System with the Department of Corrections, office repairs, retrofitting to existing furniture layout, and various other services that the Department as a whole requires to ensure that day to day operations continue without interruption.

**Issues:** None

**Population Served:** Employees and contractors

**Performance Measures:**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Administration Program

Division of Fiscal Management

**Program:** Fiscal Management – Leases

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** The Division of Fiscal Management oversees contractual obligations and payments of leased space in locations throughout the state.

The main lease for the Department is located at 10B Airline Drive, Albany, New York. In addition to the annual lease are operating escalations, utilities and furniture payments.

Leased space at Selina Drive, Albany, is a warehouse that is required to store Department files, etc.

Remote leased space is shared by various divisions allowing staff in these locations to have a base office to use when needed. Various leases include such areas as: St. Lawrence County, Jefferson County, Broome County, Monroe County, Niagara County, Allegany County, Buffalo, and Rochester.

**Issues:** None

**Population Served:** Employees and contractors

**Performance Measures:**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Program:** Internal Audit Program

**Mandate:** The Department of Agriculture and Markets is one of thirty-five agencies required by the Division of Budget to establish and maintain an internal audit function. Article 45, Section 952 of the Executive Law mandates that each of the thirty-five agencies identified must "establish an internal audit function which operates in accordance with generally accepted professional standards for internal auditing."

**Mandated Funding Level:** None

**Brief Description/History/Background:** The Division of Internal Audit is responsible for a comprehensive program that includes examining, evaluating, and recommending improvements to the system of internal accounting and administrative control, and activities carried out by the Department of Agriculture and Markets. This includes, but is not limited to:

- Deterring, detecting, and investigating fraud, waste and abuse;
- Conducting financial audits of Department activities to help ensure the reliability and integrity of financial and operating information;
- Conducting financial audits of Department grants and contracts (notably, the Division of Internal Audit executed a contract audit in 2007 that resulted in the return of \$1.4 million of advanced contract funds to the State General Fund);
- Conducting program review audits to determine whether results are consistent with established goals and objectives, and whether operations or programs are being carried out as planned;
- Reviewing the means of safeguarding Department assets and, as appropriate, verifying the existence of such assets;
- Appraising the economy and efficiency with which Department assets and resources are utilized;
- Reviewing established systems and programs to ensure compliance with policies, plans, procedures, laws, and regulations which could have a significant impact on operations;
- Recommending standards of control for new systems in development;
- Reviewing procedures prior to implementation;
- Coordinating audit plans and activities with external auditors;
- Performing special reviews as requested by the Commissioner.

**Issues:** None

**Population Served:** Management and staff of the Department as well as external auditors, mainly from the Office of the State Comptroller.

**Performance Measures:** The Standards for the Professional Practice of Internal Auditing mandate that a Peer review be performed every five years.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Program:** New York State Council on Food Policy

**Mandate:** Executive Order No. 13: Establishing the New York State Council on Food Policy  
(Gov. Spitzer)  
Executive Order No. 9: Review, Continuation and Expiration of Prior Executive Orders (Gov. Paterson)

**Mandated Funding Level:** None

**Brief Description/History/Background:** The New York State Council on Food Policy (NYS CFP), established in May of 2007, was created with the recognition that in New York State agriculture is a critically important industry to the State; that hunger is a serious problem facing many families; that access to affordable, fresh and nutritious food is a serious problem especially affecting children, seniors, and low-income residents; and that there are significant environmental, health and economic benefits to the State and its residents from expanding agricultural production. The Commissioner of the Department of Agriculture and Markets has been appointed by the Governor to serve as Chair of the twenty-one (21) member Council body.

The NYS CFP meets twice a year and issues a written report to the Governor each December. The report details the activities of the NYS CFP during the preceding year; recommendations for state food policies; strategic plans for policy implementation; and progress in achieving the State food policy objectives. NYS CFP may also offer comments on state regulations, legislation and budgetary matters in the area of food policy.

The NYS CFP has identified key food policy issue areas that encompass the expressed needs of the public, the producers and the government. The key issue areas are:

- 1) Support efficient and profitable agriculture food production and food retail infrastructure;
- 2) Strengthen the connection between local food products and consumers;
- 3) Maximize participation in food and nutrition assistance programs; and
- 4) Reduce obesity and diet-related diseases through increased awareness about and access to nutritious foods.

The members of the NYS CFP have formed four work groups that are actively meeting to design specific goals and strategic plans within each key issue area that will address the expressed needs.

**Issues:** None

**Population Served:** New York State agricultural communities (producers, distributors, processors, retailers)

New York State children, seniors, low-income and / or other at-risk or under-served populations

**Performance Measures:** The NYS CFP work groups are in the process of obtaining baseline data to set benchmarks and measure progress against in the areas of food production, access to nutritious food, and diet-related health statistics.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Program:** New York Wholesale Farmers Market

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

The Department has been leading the effort to locate a new wholesale farmers' market that would provide locally grown and processed products to New York City buyers, including restaurants, caterers, institutional food buyers, and grocers. With resources provided from the \$40 million Agricultural Economic Development Fund, groundbreaking for a new Wholesale Farmers' Market on Hunts Point in the Bronx is planned for 2008. Using "green design" in its construction and operation, the Market will be a state-of-the-art facility which will provide a major outlet for Upstate farmers to increase production to meet the growing need of New York consumers, while at the same time providing a place for consumers and students to learn the importance of eating fresh, healthy foods.

**Issues:**

**Population Served:**

**Performance Measures:**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Administration Program**

**Program:** Northeast Dairy Leadership Team

**Mandate:** MOU signed in June 2006 and re-affirmed in January 2008 between New York, Pennsylvania and Vermont.

**Mandated Funding Level:** None

**Brief Description/History/Background:**

New York, Vermont and Pennsylvania make up one of the three major milk producing regions in the United States. In an effort to further enhance the dairy industries in these three states, the three states have agreed to work together to collaborate and coordinate the direction, goals and resources to strengthen the Northeast dairy industry. The Leadership Team is comprised of industry-wide representatives from various dairy production, processing and policy organizations. The NEDLT has an executive committee that includes each state's Department of Agriculture and meets three times per year to discuss issues affecting the industry.

**Issues:** In addition to the recently enacted dairy provisions in the Farm Bill, the NEDLT has discussed a wide range of issues that include environmental regulations, animal welfare, milk labeling, transportation, milk marketing and food safety.

**Population Served:** Northeast Dairy Industry – producers, processors and consumers.

**Performance Measures:** Economic health and performance of production and processing sectors of the industry.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Administration Program

**Program:** Financial Assistance for State Fair Projects

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

The Department assists the State Fair with funding for projects that are of particular interest to the Commissioner. For example, in 2007-08 the Department upgraded the deplorable conditions for the 4-H participants at the Fair by replacing mattresses on the 400 bunk beds and providing windows that open. For the 2008-09 Fair, the Department has required that the Lottery building be moved to a more discrete location on the Fairgrounds, and upgraded the Fair's computer infrastructure capability to be on a level with the Department's own.

**Issues:**

**Population Served:**

**Performance Measures:**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET****Administration Program****Program:** Homeland Security**Mandate:** None**Mandated Funding Level:** None**Brief Description/History/Background:**

In 2003, funding was provided to the Department to enhance our capacity for bioterrorism preparedness and emergency response. This important funding has been used to upgrade the ability of our field personnel to perform surveillance, planning, training, diagnostic and response capabilities, for significant investments in equipment upgrades at the Food Laboratory and the Animal Health Diagnostic Laboratory at Cornell, and for technology projects. For example, this year a project is being developed that will integrate the various Federal, State and private information systems that hold information about herd health so that a diseased animal entering the food processing system may be tracked back to the source.

**Issues:**

None

**Population Served:**

Public Health and Safety

**Performance Measures:**

# **Agricultural Business Services Program**

## **Animal Industry**



NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Animal Health Monitoring System

**Mandate:** 9CFR Subchapter C, Parts 77(Tuberculosis), 78 (Brucellosis), 79 (Scrapie in Sheep and Goats), 85 (Pseudorabies); 9CFR Subchapter G, Part 145 (National Poultry Improvement Plan for Breeding Poultry)

**Mandated Funding Level:** None

**Brief Description/History/Background:** New York State works cooperatively with USDA and livestock producers to control and eradicate certain animal diseases. Based on infection rate and level of surveillance, New York has the most preferred status for the following diseases:

- Brucellosis Free for Cattle and Bison
- Brucellosis Validated Free for Swine
- Pseudorabies stage V for Swine
- Pullorum Clean State for Poultry
- Scrapie Consistent for Sheep and Goats
- Tuberculosis Accredited Free for Cattle and Bison

The achievement and maintenance of these statuses allow for the unrestricted movement of New York Livestock into other states and countries. The loss of any of these statuses would result in additional quarantines and testing requirements to move interstate and loss of some markets.

**Issues:** As the United States moves towards freedom of certain diseases in domestic animals, increased surveillance is required throughout areas which have been free of the disease for many years to convince our international trading partners of our negative status. Diseases which have reached this point are Swine Brucellosis, Cattle Brucellosis, and Pseudorabies. Due to wildlife reservoirs of these diseases, high levels of surveillance will be maintained for each of these diseases.

**Population Served:** Producers and consumers of animals and animal products

**Performance Measures:** New York's surveillance program for each of these diseases is evaluated on an annual or triennial schedule (depending on the disease) by the USDA regional and national epidemiologists.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** NYS Cattle Health Assurance Program

**Mandate:** NYS A&M Law Article 2, §16 Paragraph 22

**Mandated Funding Level:** There is no mandated funding level. Participation is voluntary. State support is required for program success. Producers contribute to the cost of the program directly. Funding is limited to annual appropriation.

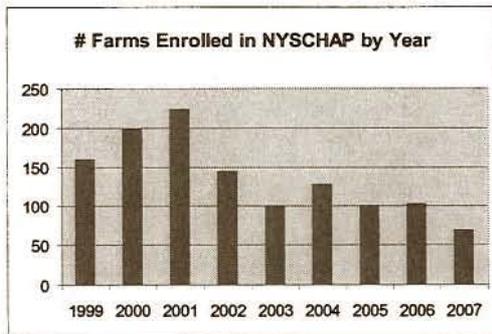
**Brief Description/History/Background:** The Department established the New York State Cattle Health Assurance Program (NYSCHAP) in 1997 for purposes of promoting "best management practices" strategies on New York dairy and beef farms. The program is carried out with active participation of the producer, the DAI field veterinarian, and the attending private veterinarian. Enrollment in the program includes a risk evaluation of the farm and the development of a herd plan that identifies farm specific best management practices. To keep pace with ever changing farm environments, the NYSCHAP team assesses the plan yearly through the annual review process.

NYSCHAP is a process oriented program that addresses key food safety, animal health, and environmental pathogen control issues on the farm. One of the features of the NYSCHAP program is the recognition that there is a set of practices that, when employed on the farm, limit the impact of an infectious agent. These practices reduce the potential for the introduction of an infectious agent to the farm, amplification within the farm environment, and transportation of the agent beyond the farm borders. The collective set of these principles constitutes the core module of the NYSCHAP program. Furthermore, these principles are becoming increasingly important, since herd expansions, cattle movement, and the possibility of the intentional introduction of biological agents makes it difficult to anticipate the nature of future threats to cattle health. In addition to the core module, producers can also choose to participate in other disease or issue specific modules, such as Bovine Viral Diarrhea, Salmonellosis, Johne's disease, Mastitis, Herd Expansion, Beef Quality Assurance, Bovine Leukosis Virus and the Cattle Welfare Certification Program. Materials were prepared in 2007 to assist producers and their veterinarians to determine transition cow challenges. These materials include a questionnaire, goals for transition cow issues and a list of resources. Additionally, work is continuing on production of a hoof health module. The web site ([www.nyschap.vet.cornell.edu](http://www.nyschap.vet.cornell.edu)) is a warehouse for all materials listed for the program, including producer information sheets, veterinarian resources, and risk assessments. Presently producers and veterinarians can access 318 separate informational pieces on the web site.

**Issues:** Funding for this food safety, public health, and animal health initiative originates from a combination of federal (USDA) and state resources. USDA has failed to sustain historic support for the program, resulting in an increasing state requirement for resources.

**Population Served:** Dairy and beef cattle operations. In general, the outcome of the programs impact all consumers in New York State.

**Performance Measures:** Enrollment in the program has been steady since the program began enrolling farms in 1998. A total of 1278 farms have participated in the program.



Farms are visited annually and continual incremental improvements are made.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Johne's Program

**Mandate:** Agriculture and Markets Law, § 72 Control and suppression of disease

**Mandated Funding Level:** Limited to annual appropriation and cooperative agreement funding

**Brief Description/History/Background:** Johne's disease is a chronic, incurable bacterial infection of the lower small intestine of cattle and other ruminants. The Johne's Program in New York is a module component of the New York State Cattle Health Assurance Program (NYSCHAP). Other than the Core module, it is the most popular module among NYSCHAP participants, with more than 95% of NYSCHAP farms enrolled in the Johne's program. It was estimated in the 1997 NAHMS Dairy Study (National Animal Health Monitoring System), conducted by the USDA, that more than half of all New York dairies are infected with Johne's disease. This disease has a substantial economic impact on the cattle industry in New York State. Costs associated with Johne's disease in a herd include premature culling of animals, decreased milk production, decreased salvage value at slaughter, lost marketing opportunities, and increased testing and management requirements to prevent further spread of this disease.

The NYS Johne's Program, as a component module of NYSCHAP, assists farmers to identify the risks for introduction and spread of Johne's disease on farms. Working with the cattle producer and herd veterinarian, a herd management plan is created to address specific risks on individual farms. A risk assessment and written herd plan increases the likelihood that preventative, "Best Management Practices" will be implemented on the farm.

**Issues:** Cooperative agreement funding has been reduced significantly over the last three years and a continued reduction in federal funding is expected.

**Population Served:** Dairy and beef producers in New York State.

**Performance Measures:** Program review and reporting occurs on a quarterly basis. Program is evaluated on numbers of herd enrollments in the both the management and test negative components of the program.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Vaccines, Serums and Other Preparations

**Mandate:** AML §18 and §89

**Mandated Funding Level:** None

**Brief Description/History/Background:** As provided by subdivision 3 of Section 89 of the Agriculture and Markets Law, every individual, firm, corporation or institution preparing or selling or receiving for retention or sale or giving away within this state any therapeutic preparation of microbiologic origin for use in the detection, prevention, control or eradication of infectious or contagious diseases of domestic animals or fowls, or for the administration thereto for whatever purpose, shall report to the commissioner the character and purpose of the preparation, the quantity, the name and address of the manufacturer, and the name of the person or firm to whom the product was sold or given away.

Currently all manufacturers of vaccines, serums and other therapeutics request permission in writing to market and distribute their product in New York State. The Division of Animal Industry reviews each request and grants permission where appropriate to maintain the health and safety of livestock, companion animals, and poultry within New York State.

**Issues:** None

**Population Served:** General Population

**Performance Measures:** None

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** Animal Health Information and Emergency Management -- Data Warehouse (Phase II)

**Mandate:** AML Article 5, §72

**Mandated Funding Level:** Funding for the diagnostic services must be provided to support the mandated animal disease control and eradication programs. These programs consist of both federal and state mandates.

**Brief Description/History/Background:**

**Objectives:**

- Establish and restore database interface links between the data warehouse and the component data sources, including the University Veterinary Information System (UVIS), the Federal Animal Health Surveillance and Monitoring System (AHMS), and the New York State Animal Health Information System.
- Build an appropriate end user layer in the data warehouse to facilitate ad hoc query and analysis capability.
- Construct Discoverer Workbooks, a web based Oracle Business Intelligence tool, to accomplish routine, repetitive reports and animal health analysis as required by our state and federal partners.
- Integrate information sources to enable rapid and accurate characterization of animal disease outbreaks for effective emergency response.
- Establish the foundation for Inter Divisional use of the data, including Division of Milk Control, Emergency Programs, etc.
- Facilitate information dissemination to stakeholders to efficiently manage disease outbreak control and eradication efforts.

**Background:**

New York State has a substantial livestock population and is ranked third nationally in total milk production. There is a long history of cooperative program success dedicated to promoting animal health and eliminating disease threats. Partners in this endeavor include the Animal Health Diagnostic Center at Cornell University, the State Department of Agriculture and Markets, and USDA APHIS-VS. One of the key determinants of the ability to successfully respond to natural or intentional introductions of infectious disease is the ability to rapidly detect animal health events, determine the extent of the outbreak, and respond accordingly. Success in such endeavors depends upon communication and information sharing among the key partners.

The Data Warehouse Project, Phase I established the hardware and system necessary to begin the process of integrating animal health data. It was constructed two years ago to integrate animal health data from several transactional databases in the effort to provide a platform in which data queries and analysis could be conducted against data collected from multiple sources. The warehouse included data feeds from the federal generic database, Cornell Veterinary Diagnostic laboratory, the Department's internal database (AI Core), and an emergency database. Subsequent evolution of the database sources has disrupted the links and relationships feeding into the warehouse with the result that the warehouse has become less effective.

The development of the New York Animal Health Information system (Viaherd) has increased the ability to manage New York State herd data. As a result of these changes, expanded end user applications and requirements, and an appreciation for a more efficient data architecture, a design upgrade is required.

**Scope:** New York State Department of Agriculture and Markets (NYSDAM) would update and improve its existing data warehouse, which serves as an essential nexus between USDA Animal and Plant Health Inspection Service (APHIS) databases and those housed at and the New York State Animal Health Diagnostic Center (AHDC) at Cornell University. Crucial upgrades will give NYSDAM's Division of Animal Industry the ability to analyze data collected from a variety of sources, including

those listed above, the New York State Quality Milk Production Service, and various other federal animal health programs. A longer-term objective is to expand the data warehouse to include use by other programs in the agency and trusted partners in government and the private sector.

**Justification:**

Information management and dissemination among all animal health partners is critical to the successful detection, identification, and response to animal health emergencies and events. The creation of a decision support system that provides critical information at a rate exceeding the rate of the natural spread of disease and speed of commerce is required for a successful outcome.

This proposal provides for the upgrade of the design and implementation of a robust data warehouse that would serve as a central collection point for animal health data. This data may be queried by all authorized animal health partners to facilitate the accomplishment of the respective component missions. Field regulatory veterinarians would also be able to access and query animal health data on this system.

The described data warehouse upgrades will provide a decision support system for routine, policy and operational issues as well as become a significant and much-needed opportunity for integration into statewide emergency management response operations. Data will be accessible to other state and federal agencies during an emergency through integration with the CSCIC GIS application as well as to authorized participants of the SEMO Emergency Operations Center.

NYSDAM's Division of Animal Industry has a number of programs that will benefit from the continued development of the data warehouse. These programs include: New York State Cattle Health Assurance Program, Chronic Wasting Disease, Animal Testing and Disease Control, and Import and Export Activity.

**Issues:**

- Integration of disparate data sources
- Procurement
- 

**Population Served:**

- New York State Livestock Producers
- General population when considering food safety, economic viability of a major industry sector, and public health aspects of animal disease management.

**Performance Measures:**

**Specifications and Requirements:**

- System requirements include redesign of the data warehouse and datamart architecture to capture efficiency in analysis and reporting. Information Systems personnel have already provided assistance in this effort, and they will be a key resource to continue the development.
- Interfaces between the warehouse and the component data sources must be designed, refreshed, or created. Coordination with principals managing component system will be required.
- Create a robust end user layer for Oracle Discoverer Business Intelligence applications.
- Training of system end users will be required and conducted at the appropriate component sites.
- Create standard, routine reports described in DW Phase I scope of work in Oracle Discoverer
- Document fully all interface, file transfer, data architecture, reports datamart and other component file protocols.

Ultimately, the data warehouse must provide the framework that will allow the Department to efficiently manage a disease outbreak, provide continuity for the animal production industry sector, and provide outside partners with evidence of the disease free status of NYS livestock populations.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** Dog Licensing

**Mandate:** Agriculture and Markets Law §126

**Mandated Funding Level:** Not specified. Program is designed to be self supporting through the collection of dog license fees.

**Brief Description/History/Background:** Although dog control and identification is primarily a local function, Article 7 of the Agriculture and Markets Law empowers the Department of Agriculture and Markets to set standards for the humane care of seized dogs, inspect municipal shelters, and train and assist enforcement officers. Article 7 does not apply to New York City, which has a separate dog control law. Under Article 7, the Department of Agriculture and Markets provides the following technical assistance to the 1,043 municipalities which issue dog licenses in the State:

- (1) Inspection of municipal shelters and establishment of standards for the care of seized dogs;
- (2) Municipal compliance inspections for record-keeping, licensing enforcement, procedures for handling dangerous dogs, and procedures and methods of euthanasia;
- (3) Receipt and accounting for license fees and tag replacement fees,
- (4) Assisting and training municipal dog control officials;
- (5) Maintaining a central registry file of all identified dogs, and a computer listing of dog owners;
- (6) Mailing pre-printed dog license renewal application forms directly to all dog owners throughout the State (excluding New York City);
- (7) Supplying town clerks and other local dog control officers with miscellaneous forms required for enforcement of Article 7; and
- (8) 50% reimbursement to counties for Rabies indemnity for livestock infected with rabies.

**Issues:** Compliance with the dog licensing program is approximately 40% of all eligible dogs due to the absence of mandatory enumeration.

**Population Served:** Town clerks, dog control officers, animal shelter managers, local law enforcement, and the dog owning public

**Performance Measures:**

- DCO and Municipal shelter inspections annually, more frequently in case of deficiencies
- On line, web based Dog Licensing System available 24/7 to provide a central registry of official identification numbers
- Furnish municipalities with paper and electronic forms for reporting dog licenses and dog license revenues
- Furnish to licensing agents application forms and dog license tags; provide to dog owners replacement tags and additional purebred tags
- Produce and mail out renewal applications in a timely manner
- Provide names and addresses of dog owners to dog control officers, municipal clerks, and shelter personnel
- Provide training and materials for dog control officers

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** Animal Population Control Program

**Mandate:** Agriculture and Markets Law §117-A

**Mandated Funding Level:** Dedicated revenue from a dog license surcharge, license plate sales, refunds of unredeemed spay/neuter deposits from shelters, contributions. Funding level varies based on volume of activity in these various revenue sources.

**Brief Description/History/Background:** Established in 1996 to spay and neuter dogs and cats adopted from shelters in New York and expanded in 2006 to include pets owned by New Yorkers receiving public assistance. The objective is to reduce the population of unwanted pets in New York State.

**Issues:** New York City residents contribute into the fund but participation is limited due to local laws and availability of other low cost spay neuter services. The legislature has looked into returning New York City funds to the city for spay neuter clinics.

**Population Served:** People adopting a dog or cat from one of 119 participating shelters in New York and people receiving various forms of public assistance including Food Stamps and Medicaid.

**Performance Measures:**

- Promptly respond to requests for vouchers from the public
- Promote veterinary practices' and shelters' participation in the program
- Pay veterinary practices promptly for surgeries performed
- Make reports and forecast expenditures and revenues in case the issuing of vouchers must be reduced to prevent overspending the Animal Population Control fund
- Evaluate every three years the fee schedules submitted by veterinary practices for reasonableness

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Pet Dealer Licensing Program

**Mandate:** Established under Article 26A of the Agriculture and Markets Law. Provides for the inspection and licensing of persons or establishments which sell or offer to sell more than 9 dogs and or cats a year to the public.

**Mandated Funding Level:** Limited to annual appropriation. Licensing fees are insufficient to support program.

**Brief Description/History/Background:** The Pet Dealer/Breeder Licensing Program was implemented in two segments. The first segment, contained in the General Business Law, Article 35-D, the Sale of Dogs and Cats, became effective on February 12, 2001, and requires pet dealers and breeders to provide consumers purchasing dogs and cats information concerning the animals' health, medical history and origin. The General Business Law also provides consumers who purchase a sick dog or cat from a pet dealer certain rights for reimbursement or exchange at the consumer's choosing if, within 14 business days of the purchase, a veterinarian issues a Certificate of Unfitness for Sale of a Dog or Cat.

The second segment, contained in Agriculture and Markets Law, Article 26-A, Care of Animals by Pet Dealers, became effective July 1, 2002 and requires annual inspection and licensure of pet dealers/breeders facilities. Inspections ensure that dogs and cats are properly cared for, have adequate and humane housing and receive veterinary care while kept by the pet dealers. Records of purchase and sale are also inspected as well as the requirement that pet dealers/breeders may not sell dogs and cats until 8 weeks of age. Pet dealers/breeders must also display their pet dealer license number in all advertisements.

**Issues:** Compliance and enforcement is difficult to implement due to the structure of the statute. For example, definition of a pet dealer makes it difficult to enforce/identify non-compliant facilities. An operator can deny access to inspection teams making it impossible to determine if the entity meets the definition of a dog dealer or not.

**Population Served:** General Public

**Performance Measures:**

- Mandated unannounced inspections promote compliance from pet dealers.
- Documented consumer complaints contribute to additional unannounced inspections of licensed facilities.
- Incidence of pet dealers selling sick dogs and cats to consumers is noticeably reduced.
- Enables compliant pet dealers to acquire sense of satisfaction; business is legitimized.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** New York State Horse Health Assurance Program

**Mandate:** None

**Mandated Funding Level:** Limited to annual appropriation

**Brief Description/History/Background:** Recognizing the tremendous economic impact provided by the horse industry ( New York's horse industry produces goods and services valued at \$2.4 Billion annually), the NYSHHAP was created and initiated in the Fall of 2002. It is a voluntary certification program designed to promote and to teach a pro-active approach to equine health, care, and welfare through the use of certain "best management practices" or standards. The program, which any farm, public or private, can participate in, examines all aspects of a farm's operation, horse care, and personnel management. Areas of risk common to all equine operations are identified and a biosecurity plan outlining basic equine management standards to address these areas is provided in the program's resource materials, the *Standards and Certification Manual* and the *Addendum of Sample Guidelines*. In addition, these booklets contain many helpful tips to further educate the equine owner and farm manager.

The NYSHHAP:

- Strives for healthier horses, reduced loss in money, time, enjoyment, or production due to equine health issues, improved water quality, better working conditions;
- Offers the equine industry a yardstick to measure the quality of a farm's management with respect to horse, rider, employee, and visitor health and safety;
- Provides a "certification" where none has existed that can be used as an advertising tool and will build confidence with the horse industry at the state and national levels that member operations provide quality services;
- Conducts seminars covering a variety equine issues to further educate equine owners;
- Authors articles addressing a wide range of equine management topics which are published in equine journals and placed on websites;
- Distributes the program booklets to equine groups and individuals as educational tools;
- Maintains a section on the Department website to provide information and updates on equine issues;
- Develops forms and protocols for program members;
- Provides continuing education to members through newsletters;
- Includes a "Microchip Benefit" which offers to members state-of-the-art technology to permanently identify animals;
- Serves as a source of information for any equine owner
- Presents the program information at a variety of equine events;
- Provides outreach to the equine industry through collaborative efforts with other complementary state programs ( NYCAHM, NYSSWCD, CCE) to promote "Best Management Practices" on equine facilities throughout the state; and
- Recognizes well managed equine operations.

**Issues:** None

**Population Served:** New York Equine Industry

**Performance Measures:** During the 5 years the program has been available, sixty-two equine operations have earned certification by the NYSHHAP. The types of operations include educational, therapeutic, law enforcement, boarding, breeding, and private.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Tuberculosis Control and Eradication in Domestic Deer and Elk

**Mandate:** 1 NYCRR Part 60; 9CFR Subchapter C, Subpart C §77.20 to §77.41

**Mandated Funding Level:** None

**Brief Description/History/Background:** In 1991, the cattle form of tuberculosis was discovered in domesticated deer herds in New York. Although the extent of deer farming in New York is small in comparison to other livestock (approximately 12,000 animals in 400 herds), the presence of the disease threatened both our cattle industry and the wild white tailed deer population in New York. Throughout the past 17 years, New York has adopted an aggressive testing and herd depopulation program to deal with tuberculosis in deer. Currently, deer in herds which are selling live deer are tested every 3 to 5 years. Other herds have samples taken at slaughter by state personnel.

**Issues:** In 2005, USDA proposed standards to give cervid tuberculosis status to individual states. At the present time, the federal agency is working to amend the code of federal regulations to implement these new standards. The new standards will require more record keeping and a change of surveillance emphasis but will allow New York deer and elk to move freely into other states.

**Population Served:** Producers and consumers of animals and animal products

**Performance Measures:** New York has been free of any cases of tuberculosis in deer since 1995.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** Arbovirus surveillance (West Nile and Eastern Equine Encephalomyelitis) among the equine population of New York State

**Mandate:** None.

**Mandated Funding Level:** None.

**Brief Description/History/Background:** In 1999, New York was the first state to identify and report equine cases of West Nile virus. The horse findings coincided with reports of encephalomyelitis in people and unexplained wild bird die offs in the area. All these events were subsequently tied to West Nile virus, a pathogen not previously found in the U.S. In subsequent years the West Nile virus spread from Long Island to the rest of New York and the nation. This finding in humans, horses, birds and mosquitoes rejuvenated arbovirus surveillance in the state.

In concert with Department of Health professionals, the Department follows up on reports of West Nile and Eastern Equine Encephalomyelitis in horses in the State of New York. We interview the primary veterinary practitioner and provide consultation to them and the laboratory to coordinate accurate information transfer and interpretation. Upon determining that the equine patient meets the national case definition, we provide information to the State Department of Health. This allows them to conduct vector remediation in the area of virus transmission and/or alert the local public to take precautions to protect themselves from infection with these potentially deadly diseases. We also provide information to veterinary practitioners regarding virus activity in their local area as well as reminding the horse owning public to remediate for mosquitoes and vaccinate their horses.

**Issues:** These are potentially deadly zoonotic diseases. There are no unresolved issues at this time.

**Population Served:** General human population and the equine community.

**Performance Measures:** None.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Avian Influenza

**Mandate:** NYCRR Part 45

**Mandated Funding Level:** Funded via cooperative agreement with USDA/APHIS/VS

**Brief Description/History/Background:** The New York City area is home to ~ 90 live bird markets, the largest number of live bird markets in the nation. These markets serve a local and ethnic consumer niche demanding a fresh product. These type markets are also located in New Jersey, Pennsylvania and the New England states. It is estimated that over 20 million birds annually supply these East Coast bird markets. This system employs thousands of producers, truckers, distributors, market owners and others. In 1998, New York was the first state in the nation to promulgate regulations to control avian influenza in this system. For the past several years, we have participated with both State and City Departments of Health on committees and in exercises specifically addressing avian influenza.

New York City is home to over 7 million people with an additional 7-8 million entering the City daily for work or tourism. It is also the home of national news networks. Surveillance for avian influenza will allow us to quickly identify, control, response and recover in the event a highly pathogenic avian influenza enters this populous location, before the public's health is compromised.

**Issues:** Avian influenza is caused by a virus, which can strike susceptible poultry populations and may produce severe morbidity and mortality in a short period of time. It spreads rapidly, within and between flocks, through the movement of infected birds and contaminated materials such as crates, shoes, vehicles, etc. The highly pathogenic virus can produce the following signs in susceptible birds: bloody nasal discharge, swelling and purple discoloration of the wattles and combs, diarrhea, pinpoint hemorrhages, loss of coordination, lack of energy, lack of appetite and death. Historically these viruses have been H5 or H7 subtypes.

In the past 30 years, avian influenza has posed a serious threat and has resulted in millions of dollars in damages to the poultry industry in New York State and other northeastern states. In 1983 and 1984, an H<sub>5</sub> avian influenza outbreak in the United States was responsible for the destruction of nearly 17 million birds in Pennsylvania, Maryland, New Jersey and Delaware. The eradication effort cost \$65 million dollars to complete and was responsible for an increase in poultry prices to the consumer of \$349 million dollars. In the past years, outbreaks of avian influenza in the United States have resulted in the destruction of approximately 5 million birds. In 2004, outbreaks of avian influenza in Delaware, Maryland and a broiler flock in Texas resulted in the destruction of 436,600 birds on the farms as well as the depopulation, cleaning and disinfection of the nine live poultry markets in New York City which had received birds from the farm in Delaware. In response to these latest outbreaks, 35 countries placed embargoes on poultry and poultry products from the United States, 16 of which were nationwide embargoes that include New York State. Currently, New York poultry and poultry products continued to be embargoed from entering Japan because of H<sub>5</sub> avian influenza findings in the live bird markets.

Worldwide attention was already focused on the events in Southeast Asia and other countries in the Eastern Hemisphere. As of June 19, 2008, the World Health Organization reports 385 human cases of 'bird flu' or highly pathogenic H5 avian influenza with 243 of these cases dying of this virus since 2003. These ongoing case reports have raised alarm in the popular press and among public health authorities. Multiple press conferences, media publications and news broadcasts have featured stories regarding live bird market, avian influenza and the human health link. Some of the stories do not differentiate between the bird flu in Southeast Asia and the bird flu in the New York markets and have raised the issue of the safety of the public's health.

**Population Served:** General public and, agriculturally, the live bird market system (growers, transporters, markets).

**Performance Measures:** Continued tracking, reporting and eradicating of H<sub>7</sub> and H<sub>5</sub> avian influenza viruses.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** Captive Cervid Chronic Wasting Disease (CWD) Surveillance and Eradication Program

**Mandate:** 1NYCRR Part 68 (Captive Cervid Health requirements); 6NYCRR Part 189 (Chronic Wasting Disease); 9CFR Part 55 (Control of Chronic Wasting Disease); Veterinary Services Memorandum No. 574.2 (Areas Where Chronic Wasting Disease [CWD] is Established in Wildlife: Policy Regarding Captive Cervids)

**Mandated Funding Level:** None: As appropriated.

**Brief Description/History/Background:** Captive cervid operations have become more numerous in alternative livestock agriculture in New York over the past 40 years. CWD, a Transmissible Spongiform Encephalopathy (TSE), was first detected in Colorado in the 1960's. The distribution area of CWD in captive and wild cervids expanded greatly in 2002 with the discovery of CWD in Wisconsin about 1000 east of previously known CWD for the first time east of the Mississippi River.

On July 14, 2004 NYSDAM promulgated an emergency rule (1NYCRR Part 68) for a mandatory CWD program involving all CWD susceptible captive cervids. This emergency measure was renewed twelve times before a final rule became effective February 28, 2007. NYSDEC references NYSDAM captive cervid health regulations in its regulations. NYSDEC issues Domestic Game Animal Breeder permits for individual who own captive white-tailed deer. NYSDAM has sole regulatory authority over all other cervid species.

The New York State Department of Agriculture and Markets (NYSDAM) in cooperation with the New York State Department of Environmental Conservation (NYSDEC) and United States Department of Agriculture, Animal Health and Plant Inspection Service (USDA-APHIS-VS) have developed a statewide CWD response plan for both captive CWD susceptible cervids and wild white-tailed.

CWD was detected in two captive white-tail herds in March 2005 because of CWD testing mandated by 1NYCRR Part 68. The CWD infected herds were depopulated. In addition high risk animals traced from the index herd were also removed and CWD tested with no additional positive animals or herds being identified. NYSDEC mounted an intense harvest and CWD surveillance of wild white-tail deer in the CWD Containment area around the CWD infected herds.

**Issues:** There is currently no federal program to establish and document herd status for CWD. No federal guidelines for interstate movement of CWD susceptible captive cervids exists. 1NYCRR Part 68 codifies New York's program for CWD herd certification and herd status requirements for captive cervid imports and intrastate movement of captive CWD susceptible cervids. Ongoing testing of CWD susceptible cervids for CWD is required to establish CWD herd status. This identifies source herds with minimal risk of spreading CWD as animals and animal products move into channels of commerce.

**Population Served:** New York captive cervid owners and the general public.

**Performance Measures:** An ongoing program to detect CWD and, if found, eradicate it from captive susceptible cervids and wild white-tail populations in New York is continually monitored by NYSDAM staff veterinarians and periodically reviewed by the Eastern Regional CWD Epidemiologist for USDA-APHIS-VS and the National CWD Program Director for USDA-APHIS-VS.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Foreign Animal Disease Investigations

**Mandate:** Article 5, Section 72

**Mandated Funding Level:** Not established.

**Brief Description/History/Background:** The Division on Animal Industry focuses not only on preventing the introduction of foreign animal disease in to the animal population in New York State by maintaining and enforcing import regulations but also on rapid disease detection in this economically important industry to New York. Animal related agriculture in New York is responsible for a significant contribution to the economy of the Empire State. Disease control efforts within the Division of Animal Industry are built upon a foundation of monitoring and surveillance, control, eradication, mitigation, and prevention. Disease control staff performs various testing, sampling, and disease investigative functions at farms, livestock auction markets, and the state and county fairs. Highly trained veterinary staff is ready to perform such tasks at all times if the need arises.

**Issues:**

1. Continuous training requirement for field veterinarians and private practitioners
2. Maintaining the reportable disease surveillance system between the field and central office.

**Population Served:** New York State residents and livestock producers.

**Performance Measures:**

1. Review of FAD investigations once investigations are complete to ascertain that proper sampling and epidemiological investigations were done
2. Review of Traceback summaries: were all traceback and traceforward investigations completed, were appropriate people notified
3. Review if possible disease was contained in a manner as to minimize the impact on animal health, human health, food safety and the economy.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Outreach/Education

**Mandate:** None

**Mandated Funding Level:** None: As appropriated.

**Brief Description/History/Background:** Outreach and education programs are aimed at representatives of the veterinary profession as well as producers and consumers of animals and animal products. Through outreach and education, veterinarians and the general public will gain a greater understanding about animal agriculture, public health and food safety. This ongoing program encourages dissemination of information about various topics through ad campaigns, mailings, meetings and internet websites. One current example of outreach and education has been the "town hall style" meetings for the public regarding the National Animal Identification Program" (NAIS). At these meetings, the public, including veterinarians and producers, can ask questions about the program and meet government agency representatives. These meetings also offer an opportunity to introduce and promote other state programs, specifically NYSCHAP, NYSHHAP, APC, Pet Dealer, NYSART, NPIP, and NYSEQAP.

**Issues:**

Incentives for participation.

1. Costs associated with setting up meetings (time, personnel, travel, materials)
2. Spreading information to the public effectively doesn't happen through one modality (ie-TV, computer, radio, newspaper)

**Population Served:** Veterinary community, general public, producer community, emergency preparedness.

**Performance Measures:**

1. Enrollment/participation in programs that have been promoted at meetings, through mailings, etc
2. Attendance at outreach events
3. Feedback from attendees

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Emergency Preparedness and Response

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** Federal and State legislation was recently passed mandating that measures be taken at the state and local level to address the needs of animals in disaster planning and preparedness, specifically in the areas of transportation, evacuation, and sheltering. Currently, no specific state agency has statutory authority to handle sheltering, evacuation, and transportation needs of animals in disasters. Understandably, the New York State Department of Agriculture and Markets will be called on to address the needs of animals due to its role as the lead state agency for animal needs under the state Disaster Preparedness Committee. Successful programs in North Carolina and other states have developed State and County Animal Response Teams to address these concerns. At the state level, the teams are comprised of members from state agencies such as the Department of Agriculture and the State Emergency Management Office, as well as members of non-governmental agencies such as the state veterinary medical society, ASPCA, and state veterinary teaching institutions. The state team provides organizational and operational structure, policy, and intra-state coordination for county-level teams. The state team also assists county emergency management in planning and preparedness by providing support in county team development, training, exercising, and credentialing.

Emergency Preparedness and Response is also responsible for developing and implementing a voluntary veterinary emergency corps. The purpose of this corps is to augment existing state and federal resources in the event of a large scale animal disease outbreak or other disaster in which the capacity of state and federal personnel to respond would be overwhelmed.

**Issues:** None

**Population Served:** General Population

**Performance Measures:** Establishment of County Animal Response Teams, establishment of Volunteer Veterinary Emergency Corps.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Import-Export of Livestock

**Mandate:** Agriculture and Markets Law §§ 72, 74 Control and suppression of disease Regulations relating to importation

**Mandated Funding Level:** None

**Brief Description/History/Background:** The overall health and economy of the livestock industry in New York State is highly dependent upon facilitated interstate movements of disease-free animals. New York State producers import and export livestock including cattle, sheep, goats, llamas, deer, and hogs. Official certificates of veterinary inspection of all imported and exported livestock are examined for accuracy and completeness before the animals are shipped. Required testing information is verified by Division of Animal Industry staff. Imported animals that do not meet the importation requirements of New York State are either returned to the state or country of origin or placed under quarantine until all such requirements are met.

**Issues:** None

**Population Served:** New York State livestock producers and consumers of animals and animal products

**Performance Measures:** None

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** County and State Fair Animal Health Inspection

**Mandate:** Part 351 of the NYCRR establishes animal health requirements of admission of livestock to fairs. The purpose of the regulations is to minimize the threat of disease transmission back to the source farms from animals commingled at the fairs. The Commissioner has the authority to deny admission to or order removal of animals affected with or exposed to any infectious, contagious or communicable disease.

**Mandated Funding Level:** None, included in general Division budget

**Brief Description/History/Background:** Division of Animal Industry field staff conduct animal health inspections at 49 county fairs, 9 youth fairs and the New York State Fair. In 2007 over 6000 animals were inspected at the New York State Fair and over 50,000 animals at county and youth fairs. Animal health requirements are reviewed annually and distributed to the county fairs and State Fair for publication in the premium books. Prefair meetings are conducted at each venue to review animal health requirements, establish emergency contacts and to organize the inspection process.

**Issues:** Division has supplied livestock inspection services to the State Fair for many years without reimbursement of any kind. This year staff is scheduled for over 700 hours of service plus overnight lodging. Reimbursement by the State Fair should be considered. Perhaps this could be accomplished by a surcharge on State Fair entries.

**Population Served:** Exhibition livestock industry

**Performance Measures:** Scheduling of Fairs is accomplished at the central office to insure coverage. Fair reports summarizing total inspections and rejections are submitted from each fair.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Domestic Animal Health Permit / Livestock Markets

**Mandate:** Section 75 and Section 90 of the Agriculture and Markets Law

**Mandated Funding Level:** None, included in general Division budget

**Brief Description/History/Background:** Division of Animal Industry issues Domestic Animal Health Permits (DAHP) to livestock dealers and livestock markets under Section 90. Dealers and markets are required to identify animals entering commerce and keep source and disposition records for all livestock handled in compliance with Part 61 of the NYCRR. Records allow for the traceback and traceforward of livestock for disease control purposes. Permitting of ~425 DAHP holders and 27 markets is handled in the central office with a database maintained. Field veterinarians and Animal Health Inspectors conduct field record reviews of DAHP holders and livestock markets. In addition livestock markets must meet structural and sanitation standards as required by Section 75 of the Agriculture and Markets and Part 49 of the NYCRR and are inspected on a quarterly basis.

**Issues:** Current permit cost is \$50 for 2 years. Fee has not been raised since 1960.

**Population Served:** Livestock industry specifically as well as the general public through protection of the food supply

**Performance Measures:** Inspection schedule is maintained. 12 compliance cases were brought in the latest fiscal year.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Division of Animal Industry, Compliance Program

**Mandate:** Mandated indirectly through the programs it supports:

- Agriculture and Markets Law Article 5 §72 - §96
- Article 7 §117-A
- Article 26A §400 - §407

**Mandated Funding Level:** No mandated funding level prescribed

**Brief Description/History/Background:**

- The Division of Animal Industry uses one full-time investigator to investigate violations of Agric. & Markets Laws administered by the Division of Animal Industry.
- The investigator serves all DAI regulatory programs.
- So far in Calendar Year 2008 the penalty recommendations arising from DAI compliance activity total \$37450.

**Issues:**

- Having only one investigator to cover the entire state causes that person to have travel expenses that exceed the norm for DAI employees.
- Cases and violations requiring support from Counsel's Office often suffer extended delays in receiving this support.

**Populations Served:**

- General Population: Adequate investigation of Ag. & Mkts Law violations and enforcement preserves integrity of NYS livestock commerce, protects human, protects animal health, and prevents misuse of Department funds.
- Regulated entities: Adequate enforcement of Ag. & Mkts. Law encourages a "level playing field" for entities such as livestock markets, pet dealers.

**Performance Measures:**

- Cases successfully investigated
- Penalties assessed
- Successful legal action against chronic and or serious violators
- Reduction in non-compliance with Agriculture and Markets Law.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Testing Horses for Drugs at Pulling Contests

**Mandate:** Part 352.3 of NYCRR requires drug testing of pulling horses at fairs by licensed veterinarians authorized by the Director of DAI.

**Mandated Funding Level:** Dept pays for laboratory drug testing at the Animal Health Diagnostic Center at Cornell University. Annual cost is ~\$10,000.

**Brief Description/History/Background:** Sampling is conducted by Department Veterinarians at county fairs and the State Fair as per Part 352.

**Issues:** Results in significant overtime for Animal Health Inspectors assisting the veterinarians as well as the laboratory costs of testing.

**Population Served:** Horse pullers, increases likelihood of a fair contest

**Performance Measures:** Field staff is assigned to fairs by central office to insure coverage.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** National Animal Identification System

**Mandate:**

**Mandated Funding Level:** Cooperative Agreement with USDA funding

**Brief Description/History/Background:** The National Animal Identification System (NAIS) is a federal program operated through individual states though organized through the USDA for the purposes of decreasing the number of exposed animals in the event of an animal health emergency. The goal is to be able to trace back any diseased animal to its premises of origin within 48 hours after a confirmed diagnosis. The program includes three steps: premises registration, animal identification and animal tracking. The NAIS program began in 2003 after the finding of BSE in an American owned cow.

**Issues:** Changes made by the USDA to the NAIS program have made some stakeholders question the motives of the program.

**Population Served:** Livestock stakeholders

**Performance Measures:**

- Total percent of premises registered
- Total number of animals individually identified
- Total number of stakeholders reached through education and outreach methods

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** National Poultry Improvement Plan- Avian Influenza, Commercial Poultry Surveillance

**Mandate:** 9 CFR Part 146 For Commercial Poultry; National Poultry Improvement Plan (NPIP), Avian Influenza Surveillance

**Mandated Funding Level:** USDA-APHIS; Cooperative Agreement Monies

**Brief Description/History/Background:** The purpose of the NPIP Avian Influenza Program is to enhance surveillance and control activities for avian influenza virus (particularly H5/H7 viral strains) in New York States (NYS) commercial poultry. Surveillance and control of H5/H7 avian influenza is essential in maintaining NY's disease free status and protecting the commercial poultry industry's markets both nationally and internationally. Since H5 and H7 subtypes of avian influenza virus if left unchecked have the propensity to mutate into highly pathogenic avian influenza virus (HPAIV), active surveillance and control activities are essential in helping to avoid viral spread and the threat posed by the virus's ability to mutate into devastating forms of HPAIV. In addition to threats posed to animal production and agriculture there is legitimate concern about public health implications associated with viral shift.

In the summer of 2007, as a result of surveillance efforts, an H5N2 avian influenza virus was identified in commercial poultry on a farm in NYS. Left unchecked the virus could have spread and/or changed into a more pathogenic form and had a tremendously negative impact on NYS's trade status, at the very least.

**Issues:** There is a substantial 'risk based need' to be able to do surveillance on smaller components (producers) of the poultry industry in NYS. Particularly, with the growth in local agriculture (e.g 'Farmer's Markets') and backyard poultry production [in NYS] where birds are likely exposed to wild avian species, increased risk for the development of highly pathogenic forms of avian influenza virus is very real. Such threats will place extra stress on our ability to do adequate surveillance on this component of the industry.

**Population Served:** Poultry industry, consuming public (associated public health implications regarding unchecked avian influenza virus—food availability and possibly food safety issue)

**Performance Measures:**

- Ongoing surveillance of commercial poultry flocks through testing-field and lab associated specimen collection
- Expanded (2008) surveillance efforts aimed at smaller, high risk, flocks-Field and lab
- Targeted surveillance of flocks that experience higher than expected mortality or mortality consistent with avian influenza-field associated
- On farm inspection of bio security practices aimed at excluding the introduction, and minimizing the spread, of avian influenza and other poultry diseases-field associated

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Animal Industry**

**Program:** New York Animal Health Information System (NYAHIS)

**Mandate:**

**Mandated Funding Level:** Cooperative Agreement through USDA

**Brief Description/History/Background:** New York State has adapted the framework of the National Animal Identification System and modified it for application in New York. The objective of the NYAHIS is to maintain the positive aspects of surveillance embraced by the national system, tempered by practical constraints and limitations of existing technology and industry practices. Furthermore, New York State has recognized that existing animal identification methods meet the goals and objectives of a national animal identification system, and consequently will utilize such methods until equivalent substitutes can be developed.

Care was taken to ensure that New York producers would be considered part of the national system, and entitled to the recognition and privileges afforded that status.

The **New York Animal Health Information Systems** includes the following elements:

1. **Premises Identification:** Premises location (911 addresses) and description of animals on premises will be collected on livestock premises in New York. Defining the vulnerable animal populations in advance of an animal threat sets the stage for appropriately limited, efficient, and effective response. Such advanced preparation will minimize disruption of business, and economic and social impacts of that animal health threat.
2. **Animal Identification:**
  - a. **Animal Populations: Non-uniquely identified**  
New York State producers are asked to supply animal census data for animals raised on the premises. This information is used to identify populations at risk for specific diseases and threats, characterize appropriate response resources, and establish the magnitude of the at-risk population.
  - b. **Animal Populations: Uniquely Identified**  
New York State will continue to accept existing means of unique individual animal identification developed for past disease control efforts. Such systems have served the industry well.  
Evaluation of newer animal identification technologies with the benefits of ease of reading, error free transcription, rapid detection and automated data entry will continue. New York State will not dictate the use of one approved identification device over another, but will rely on industry utility and acceptability to drive the adoption of new technologies. The benefits of individual animal identification for management on a livestock operation are well documented. It is anticipated that the value of information returned to the farm will encourage greater use of individual animal ID.
3. **Animal Tracking:** New York State has purchased its own database to maintain premises, animal, and movement information. The record of the appearance of an animal on one or more premises generates a rough movement history. This information will be used to guide disease control investigations and identify animals potentially exposed to an infectious disease.

**Issues:** Many stakeholders believe that the information kept within the purchased database should be held confidential and not be subject to FOIA.

**Population Served:** Livestock stakeholders

**Performance Measures:**

- Total percent of premises registered
- Total number of animals individually identified
- Total number of stakeholders reached through education and outreach methods

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** New York State Egg Quality Assurance Program

**Mandate:** New York State Agriculture and Markets Law; Section 16, Article 2- Paragraphs 4, 5-a, 24 and 41

**Mandated Funding Level:** Appropriated Annual Amount

**Brief Description/History/Background:** The New York State Egg Quality Assurance Program (NYSEQAP) was established to provide reasonable assurance to consumers that table eggs originating from New York State (NYS) egg laying poultry flocks participating in NYSEQAP are of lower risk of causing potentially fatal food borne disease associated with *Salmonella enteritidis* (SE), an egg borne bacterium that can be passed directly from the hen into the egg. The program is based on a NYS interagency Memorandum of Agreement (MOU) between NYS Department of Agriculture and Markets, New York State Department of Health, Cornell University and NY's State Poultry Industry Coordinated Effort. The MOU was signed in October 1997. The program is voluntary and based on current scientifically based best management practices. Prior to initiation of the NYSEQAP program, seven human cases of SE disease were identified (some of which were fatal) in NYS and determined to have originated from table eggs produced and distributed from NYS poultry flocks. No cases of human SE disease originating from NYS table egg producing flocks have been identified since NYSEQAP was established. At the present time approximately 80% of NYS's table egg production originates from NYS flocks that participate in NYSEQAP.

NYSEQAP has been valuable in helping to assure consumers of the quality of NYS agricultural products.

**Issues:** Our goal is to have 100% participation in NYSEQAP which will require expenditure of substantially more time and effort on the part of the Department.

**Population Served:** Consuming public; public health and consumer confidence in food safety.

**Performance Measures:**

- Ongoing laboratory surveillance
- Program participant reviews
- Onsite premises inspections
- Bio-Security practice evaluations
- Positive Performance Results
  - Decreased incidence of SE positive environmental results
  - Decreasing incidence of human cases of table egg associated SE disease from NYS table eggs (zero since program inception).

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Residue Avoidance Program

**Mandate:** 21 CFR 589.2000 FDA Cooperative Agreement

**Mandated Funding Level:** As per contract DHHS/FDA/DSCI HFA-500; RFQ# 223-07-4056; 48 inspections over a 24 month period at \$1759 per inspection

**Brief Description/History/Background:** Part of USDA's Food Inspection Service responsibility in helping to assure consumers that their food is wholesome is to check product for volatile levels of chemicals, including licensed drugs. Animal drugs are licensed by FDA and as such are required to meet standards of safety including consistent times by which they do not persist in the animal's body. A certain number of animal carcasses destined for food are sampled on a regular basis, some are found to contain volatile levels of antibiotics and other drugs. FDA's contract is meant to focus on those producers who have not had an animal, intended for the human food chain (primarily cattle), and identified with a volatile chemical in its system within the prior 12 months. These groups of violators are termed "first time offenders" by USDA. Veterinarians from NYS Department of Agriculture are expected to conduct on farm investigations of first time offenders to review their animals' drug handling and administration practices. The purpose of these visits is to help inform the producer how to avoid such violations in the future hence these are termed educational visits, no fines are charged. The recurrence of violations from producers who have been through the process is considerably less than those who have not. Additionally, compliance with the BSE cattle feeding rule is confirmed and requirements discussed. Public health, food quality and consumer confidence in food quality have all been positively impacted through these efforts.

**Issues:** None

**Population Served:** Consuming public

**Performance Measures:**

- Identify practices resulting in illegal residues
- Obtain compliance through education
- Reporting of inspection findings
- Assurance of BSE rule compliance

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Animal Industry

**Program:** Swine Health-Feeder Swine

**Mandate:** New York State Agriculture and Markets Law; Section 16, Article 2- Paragraphs 4, 5-a, 24 and 41

**Mandated Funding Level:** Appropriated Annual Amount

**Brief Description/History/Background:** The purpose of this effort addresses public and animal health concerns. NYS Dept. of Agriculture & Markets personnel inspect swine farms to insure that herd animals (swine) are not being fed garbage and later marketed for human food. From a human health standpoint the practice of feeding garbage to swine increases the risk of infecting the animals with human tapeworm (*S. solium*). From the standpoint of animal disease, cessation of garbage feeding has helped NYS gain hog cholera free status and is likely to help lessen the risk of pigs being exposed to other diseases including foot and mouth disease (as happened in England) and pseudorabies. USDA / APHIS / Veterinary services inspects restaurants to assure they are not selling / disposing of table waste (garbage) for use as swine feed.

**Issues:** The number of swine raisers is increasing making identification of such premises time consuming and cumbersome

**Population Served:** Consumers and pork producers

**Performance Measures:**

- o Premises inspections
- o Lack of hog cholera in NYS
- o NYS's Pseudorabies negative status

# **Agricultural Business Services Program**

## **Plant Industry**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Cooperative Agricultural Pest Survey (CAPS) Program

**Mandate:** Article 14 Plant Pest Laws and Regulations; 08-8236-0325-CA

The mission of the Cooperative Agricultural Pest Survey (CAPS) program is to provide a distribution profile of plant pests in the United States deemed to be of regulatory significance\* to USDA-APHIS-PPQ, State Departments of Agriculture, tribal governments, and cooperators by:

- Confirming the presence or absence of plant pests impacting the domestic and international movement of plants and plant products; and
- Establishing and maintaining a comprehensive network of cooperators and stakeholders to facilitate our mission and to safeguard our American plant resources.

**Mandated Funding Level:** USDA-APHIS/PPQ Pest Detection Cooperative Agreement Funding provides \$225,000 supporting the position of State Survey Coordinator and funding for National and State survey targets.

**Brief Description/History/Background:** The primary objective of the CAPS program is to establish and maintain a comprehensive network of cooperators and stakeholders to facilitate our mission and to safeguard American plant resources. These resources are our nation's food supply, complex forest products, and ecological systems. NY-CAPS is committed to survey and early detection of exotic plant pests that may threaten New York State agriculture and the continental United States. NY-CAPS objectives and goals parallel those identified in the 2009 National CAPS Guidelines emphasizing commodity surveys for the early pest detection of non-indigenous plant pests and confirming the presence or absence of plant pests impacting domestic and international movement of New York plants and plant products.

**Issues:**

1. Inadequate support for survey and pest detection activities addressing potential invasive pest introductions.
2. Annual challenge to prioritize and target invasive pest interception at high risk locations.
3. Generation of export enhancement for New York grown plant commodities

**Population Served:** Statewide

**Performance Measures:**

1. No. of CAPS survey targets/Commodity survey.
2. No. of new state/county pest detections.
3. Targeted commodity surveys to justify issuing phytosanitary certificates (negative results).
4. Number of High-Risk survey sites for exotic pest detection.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Carnes	Kennoth	Plant Pest Survey Coord.	05502	Perm.		
Angell	Ethan	Hort. Inspector 3	00729	Temp.	04077	Hort. Inspector 2
Jablonski	Raymond	Hort. Inspector 2	00738	Perm.		
Schlosser	Kim	Hort. Inspector 2	04077	Temp.	06385	Hort. Inspector 1

Turell	Richard	Hort. Inspector 2	00736	Perm.		
Amundsen	Bruce	Hort. Inspector 1	00756	Perm.		
Birkland	Eric	Hort. Inspector 1	00772	Perm.		
Conrow	Cary	Hort. Inspector 1	00752	Perm.		
Conte	Marie	Hort. Inspector 1	00766	Perm.		
D'Allessandro	John	Hort. Inspector 1	00758	Perm.		
Ellsworth	William	Hort. Inspector 1	00779	Perm.		
Johnson	Jacqueline	Hort. Inspector 1	06384	Perm.		
Kircher	John	Hort. Inspector 1	00851	Perm.		
Leonti	Robert	Hort. Inspector 1	06381	Perm.		
Markarian	Stephen	Hort. Inspector 1	00768	Perm.		
McIntyre	Leslie	Hort. Inspector 1	00754	Perm.		
Morgan	Nanette	Hort. Inspector 1	04080	Perm.		
Parent	Joseph	Hort. Inspector 1	04078	Perm.		
Sarnowski	Michael	Hort. Inspector 1	00781	Perm.		
Sawyer	Kim	Hort. Inspector 1	00780	Perm.		
Sierzenga	Patricia	Hort. Inspector 1	06382	Perm.		
Sphar	Gary	Hort. Inspector 1	04079	Perm.		
Spokowsky	Jared	Hort. Inspector 1	00782	Perm.		

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Cappy	Paul	Hort. Inspector 3 APCR	00783	Perm.		
Barton	Lynn	Sr. Apiary Inspector	71206	Temp.		
Duncan	Robert	Sr. Apiary Inspector	71204	Temp.		
Borst	Peter	Apiary Inspector 3	71209	Temp.		
Eames	Laura	Apiary Inspector 3	71208	Temp.		
O'Donnell	Kevin	Apiary Inspector 3	71207	Temp.		
Stevens	Kristopher	Apiary Inspector 3	71210	Temp.		
Hauer	Bruce	Apiary inspector 2	71218	Temp.		
Gusciora	Robert	Apiary Inspector 1	71229	Temp.		
Papa	Ronald	Apiary Inspector 1	71228	Temp.		

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Mahoney	Joan	Hort. Inspector 3	00732	Perm.		
Buccello	Frank	Hort. Inspector 2	00863	Perm.		
Dorgan	Michael	Hort. Inspector 2	00861	Prov.	06383	Hort. Inspector 1
Theotokas	Mario	Hort. Inspector 2	00862	Prov.	00880	Hort. Inspector 1
Abdelaziz	Mohsen	Hort. Inspector 1	00871	Prov.		
Akujuo	Chima	Hort. Inspector 1	00882	Prov.		
Bressel	Edward	Hort. Inspector 1	00868	Perm.		
Carlino	Benjamin	Hort. Inspector 1	05405	Perm. (Federal CA Funds)		
Claeson	Matthew	Hort. Inspector 1	05408	Perm. (Federal CA Funds)		
DeMayo	Thomas	Hort. Inspector 1	00883	Perm.		

DiStefano	Christopher	Hort. Inspector 1	00867	Perm.		
Frawley	Dawn	Hort. Inspector 1	00876	Perm.		
Hurlburt	Jami	Hort. Inspector 1	05407	Perm. (Federal CA Funds)		
Lemon	Jonathan	Hort. Inspector 1	00875	Perm.		
Olobor	Joe	Hort. Inspector 1	00888	Perm.		
Powell	Catherine	Hort. Inspector 1	00869	Perm.		
Rode	Anne	Hort. Inspector 1	00887	Perm.		
Saffioti	Salvatore	Hort. Inspector 1	00879	Perm.		
Santos	Thomas	Hort. Inspector 1	06386	Perm.		
Schirmuhly	Alaina	Hort. Inspector 1	00870	Prov.		
Shanley	Ryan	Hort. Inspector 1	00884	Prov.		
Singho	Michael	Hort. Inspector 1	05406	Perm. (Federal CA Funds)		
Sullivan	Robert	Hort. Inspector 1	00881	Perm.		
Vazquez	Nancy	Hort. Inspector 1	00874	Perm.		
Vacant		Hort. Inspector 1	00866	Perm.		
Vacant		Hort. Inspector 1	00880	Perm.		
Vacant		Hort. Inspector 1	00889	Perm.		
Vacant		Hort. Inspector 1	06383	Perm.		
Levine	Arlene	Clerk 2	00896	Perm.		
Longstrom	Arleen	Keyboard Spec 2	00895	Perm.		
Angelos	Richard	Asst. Farm Prod Ins 1	81630	Temp.		
Buckius	Robert	Asst. Farm Prod Ins 1	81629	Temp.		
Horowitz	Melvin	Asst. Farm Prod Ins 1	81637	Temp.		

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Commodity, Inspection, Sampling and Analysis

**Mandate:** Established under Articles 9, 9a, 10, 10a of the Agriculture and Markets Law.

**Mandated Funding Level:**

**Brief Description/History/Background:**

Seed

Growers depend on seed purity, germination and freedom from weed seeds to produce maximum yield and profitability. Seed offered or exposed for sale within New York is subject to specific labeling and testing requirements as stated in Article 9 of the Agriculture and Markets Law. In order to ensure the consumer that products are accurately labeled and to establish a level playing field for seed producers and marketers inspections are conducted of seed.

In 2007, one hundred eighty four (184) samples were taken with 78% found to be accurately labeled. In 2008 a total of 387 samples have been taken thus far with 76% found to be accurately labeled.

Lime

Proper soil pH is vital in maximizing crop yields. The guaranteed analysis of the chemical composition of liming products is critical for farmers in maximizing profitability and in their whole farm management efforts to minimize environmental impacts. Agriculture and Markets Law Article 9A provides the statutory guidance for licensing, inspection, sampling and analysis to ensure the availability of high quality and properly labeled materials.

In 2007 181 liming brands were licensed and 260 inspections were performed to ensure compliance with Article 9a. 10 samples were taken 50% were found in violation.

Fertilizer

Proper crop nutrition through the application and use of fertilizers are vital components in maintaining productive, profitable and competitive agricultural and horticultural industries. In order to ensure the consumer that the fertilizer product conforms to the label and to establish a level playing field for manufacturers and distributors Agriculture and Markets Law Article 10 provides the statutory guidance for licensing, inspection, sampling and analysis to ensure the availability of high quality and properly labeled fertilizer.

In 2007 375 fertilizer distributors were licensed and 537 inspections were performed to ensure compliance with Article 10. 169 samples were obtained for analysis and compared to their labeled guarantees. Forty eight percent (48%) of the products sampled were found to be deficient in one or more of their stated guarantees.

Ammonium nitrate – Bioterrorism

The potential use of commercial fertilizers, particularly ammonium nitrate and anhydrous ammonia, in the production of weapons of mass destruction and in the illegal manufacture of drugs has heightened concern with respect to their regulation and onsite security. In 2005 legislation was passed directing the Department to work with the State Office of Homeland Security to identify and register establishments selling ammonium nitrate in the state. As a result, any person or entity in New York State that sells, offers for sale, or otherwise makes available, ammonium nitrate or regulated ammonium nitrate materials is required to register annually with the Department. All purchasers must provide proper identification and background information before purchasing ammonium nitrate or ammonium nitrate products. All sales records must be

retained for a 2 year period and be available for inspection by the New York State Department of Agriculture and Markets or New York State Office of Homeland Security. Ammonium nitrate and ammonium nitrate materials must be stored in a secure location. Daily inspections by the establishment operators for attempted entry, vandalism and structural integrity are required.

In 2007, three Horticultural Inspectors were hired to enforce ammonium nitrate regulations and function as commodity (seed, fertilizer and lime) inspectors. The inspectors conducted inspections at the 9 registered ammonium nitrate retailers and 537 other establishments who might carry the material. No violations were detected.

Plant and Soil Inoculants

The use of inoculants in soil, fertilizer and on seed is a technology that has grown significantly. More growers are utilizing the beneficial effects of these living organisms to produce large yields and help enhance the plants natural ability to utilize water and nutrients in the soil. It is important to regulate these items to ensure harmful organisms are not introduced that will impact agriculture and the environment. Agriculture and Markets Law Article 10a provides the statutory guidance for licensing, inspection, sampling and analysis to ensure the availability of high quality and properly labeled plant and soil inoculants.

**Summary of Licensing Data**

Licenses	Total Number	Number Issued 07-08	Amt Collected 07-08
Commercial Fertilizer Registration	375	78	\$11,850.00
Ammonium Nitrate Registration	14	12	\$100.00
Agricultural Lime Registration	181	12	\$480.00
Plant and Soil Inoculant Registration	148	28	\$560.00

**Issues:** There is a need to increase support for commodity inspection sampling and analysis. A lead staff person is needed to improve oversight of these activities as well as evaluate emerging issues concerning heavy metal content in fertilizers, New York State certification provisions for seed and compost regulations, etc.

**Population Served:** Consumers of Seed, Fertilizer, Lime, and Inoculants. Safeguarding all citizens from the use of Ammonium nitrate as a weapon of mass destruction.

**Performance Measures:**

1. Inspections performed.
2. Samples obtained.
3. Analysis Results.
4. Reform of laws and regulations.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Angell	Ethan	Hort. Inspector 3	00729	Temp.	04077	Hort. Inspector 2
Jablonski	Raymond	Hort. Inspector 2	00738	Perm.		
Schlosser	Kim	Hort. Inspector 2	04077	Temp.	06385	Hort. Inspector 1
Turell	Richard	Hort. Inspector 2	00736	Perm.		
Amundsen	Bruce	Hort. Inspector 1	00756	Perm.		
Birkland	Eric	Hort. Inspector 1	00772	Perm.		
Conrow	Cary	Hort. Inspector 1	00752	Perm.		
Conte	Marie	Hort. Inspector 1	00766	Perm.		
D'Allessandro	John	Hort. Inspector 1	00758	Perm.		
Ellsworth	William	Hort. Inspector 1	00779	Perm.		

Johnson	Jacqueline	Hort. Inspector 1	06384	Perm.		
Kircher	John	Hort. Inspector 1	00851	Perm.		
Leonti	Robert	Hort. Inspector 1	06381	Perm.		
Markarian	Stephen	Hort. Inspector 1	00768	Perm.		
McIntyre	Leslie	Hort. Inspector 1	00754	Perm.		
Morgan	Nanette	Hort. Inspector 1	04080	Perm.		
Parent	Joseph	Hort. Inspector 1	04078	Perm.		
Sarnowski	Michael	Hort. Inspector 1	00781	Perm.		
Sawyer	Kim	Hort. Inspector 1	00780	Perm.		
Sierzenga	Patricia	Hort. Inspector 1	06382	Perm.		
Sphar	Gary	Hort. Inspector 1	04079	Perm.		
Spokowsky	Jared	Hort. Inspector 1	00782	Perm.		
Hyman	Natalie	Keyboard Spec. 2	06531	Provisional	01357	Keyboard Spec. 1

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Apiary Inspection

**Mandate:** Article 15 Agriculture and Markets Law relating to bee diseases

**Mandated Funding Level:**

**Brief Description/History/Background:** Honeybees provide over 90 percent of the pollination necessary for crop production. To ensure adequate crop pollination and the continued production of honey and beeswax, the maintenance of a healthy and viable honeybee population is essential. The annual value of selected crops pollinated by honeybees is at least \$268 million. The value of the honey and beeswax produced is estimated at approximately \$5 million annually.

Article 15 of the Agriculture and Markets Law, relating to bee diseases, provides the Department with the authority to inspect the State's 3,529 apiaries and more than 70,100 honeybee colonies for the detection and control of infectious and contagious diseases and parasites of honeybees. The Department is responsible for providing certification allowing for the interstate movement of commercial migratory operations.

In 2007, the Division issued 41 certificates to 36 beekeepers permitting the interstate movement of approximately 15,000 honeybee colonies. Approximately 22,200 honeybee colonies entered New York State under permit. 9,304 colonies were inspected from a total of approximately 20,500 colonies in one thousand two hundred fifty seven (1,257) apiaries.

**Issues:** Of considerable interest and concern is the continued decline of thousands of honeybee colonies. Prior to the detection of the honey bee tracheal mite in 1984, New York State estimated its' colony strength at approximately 118,000. The substantial loss in colony strength can be attributed to the introductions of parasitic mites non-indigenous to the United States and confirmation of American foulbrood resistance to antibiotic treatments. The US honeybee industry lost about 33% of the colonies from the fall of 2006 through the spring of 2007. Speculation concerning the heavier than normal losses has given rise to several theories. The cause of this Colony Collapse Disorder (CCD) has not been determined. Research will continue for at least another year in an effort to determine the cause(s) of CCD. It will take additional years to develop a management plan after the cause is determined.

We have never successfully eradicated a honeybee pest. The "industry" is not cooperative and resents government intervention. While our inspection program can monitor honeybee health our ability to respond to an emerging issue will depend upon the cooperation of hobby, sideliners and commercial beekeepers

**Population Served:** Vegetable and Fruit Growers, home gardeners, general public.

**Performance Measures:**

1. No. of inspections performed.
2. Incidence of actionable pests.
3. No. of honeybee colonies and beekeepers.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Cappy	Paul	Hort. Inspector 3 APCR	00783	Perm.		
Barton	Lynn	Sr. Apiary Inspector	71206	Temp.		

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Duncan	Robert	Sr. Apiary Inspector	71204	Temp.		
Borst	Peter	Apiary Inspector 3	71209	Temp.		
Eames	Laura	Apiary Inspector 3	71208	Temp.		
O'Donnell	Kevin	Apiary Inspector 3	71207	Temp.		
Stevens	Kristopher	Apiary Inspector 3	71210	Temp.		
Hauer	Bruce	Apiary inspector 2	71218	Temp.		
Gusciora	Robert	Apiary Inspector 1	71229	Temp.		
Papa	Ronald	Apiary Inspector 1	71228	Temp.		
Morlang	Kara	Keyboard Spec. 2	00713	Provisional	01812	KBS 1

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Plant Industry

**Program:** Golden Nematode Quarantine Program

**Mandate:** Part 127; 06-8236-0516-CA

**Mandated Funding Level:** In SFY 2008-2009 the Administration obtained an appropriation of \$294,000 to enhance the compliance of GN regulated growers with sanitation regulations, \$98,000 to support the development of GN resistant potato varieties and \$6,500 for varietal testing on regulated acreage. These are all critical inputs to the State mandated oversight of Part 127.

**Brief Description/History/Background:** The Golden Nematode is a destructive potato pest which poses a serious threat to the State's potato industry and other soil bearing crops attributable to its global status as a pest of regulatory significance. New York is the only state in the U.S. which has a certifiable incidence of this pest. It is imperative that an effective and comprehensive Golden Nematode control program be maintained to protect the export of New York potatoes, nursery stock, and other agricultural commodities which come in contact with soil.

Potatoes are an important State commodity. In 2007, 19,000 acres of potatoes were harvested with a cash value to farmers in excess of \$63.1 million. Nationally, the combined annual farm gate production value of the principal host crops is over \$5 billion. The inclusion of other soil bearing commodities that could come under regulation, such as nursery and ornamentals, sod, onions, beets, etc. would increase this figure at least three fold. The principal area of GN infestation is Long Island with smaller, localized infestations in six upstate counties: Cayuga, Livingston, Steuben, Wayne, Seneca and Orleans. Statewide, there are 398 fields comprised of approximately 8,215 acres regulated for golden nematode.

For more than 60 years the Federal State cooperative program has successfully contained GN infestations within the state. However, recent detections of this pest outside of the areas under quarantine have resulted in international concerns over its containment being voiced. The ability of the state to contain the GN is of great importance to the United States in terms of its agricultural exports.

The control of the golden nematode is achieved through the use of crop rotations incorporating potato varieties bred for resistant to the golden nematode and non-host crops in a 4 year sequence developed and approved by USDA- ARS, USDA-APHIS, Cornell University and the Department. When implemented, the approved rotation successfully suppresses golden nematode populations below the known level of spread. The PCN/GN Technical Working Group has expressed concern with the use of Ro2 resistant varieties and the application of a 3 year rotation on infested acreage.

To further mitigate the risk of this soil borne pest spreading within the state, sanitation regulations require that conveyances, equipment and produce from regulated fields be cleaned and free of any soil that could contain cysts (eggs) that could be unintentionally transported to other fields. When the approved crop rotation is implemented in conjunction with sanitation practices the risk of spread is effectively negated. The Department has obtained support to enhance grower compliance to sanitation requirements. Funding will be used to build wash pads and purchase pressure washers.

The Department contracts with Cornell University for potato breeding programs directed at the development of golden nematode resistant potato varieties. Also included as part of the total program is the support for continued research and development of meristematic tissue culture. This propagation technique has provided for the rapid increase of resistant varieties and hastens the availability of the new varieties for commercial use.

A new biotype of the golden nematode (Ro2) was identified and confirmed in 1994 on Long Island and Upstate New York. This strain cannot be controlled with the resistant potato varieties that have been

used and found to be effective against the traditional strain (Ro1). There are currently eight fields in agricultural production infested with Ro2. Although not believed to be widespread, the new biotype requires additional survey and research to identify its distribution and to support the development of new potato varieties resistant to its multiplication and spread. There are currently no commercially viable Ro2 resistant varieties.

**Issues:** We have petitioned the USDA to support a program of eradication in New York State similar to that underway in Idaho for the Potato Cyst Nematode. A pilot project is underway for this fall. Three Ro2 infested fields located in Livingston County are targeted for methyl bromide fumigation. Treatment is contingent on the identification of a qualified NYS certified applicator, NEPA and SEQRA requirements, establishing temporary wash pads before the funding deadline of September 30, 2008.

Follow up support from APHIS will be required for treatments in 2009 and beyond leading to eradication.

**Population Served:** Agricultural community, particularly growers of soil bearing crops. Any construction work performed on or across regulated acreage i.e., right of ways for transmission lines, agricultural land going into development.

**Performance Measures:**

1. Acreage under regulation.
2. Acreage surveyed.
3. Acreage deregulated.
4. No. of sanitation pads built.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Jablonski	Raymond	Hort. Inspector 2	00738	Perm.		
Turell	Richard	Hort. Inspector 2	00736	Perm.		
Johnson	Jacqueline	Hort. Inspector 1	06384	Perm.		
Schmitt	James	Hort. Inspector 1	06380	Perm.		
Sierzenga	Patricia	Hort. Inspector 1	06382	Perm.		
Sphar	Gary	Hort. Inspector 1	04079	Perm.		
Johnson	Timothy	Labor Supervisor	00860	Perm.		

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Asian Longhorned Beetle Eradication Program

**Mandate:** Part 139 Control of the Asian Longhorned Beetle; 08-8236-0184-CA

**Mandated Funding Level:** Requested annual federal appropriation \$48 million. Annual state funding is approximately \$2.1 million.

**Brief Description/History/Background:** The ALB was discovered in the Greenpoint section of Brooklyn, NY in 1996. Approximately 140 square miles of New York City, Long Island and Staten Island are presently under quarantine. To date more than 18,000 host trees have been removed and 480,000 non-infested host trees have been treated with a systemic insecticide in an effort to successfully eradicate this pest.

Approximately 858 million susceptible trees above 5 inches in diameter are at risk in New York alone. This involves 62% of the State's forested land. In New England over 1.5 billion forest trees are susceptible.

**Issues:** ALB has been successfully eradicated from Chicago, IL and in parts of New Jersey. It can be eradicated from New York. Less than 1% of the host trees are thought to be infested. Under the current funding level eradication is targeted for 2033. Increased funding is required to bring this federal-state cooperative program to conclusion.

**Population Served:** The entire state; urban, suburban and rural populations will be affected through the loss of landscape, street and park trees. If this pest is introduced into the Catskills it could have a significant impact on the watershed and subsequently water quality.

**Performance Measures:**

1. No. of infested trees reported annually and their removal
2. No. of host trees treated
3. No. of acres eligible for deregulation

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Mahoney	Joan	Hort. Inspector 3	00732	Perm.		
Buccello	Frank	Hort. Inspector 2	00863	Perm.		
Dorgan	Michael	Hort. Inspector 2	00861	Prov.	06383	Hort. Inspector 1
Theotokas	Mario	Hort. Inspector 2	00862	Prov.	00880	Hort. Inspector 1
Abdelaziz	Mohsen	Hort. Inspector 1	00871	Prov.		
Akujuo	Chima	Hort. Inspector 1	00882	Prov.		
Bressel	Edward	Hort. Inspector 1	00868	Perm.		
Carlino	Benjamin	Hort. Inspector 1	05405	Perm. (Federal CA Funds)		
Claeson	Matthew	Hort. Inspector 1	05408	Perm. (Federal CA Funds)		
DeMayo	Thomas	Hort. Inspector 1	00883	Perm.		
DiStefano	Christopher	Hort. Inspector 1	00867	Perm.		

Frawley	Dawn	Hort. Inspector 1	00876	Perm.		
Hurlburt	Jami	Hort. Inspector 1	05407	Perm. (Federal CA Funds)		
Lemon	Jonathan	Hort. Inspector 1	00875	Perm.		
Olobor	Joe	Hort. Inspector 1	00888	Perm.		
Powell	Catherine	Hort. Inspector 1	00869	Perm.		
Rode	Anne	Hort. Inspector 1	00887	Perm.		
Saffioti	Salvatore	Hort. Inspector 1	00879	Perm.		
Santos	Thomas	Hort. Inspector 1	06386	Perm.		
Schirmuhly	Alaina	Hort. Inspector 1	00870	Prov.		
Shanley	Ryan	Hort. Inspector 1	00884	Prov.		
Singho	Michael	Hort. Inspector 1	05406	Perm. (Federal CA Funds)		
Sullivan	Robert	Hort. Inspector 1	00881	Perm.		
Vazquez	Nancy	Hort. Inspector 1	00874	Perm.		
Vacant		Hort. Inspector 1	00866	Perm.		
Vacant		Hort. Inspector 1	00880	Perm.		
Vacant		Hort. Inspector 1	00889	Perm.		
Vacant		Hort. Inspector 1	06383	Perm.		
Levine	Arlene	Clerk 2	00896	Perm.		
Longstrom	Arleen	Keyboard Spec 2	00895	Perm.		
Angelos	Richard	Asst. Farm Prod Ins 1	81630	Temp.		
Buckius	Robert	Asst. Farm Prod Ins 1	81629	Temp.		
Horowitz	Melvin	Asst. Farm Prod Ins 1	81637	Temp.		

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Plum Pox Virus Eradication Program

**Mandate:** Part 140 Control of the Plum Pox Virus; 08-8236-0245-CA

**Mandated Funding Level:**

**Brief Description/History/Background:** In 1999, plum pox virus (PPV) was discovered in an orchard in Pennsylvania. In 2000, several orchards in Ontario, Canada just across the river from Niagara Falls were found infected. The virus infects stone fruits (peaches, plums and nectarines) and causes not only diagnostic symptoms on leaves and fruits, resulting in reductions in grade, but eventually debilitates the tree, reducing its' useful life. In response to the detections, Division inspectors participated in a national survey in cooperation with USDA/APHIS/PPQ staff, Cornell Cooperative Extension Educators and Cornell University technicians. A total of 76,098 samples were collected from 2000 through 2005.

In 2006, the federal-state cooperative survey targeted Niagara County due to its proximity to the Canadian PPV Infestation for survey. Two positive samples were collected from two orchard blocks and confirmed by the USDA lab at Beltsville.

Following discussions held with our federal cooperator, USDA-APHIS, regarding the nature of the PPV infestation in New York and the application of a 50 meter buffer area for tree/block removals, the 2007 survey effort reported 3 additional locations testing positive for the virus. The confirmation of PPV at these locations brings the total number of confirmed finds to 5.

Part 140 Control of the Plum Pox Virus quarantine was amended in 2007 expanding the areas under regulation and the nursery stock regulated areas. Five (5) orchard growers and 1 stone fruit nurseryman were subjected to destruction orders. These operations qualified for compensation. The federal-state formula or ratio is federal 85: state 15. Compensation paid out to these individuals totaled \$662,697.

Similarly 12 nursery grower/dealer establishments qualified for compensation of losses due to the PPV quarantine action. A federal-state cost share for the compensation of nursery stock does not exist. All compensation is paid by the state. A total of \$126,769 was awarded. The state also covered inputs pending a decision to eradicate.

**Issues:** In 2008 a new county detection of PPV was confirmed in Wayne County. We have 3 additional suspect sites pending confirmation.

It appears that the USDA believes PPV can be successfully eradicated. I anticipate a major escalation of the survey program in 2009.

**Population Served:** Stone fruit growers, nursery and ornamental production.

**Performance Measures:**

1. Delimitation of infested areas.
2. No. of samples and acreage surveyed.
3. Containment of disease once delimiting action is achieved.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Jablonski	Raymond P.	Farm Prod Inspector 2	81308	Temp - State Match GF		

Odebralski	Jonathan	Ass. Farm Prod Ins 1	81631	Temp - State Match GF		
Anderson	Scott	Asst Farm Prod Ins 1	81656	Temp - Federal CA Funds		
Beckinghausen	Brandon	Asst Farm Prod Ins 1	81657	Temp - Federal CA Funds		
Brandes	Tammy	Asst Farm Prod Ins 1	81650	Temp - Federal CA Funds		
Carissimi	Alissa	Asst Farm Prod Ins 1	81652	Temp - Federal CA Funds		
Erb	Krista	Asst Farm Prod Ins 1	81658	Temp - Federal CA Funds		
Mest	Patrick	Asst Farm Prod Ins 1	81661	Temp - Federal CA Funds		
Moran	Darren	Asst Farm Prod Ins 1	81653	Temp - Federal CA Funds		
Nedimyer	Andrew	Asst Farm Prod Ins 1	81662	Temp - Federal CA Funds		
Rockefeller	Ryan	Asst Farm Prod Ins 1	81651	Temp - Federal CA Funds		
Skatron	Richard	Asst Farm Prod Ins 1	81659	Temp - Federal CA Funds		
Snyder	Elizabeth	Asst Farm Prod Ins 1	81654	Temp - Federal CA Funds		
Walters	Christopher	Asst Farm Prod Ins 1	81660	Temp - Federal CA Funds		
Vacant		Asst Farm Prod Ins 1		Temp - Federal CA Funds		
Vacant		Asst Farm Prod Ins 1		Temp - Federal CA Funds		
Vacant		Asst Farm Prod Ins 1		Temp - Federal CA Funds		

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Invasive Species Coordination

**Mandate:** Laws of New York, 2008: Chapter 26, Article 9 of the Environmental Conservation Law, Title 17, New York Invasive Species Council

**Mandated Funding Level:**

**Brief Description/History/Background:** In 2003 the Governor signed legislation calling for the creation of a New York State Invasive Species Task Force (ISTF). The ISTF was asked to examine invasive species issues and to provide recommendations back to the Governor and Legislature by November 2005. The ISTF was co-chaired by the Commissioners of the State Departments of Agriculture and Markets and Environmental Conservation and included membership from a number of key state agencies and authorities.

The ISTF prepared and submitted a Final Report to the Governor in 2005 with twelve (12) recommendations. "Recommendation 1" called for the establishment of a permanent leadership structure to coordinate invasive species efforts. "Recommendation 2" dealt with the preparation and implementation of a comprehensive invasive species management plan.

In response to the ISTF recommendations, in March 2008 the NYS Legislature enacted legislation (Title 17 of ECL Article 9) to establish the New York State Invasive Species Council along with an Advisory Committee to the Council.

**Issues:** The Department's Mandated Role in the Coordination and Management Activities of Invasive Species in New York State

The Invasive Species Council is co-chaired by the Commissioners of the State Departments of Agriculture and Markets and Environmental Conservation. The Title 17 legislation charges the Council with the development of a "comprehensive plan for invasive species management," along with many other duties and responsibilities related to the long-term management of invasive species in the State.

The Advisory Committee to the Council is charged with providing information, advice and guidance to the Council, including but not limited to the development of a "four-tier classification system for nonnative animal and plant species." A report on the recommended four-tier system is due to the legislature and the governor prior to January 1, 2010.

**Population Served:** The people of the State of New York, and especially the agricultural community, are served by this program.

**Performance Measures:**

1. Oversight of preparation of the initial strategy and progress toward the development of the final statewide "Comprehensive Plan for Invasive Species Management," as called for in the Title 17 legislation.
2. Progress toward the development of the final report on the four-tier classification system submitted to the governor and legislature prior to 1/1/2010, as called for in the Title 17 legislation.
3. Assistance with the organization and convening of the first "biennial invasive species summit," as called for in the Title 17 legislation and tentatively scheduled for fall 2009.
4. Progress toward encouraging the nursery and landscape industries and other trade organizations to develop and adopt voluntary codes of conduct designed to reduce or

eliminate the use and distribution of invasive species, as called for in the Title 17 legislation.

5. Progress toward encouraging Partnerships for Regional Invasive Species Management (PRISMs) in their efforts to address invasive species through coordination and other assistance, as called for in the Title 17 legislation.

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Goetke	Diane	Hort. Inspector 3 IS	00250	Temp.		

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Plant Industry**

**Program:** Plant Health Safeguarding Services

**Mandate:** Article 14 Plant Pest Laws and Regulations

**Mandated Funding Level:**

**Brief Description/History/Background:** Plant Health Safeguarding Services provide the legal basis for the movement of plants and plant products domestically and abroad. Phytosanitary inspections provide for the certification and licensing of nursery grower and plant dealer establishments allowing plant materials to move freely in the channels of trade unless additional declarations are required specific to federal and state quarantines or the entry requirements of foreign trading partners. If general state certification is not recognized a federal or state phytosanitary certificate may be issued based upon an inspection or certification criteria as required by the receiving state or country.

**Issues:** Emerging Plant Pests and Invasive Species - The potential for invasive species introduction, establishment and dispersal within the state is high. New York State is a major point of entry for passengers, cargo and mail entering the United States. With a population of 18,976,457 people, the state is served by thirteen airports, 6 shipping ports and 800 miles of intrastate canal systems. It shares an international border with Canada 450 miles in length, including 85 miles of contiguous land and 17 border crossings. The Peace Bridge and Champlain crossing monitor 4 million passenger vehicles and 1.1 million commercial trucks annually. Interstate roadways span more than 113,252 miles across the state's 49,579 square miles. Three dozen freight railroads haul 16% of the nation's cross border trade over 83,000 route miles. More than 70 million tons of freight is transported annually in over 1.7 million carloads.

The introduction and establishment of emerging plant pests may have a direct impact upon the ability of the industry to move or transport plants and plant products in the channels of commerce. The general public may also be impacted with respect to the relocations, the movement of house plants, firewood and other household commodities i.e. lawn furniture, travel trailers, etc. Restrictions may range from mandated inspections and treatments to total prohibitions.

Early pest detection through the CAPS and eradication or containment to limit the size of the "regulated/quarantined" area is of critical importance.

**Population Served:** The entire state. Keep in mind that non-agricultural cargo, mail and passenger baggage may be subject to plant pest regulations. Solid wood packing materials serve as an example of how non-agricultural materials/products from automobile parts to personal computers can fall under regulation.

**Performance Measures:**

1. Development of Regional and individual Plans of Work prioritizing establishments and nontraditional sites on the basis of a pest risk analysis.
2. No. and frequency of inspections performed per establishment.
3. Prioritization of commodities and coverage.
4. No. of negative records entered for pests not found.
5. No. of phytosanitary certificates issued (Federal/State).

LAST NAME	FIRST NAME	TITLE	ITEM NUMBER	APPOINTMENT	HOLD ITEM #	TITLE
Angell	Ethan	Hort. Inspector 3	00729	Temp.	04077	Hort. Inspector 2
Jablonski	Raymond	Hort. Inspector 2	00738	Perm.		
Schlosser	Kim	Hort. Inspector 2	04077	Temp.	06385	Hort. Inspector 1
Turell	Richard	Hort. Inspector 2	00736	Perm.		
Amundsen	Bruce	Hort. Inspector 1	00756	Perm.		
Birkland	Eric	Hort. Inspector 1	00772	Perm.		
Conrow	Cary	Hort. Inspector 1	00752	Perm.		
Conte	Marie	Hort. Inspector 1	00766	Perm.		
D'Allessandro	John	Hort. Inspector 1	00758	Perm.		
Ellsworth	William	Hort. Inspector 1	00779	Perm.		
Johnson	Jacqueline	Hort. Inspector 1	06384	Perm.		
Kircher	John	Hort. Inspector 1	00851	Perm.		
Leonti	Robert	Hort. Inspector 1	06381	Perm.		
Markarian	Stephen	Hort. Inspector 1	00768	Perm.		
McIntyre	Leslie	Hort. Inspector 1	00754	Perm.		
Morgan	Nanette	Hort. Inspector 1	04080	Perm.		
Parent	Joseph	Hort. Inspector 1	04078	Perm.		
Sarnowski	Michael	Hort. Inspector 1	00781	Perm.		
Sawyer	Kim	Hort. Inspector 1	00780	Perm.		
Sierzenga	Patricia	Hort. Inspector 1	06382	Perm.		
Sphar	Gary	Hort. Inspector 1	04079	Perm.		
Spokowsky	Jared	Hort. Inspector 1	00782	Perm.		
Morlang	Kara	Keyboard Spec. 2	00713	Provisional	1812	Keyboard Spec. 1
Vacant		Keyboard Spec. 1	00715	Perm.		

# **Agricultural Business Services Program**

## **Ag Protection and Development**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Advisory Council on Agriculture

**Mandate:** AML, Article 25-A, section 297; Article 25-AA, sections 303, 303-a, 304, 304-a, 305(4), 308, 309; Article 25-AAA section 325; Article 25-AAAA section 329

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1980

The Advisory Council on Agriculture (ACA) was established within the Department to advise the Commissioner of Agriculture and Markets and make recommendations to State agencies on State government plans, policies and programs affecting agriculture. The ACA consists of eleven members appointed by the Governor with the advice and consent of the Senate. Members are selected for their experience and expertise related to areas of Council responsibility. At least five members of the Council must be operators of a commercial farm enterprise and at least two members must be representatives of local governments. Members of the ACA serve without salary. The Division provides assistance to the ACA in arranging meetings, preparing agendas, preparing annual reports and the necessary secretarial support and meeting summaries to the ACA.

**Issues:**

**Population Served:** New York State food and agriculture industry.

**Performance Measures:**

**NYS Department of Agriculture and Markets  
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**Agricultural Business Services Program**

**Local Assistance**

**Program:** Farmers' Markets Technical Assistance

**Mandate:**

**Law:** AML, Article 22

**Regulation:** Farmers' Market Grants made in accordance with RFP guidelines  
United States Department of Agriculture WIC Farmers' Market Nutrition Program and Senior Farmers' Market Nutrition Program Grant Rules  
MOU with DOH, SOFA, and Coop Extension (WIC FMNP)  
MOU with OTDA and contract with FMFNY (Farmers' Market EBT)  
Cooperative Agreement with United States Department of Agriculture (Wholesale Farmers' Market Study)  
SLA under Section 76.3 of ABC Law (Farmers' Markets)

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1980

The Division is involved with several activities to expand sales at farmers' markets while promoting improved nutrition through increased consumption of locally grown fresh fruits and vegetables. The following activities are being implemented in collaboration with a number of state agencies and organizations.

- providing farmers' market development and promotion assistance to local government and community based organizations;
- co-administering the New York State Women, Infants and Children (WIC) and Senior Farmers' Market Nutrition Program at 400 farmers' markets (925 farmers), serving 251,000 WIC and 115,000 low-income senior households. This federally funded program supports many farmers' markets in low-income urban and rural areas while generating \$5.2 million annually for New York farmers (\$50 million since 1988);
- co-administering the Farmers' Market Wireless Electronic Benefits Transfer (EBT) Program by providing food stamp program participants with access to farm fresh food at open air farmers' markets, and enabling credit/debit card capacity at the farmer's or market's option;
- co-administering the New York State Farmers' Market Grant Program, providing matching infrastructure grants up to \$50,000 for protective shelters, signage, paving, lighting, electricity, and other physical improvements;
- assisting farmers' markets in gaining access to United States Department of Agriculture funds and private foundation grant programs;
- overseeing the New York City Wholesale Farmers' Market study to establish a wholesale farmers' market to connect medium-scale farmers with thousands of New York City wholesale buyers (restaurants, bodegas, etc) seeking local produce;
- designating farmers' markets to assist the State Liquor Authority in granting no-fee permits to wineries, thereby allowing them to sell New York State wine by the bottle at markets.

**Issues:**

- Farmers' Market Grant Program needs expanded funding to meet growing demand from numerous local municipalities to ensure permanency of market sites.
- New United States Department of Agriculture WIC Fruit and Vegetable Program is expected to include farmers' markets thereby presenting enormous opportunity for additional sales to New York farmers (directly and through stores).

- Annual \$900,000 state match funding from DOH would be better placed in Agriculture and Markets' budget to streamline administrative fiscal operations.
- WIC and Senior FMNP need continued advocacy in Congress to ensure continuation and expansion to meet unmet needs of low-income WIC and Senior population.

**Population Served:** Direct market farmers, consumers.

**Performance Measures:** Expanded market participation in the Wireless EBT Program.

NYS Department of Agriculture and Markets  
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Agricultural Business Services Program

Local Assistance

**Program:** Farmers' Market Grant Program

**Mandate:** AML, Article 22

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2000

Article 22 of the Agriculture and Markets Law authorizes the Department to make grants for the purpose of providing State assistance for the construction, reconstruction, improvement, expansion or rehabilitation of farmers' markets. The maximum grant award is \$50,000 and requires the applicant to provide a certain level of matching funds. To the extent feasible, every effort is made to ensure an equitable distribution of awards to rural areas and other areas of the State.

**Issues:** Changes to Article 22 of the Agriculture and Markets Law made in 2006 will necessitate revisions to the Request for Proposals, Application, and the Evaluation Instrument since the program has been expanded to include grants for operational and promotional expenses. Previously, grants were only permitted for capital improvements. The legislation also clarifies that markets are intended to offer a diversity of products and may be located on property owned by either an individual or business.

Based upon the number of applications received and the amount of funding requested compared to the amount of funds made available, there is a demonstrated need for continuance of the program.

**Population Served:** Farmers' markets.

**Performance Measures:** Grant funds are awarded on a timely basis and projects completed win accordance with plans.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services

**Program:** Renewable Fuels Roadmap and Sustainable Biomass Feedstock Study for NY

**Mandate:** Serve on and carry out the recommendations of the Governor's Renewable Energy Task Force

**Mandated Funding Level:** Presently, \$150,000

**Brief Description/History/Background:** It is universally recognized and acknowledged that agriculture will play a pivotal role in reducing our dependence on fossil fuel. In 2007, a task force on renewable energy was convened and chaired by then Lieutenant Governor Paterson. Comprised of 20 members, this distinguished group of experts represents the broad array of stakeholders in the renewable energy field, including renewable energy and alternative fuel industries, environmental and agricultural communities, academia, local government, energy policy, green buildings, economic development, public utilities as well as, State government agencies. Commissioner Hooker serves on the Renewable Energy Task Force.

One of the major issues to be initially addressed by the task force is to assess critical environmental, capacity, technology, efficiency and economic issues for renewable fuels. In order to accomplish this it was recommended that the State develop a Renewable Fuels Road Map and Sustainable Biomass Feedstock Supply Study for NY. This assessment will provide policy makers with a better understanding of the possible consequences that increased use of renewable fuels may have on the environment, and public health, and will put forth a plan to mitigate impacts and create a national standard for production and use of such fuels.

To accomplish this task the Department was requested by the Governor's Office to work with NYSDEC and NYSERDA to develop and fund a RFP. The Department's funding obligation is \$150,000. NYSERDA is the lead administrator for the RFP (NYSERDA RFP 1249). Total amount available for RFP is \$750,000. Due to the critical nature of this work this RFP has been put on an expedited schedule. The RFP was developed and released in June of 2008. Proposal deadline for submittal was Aug 12. Contract is to be awarded in September of 2008. Work is to be completed by March of 2009, with annual follow-ups for two years.

**Issues:** Identification of barriers in NYS to wider deployment and installation of renewable energy. Recommendation of policies, including financial incentives to overcome those barriers to attract clean industries to economically depressed regions of the state. Identification of future market areas where additional research and development investment is necessary.

**Population Served:** NYS

**Performance Measures:** For this particular task, completion, submittal, approval and acceptance of Biofuels Roadmap and Sustainable Biomass Feedstock Study.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Agricultural & Farmland Protection Program, including providing financial and technical assistance through –

- 1) Farmland Protection Planning Grants (FPPG)
- 2) Farmland Protection Implementation Grants (FPIG)

**Mandate:**

Law: AML, Article 25-AAA, section 321 et. seq.

Regulation: 1 NYCRR, Chapter X, Part 390

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1996

Article 25-AAA of the Agriculture and Markets Law authorizes the Commissioner to maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to assist counties and municipalities in developing agricultural and farmland protection plans and to assist both in the implementation of such plans. The purpose of these programs is to fund local initiatives that are intended to maintain the economic viability of the State's agricultural industry and its supporting land base and to protect the environmental and landscape preservation values associated with agriculture. Since the inception of the program in 1996, \$151 million in funds have been awarded to municipalities across the State to preserve 63,700 acres through the purchase of development rights (PDR).

**Issues:**

- Technical guidance to local governments has not traditionally been a focus of the Department's ongoing assistance efforts regarding farmland protection.
- Acceleration of agricultural & farmland protection activities across the State will be limited by (i) local staff and financial capacity and limited technical expertise, (ii) staff capacity of the Department, and (iii) cumulative financial resources of State and participating local governments.

**Population Served:** Farm and farmland owners and communities throughout the State.

**Performance Measures:** Successful protection and preservation of farmland measured in acres. Timely processing of contracts and easements.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Agricultural District Program

**Mandate:** AML, Article 25-AA

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1971

Article 25-AA of the Agriculture and Markets Law authorizes the creation of local agricultural districts pursuant to landowner initiative, preliminary county review, county adoption and State certification. In 2007, a total of 289 districts, comprised of 22,823 farms and encompassing about 8.5 million acres of land (about 30 percent of the State's total land area) were in existence in 53 of the 62 upstate counties throughout New York State.

The purpose of agricultural districting is to encourage the continued use of farmland for agricultural production. The Program is based on a combination of landowner incentives and protections, all of which are designed to forestall the conversion of farmland to non-agricultural uses. Included in these benefits are preferential real property tax treatment (agricultural assessment and special benefit assessment), and protections against overly restrictive local laws, government funded acquisition or construction projects, and private nuisance suits involving agricultural practices.

The Division manages the certification of new districts and the review and recertification of existing districts. State certification confirms that a district meets the purposes and intent of the Agricultural Districts Law and all eligibility criteria described therein.

One of the most important benefits of the Agricultural Districts Program is the opportunity provided farmland owners to receive real property assessments based on the value of their land for agricultural production rather than on its development value. Farmers receiving agricultural assessment collectively save over \$115,035,705 annually. The Division administers the Land Classification System, including maintenance of the statewide master list of agricultural soils. This system provides the basic soils information needed to calculate agricultural assessments for individual farms.

**Issues:**

**Population Served:** Farm and farmland owners and communities statewide.

**Performance Measures:** Timely processing of acreage of farmland protected under the Law is maintained or increased. Department's responsibilities for certification and recertification of agricultural districts are completed in accordance with Article 25-AA and in a timely manner.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Agricultural Protection Unit**

**Program:** Agricultural District Program – Agricultural Enterprise Determinations

**Mandate:** AML, Article 25-AA, section 308, subdivision 4

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1992

Any person may request an Opinion from the Commissioner concerning whether or not a particular land use is agricultural in nature. Frequently, municipalities request such opinions when they enforce their local law and the definition of a farm operation in their ordinance does not list a particular activity as being agricultural or part of a farm operation. The Commissioner consults the NYS Advisory Council on Agriculture prior to issuing an Opinion. The Law states that such Opinions must be issued within 30-days of its request.

**Issues:**

**Population Served:** Farm and farmland owners and municipalities.

**Performance Measures:** Timely issuance of opinions that fairly represent the interests of the agricultural industry.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Agricultural Protection Unit**

**Program:** Agricultural District Program – Limitation on Local Regulation

**Mandate:**

Law: AML, Article 25-AA, section 305, subdivision 4

Regulation: 1 NYCRR Part 371

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1971

To safeguard against zoning and regulatory actions by localities which inhibit farming operations. Section 305-a of the Agricultural Districts Law (ADL) prohibits the enactment and administration of comprehensive plans, laws, ordinances, rules or regulations by local governments which would unreasonably restrict or regulate farm operations within an agricultural district, unless it can be shown that the public health or safety is threatened. The Commissioner may independently, or upon a complaint, initiate a review of the enactment or administration of a local law. The Commissioner is authorized to bring an action or issue an order to enforce ADL section 305-a.

**Issues:**

**Population Served:** Farm and farmland owners.

**Performance Measures:** Reviews are conducted in a timely manner and in the best interest of farming operations.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Agricultural District Program – Limitation on the Exercise of Eminent Domain and the Advance of Public Funds to Construct Water and Sewer Projects

**Mandate:**

Law: AML, Article 25-AA, section 305, subdivision 4

Regulation: 1 NYCRR Part 371

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1971

For the most part, Notice of Intent (NOI) filings examine projects where municipalities advance funds to construct water and sewer lines on land that traverses agricultural districts. Department staff examine potential project impacts and may recommend the adoption of the Department's Construction Guidelines and the passage and enforcement of lateral restrictions. Department staff work with State and federal agencies who partially fund a portion of these projects. Department staff also review projects where a local government or special benefit corporation intends to acquire land within an agricultural district. Project impacts are identified and discussed with the project manager and landowners. The Commissioner may issue a Determination and Order to delay the project for 60-days and identify mitigation, if any, that may adequately address the identified impacts to farm operations.

**Issues:**

**Population Served:** Farm and farmland owners.

**Performance Measures:** NOI filings are reviewed in a timely manner and Determinations and Orders are issued when appropriate.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Agricultural District Program – Sound Agricultural Practices

**Mandate:** AML, Article 25-AA, section 308, subdivision 4

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1992

The Agricultural Districts Law authorizes the commissioner to issue opinions, upon request, concerning the soundness of specific agricultural practices. If the Commissioner determines that a practice is sound, it shall not constitute a private nuisance. Division staff performs in-depth, on-site reviews of practices which are called into question. The information and facts they obtain form the basis for the Commissioner's opinion. In order for a practice to be considered sound, it must be legal, not harmful, necessary and supported by expert guidance or opinion. Most of these cases involve extensive investigation and may take six to twelve months or longer to complete depending on the complexity of the issue.

**Issues:**

**Population Served:** Farm and farmland owners.

**Performance Measures:** Reviews are conducted in a timely manner and fairly represent the best interests of agriculture.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Agricultural Protection Unit**

**Program:** Agricultural Issues Subcommittee/Real Property Tax Administration Committee

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1999

The Agricultural Issues Subcommittee of the Real Property Tax Administration Committee was established to review a range of agricultural assessment policies and practices and their administration, and to advance a plan to integrate and simplify the several agricultural assessment/exemption programs. The subcommittee, in addition to the seat held by the Department of Agriculture and Markets, includes three county real property tax directors, three representatives of the Office of Real Property Tax Services; three representatives of the New York State Assessors Association and a representative from the New York Farm Bureau

**Issues:**

**Population Served:** New York State food and agriculture industry.

**Performance Measures:**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Farm, Apple and Cuisine Trail Designation Program

**Mandate:** AML, Article 23, section 284-a

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2005

The Farm Apple and Cuisine Trail Designation Program, administered by the Department of Agriculture and Markets in cooperation with the Department of Transportation, is designed to promote greater agricultural marketing and promotional opportunities for agricultural producers located in the areas of such trails. A maximum of ten farm trails, seven apple trails and five cuisine trails may be designated. Geographic proximity of participating producers, alignments of trails, thematic consistency and utilization of maps or other directional devices will be considered in deciding trail designations of no more than 25 miles in length.

**Issues:** The original statute which established the trails program included trail length and configuration requirements that severely limited the number of eligible program applicants. In addition, the statute required the Department to implement the program in consultation with a number of industry organizations which are currently inactive or in some cases no longer exist. These constraints resulted in only one trail designation since the program was established in 2005. Legislation designed to rectify these problems and facilitate designation of trails was passed this year and now awaits the Governor's signature.

**Population Served:** Tourists, consumers and agricultural producers.

**Performance Measures:** Number of trails designated.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Municipal Planning Grants

**Mandate:** AML Article 25-AAA, section 322(2)

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2005

Section 322(2) of the Agriculture and Markets Law was amended to authorize municipalities to be eligible for State financial assistance to prepare municipal agricultural and farmland protection plans. This revision enables municipalities to receive up to 75% of the cost of preparing such plans. The State's financial contribution shall not exceed \$25,000 to each municipality or \$50,000 to two such municipalities applying jointly. Municipal grant application forms and guidelines were released in September 2007. In early 2008, 34 municipalities were awarded grant funds (\$862,445) to develop local agricultural farmland protection plans.

**Issues:**

**Population Served:** Farm and farmland owners and municipalities.

**Performance Measures:** Funding and successful production of budgeted number of municipal plans annually.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** New York State Scenic Byways

**Mandate:** New York State Highway Law, Article XII-C

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1992

The New York State Scenic Byways Program was created in 1992 by the State Legislature. The program encourages both economic development and resources conservation, recognizing that each of these aspects of a byway must be fostered to ensure the success of the other. The Program, administered by the Landscape Architecture Bureau of the New York State Department of Transportation; is guided and implemented by the Scenic Byway Advisory Board that includes a number of State agencies including the New York State Department of Agriculture and Markets as well as members of the motoring public tourism associations and organizations interested in preserving scenic quality. The Scenic Byways Advisory Board meets two to four times per year.

**Issues:**

**Population Served:**

**Performance Measures:**

NYS Department of Agriculture and Markets  
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Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Agricultural Protection Unit

**Program:** Public Utility Construction

**Mandate:**

Law: Public Service Law Article VII

Regulation: 16 NYCRR Part 85

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1970

Review utility project proposals to determine potential impact to agricultural operations. Recommend alternatives to protect agriculture. Also, monitoring construction activities in agricultural fields and follow-up post construction monitoring.

**Issues:**

**Population Served:** Farm and farmland owners.

**Performance Measures:** Projects are reviewed in a timely manner and viable alternatives are identified and implemented when necessary.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit**

**Program:** International Trade

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1973

The Division facilitates the sale of New York's food and agricultural products throughout the world through a wide range of activities that create and strengthen relationships with potential foreign buyers.

Furthermore, New York's foreign market presence is fortified through the Department's involvement in Food Export USA-Northeast -- a consortium of ten northeast state departments of agriculture. Food Export USA-Northeast serves to promote the sale of United States products internationally and provides an opportunity to share expertise and information between states in a timely and efficient manner.

Activities include:

- **Trade Missions:** Introduce buyers from around the globe to New York food products and companies.
- **International Trade Shows:** Increases exposure and sale of New York food products through dozens of venues where the Department sponsors a New York exhibitor pavilion.
- **Food Export Helpline:** Provides export counseling to small and medium sized food companies.
- **Market Builder Service:** Provides product specific market research (e.g. label regulations) to food companies by in-country experts as well as identifying and introducing key importers.
- **Market Access Branded Program:** Assists companies in securing federal funds for individual branded product market development and promotion activities (e.g. trade show expenses, labeling changes, advertising, in-store promotions, etc.). In FY 06-07, 52 New York companies received allocations totaling over \$1.9 million.
- **Other Technical Assistance:** Division staff provide one-on-one export support to companies as well as facilitate meetings between manufactures, distributors, and other sectors of the industry to maximize export opportunities.

**Issues:**

- United States agricultural exports have grown from \$56 billion in 2003 to an estimated \$101 billion in 2008. This exponential growth is expected to continue for United States companies of all sizes with increasing consumer incomes and world-wide emerging markets. This added demand for American products provides new opportunities for New York companies interested in growing and entering foreign markets.

**Population Served:** Food/beverage companies and agricultural producers who source those companies.

**Performance Measures:**

- Increased participation by New York food companies in Food Export USA-Northeast branded and generic activities.
- Increased exports of New York produced and processed food products.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit**

**Program:** New York City Food and Agriculture Initiatives

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1978

The Division develops and facilitates initiatives to capture the \$30 billion/year buying power of New York City consumers through retail stores, restaurants, institutions, and farmers' markets. At the same time, these efforts enhance the city's access to high quality farm fresh foods and improve the quality of life.

Initiatives currently include:

- expanding and strengthening New York City's network of 85 greenmarkets and other farmers' markets;
- establishing a New York City Wholesale Farmers' Market to connect medium scale farmers and producers with city buyers (including top restaurants, distributors, and thousands of retail stores and restaurants in low income areas lacking access to farm fresh food);
- facilitating marketing of New York State produce to 1,200 New York City schools serving over one million children;
- developing and managing Pride of New York, agritourism, and other high-profile promotional events thereby encouraging and supporting city-based food businesses using New York farm and food products;
- supporting marketing of Catskill Watershed products to ensure water quality and agricultural profitability;
- working with the New York City food industry and officials on marketing and processing infrastructure improvements;
- supporting urban agriculture projects involving youth, minorities, and immigrants in agricultural production leading to jobs and careers;
- representing the Department and its programs to New York City officials, organizations, and the media.

**Issues:** The rapidly growing public interest in locally grown foods, community farmers' markets, agritourism, food safety and security, agricultural land preservation, and access to fresh foods (as key to maintaining health at all ages and combating an epidemic of obesity and diabetes) presents many new opportunities for farms, food businesses and consumers. By enhancing the profile and representation of the Department and its programs in New York City, we could better meet rapidly growing consumer demand for New York foods, retain and develop new food businesses, and improve public market infrastructure to provide regional access for New York State producers and consumers alike.

**Population Served:** Urban residents/consumers; tourists; urban and Upstate farmers; farmers' markets; Greenmarkets; environmental organizations; health organizations; community garden organizations; various City departments (e.g. Health, Planning); community development and environmental organizations; neighborhood groups; hunger/food access groups; planners; schools, colleges and other educational institutions

**Performance Measures:** Increased penetration of the New York City food market by New York food and beverage products.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit

**Program:** Pride of New York

**Mandate:** AML, Article 2, section 16, subdivision 8

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1996

The Pride of New York Program is the branding program for New York State agricultural and food products. Developed to highlight and promote preference for New York State products, the Program has grown dramatically in recent years as interest in "buying local/New York" has significantly increased.

The Program develops and executes targeted multi-media campaigns that promote the Pride brand and raise consumer awareness about New York food products. Campaigns are strategically executed to reach a number of different demographics (member, consumer, student, trade and subsets of vertical markets, etc.) and include B2B (Business to Business) and B2C (Business to Consumer) promotions. Resources offered to members include print advertisements, TV/radio broadcast ads, point-of-purchase materials, cooperative advertising, trade shows and consumer events, assistance with publicity/press relations, and web-based communications.

In addition, the Division contracts with a consultant on a part-time basis to educate and promote the Pride Program food retail chains in the New York metro area.

**Issues:** As consumer awareness and institutional interest in sourcing local food products continues to dramatically increase, opportunities to partner with businesses and organizations in communities across the State, particularly in large markets such as New York City, will also expand. Specific opportunities that have or will have been implemented include: supermarket promotions, farm-to-school, institutional sales, organic promotion, consumer education, restaurant/chef promotions, retailer co-branding, regionally-based promotions, and a variety of special events.

Additionally, current federal proposals to add significant amounts of fresh fruits and vegetables in the Women, Infants and Children (WIC) food benefit package offers tremendous opportunities to work synergistically with the Department of Health in promoting the sale of Pride of New York produce.

**Population Served:** Consumers, growers and farm businesses, wineries, food processors/manufacturers, food service organizations, retailers, direct marketers, brokers/distributors, county/regional economic development and tourism offices, agri-tourism destinations and related trade associations

**Performance Measures:** Increased active participation of retailers in the Pride of New York through use of POS materials and promoting "Buy Local."

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit**

**Program:** Produce Promotion

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1975

New York ranks fifth in the nation for fresh vegetable production and sixth for processing vegetables. To support this valuable sector of the industry, the Division has long established marketing and promotional activities to help produce growers expand their sales potential.

- **Trade and Buyer's Missions:** By organizing meetings and tours between growers and pre-qualified buyers, new sales opportunities are discovered and forged.
- **Produce Marketing Association (PMA):** New York has maintained an active membership in the PMA for the last 25 years and has regularly participated in its produce show, which is the largest produce show in the U.S. with more than 23,000 trade representatives attending, New York producers report the show is a valuable opportunity to increase sales. To increase exhibitor visibility and maximize New York sales potential, the Department offers New York producers space in a New York Pavilion at the PMA and other shows.
- **Food Retail Vendor Shows:** Retail shows provide the Department with an opportunity to educate retail produce buyers about the Pride of New York program and availability of New York crops. The Pathmark Show, Shop-Rite and Sobey's (Canada's second largest food retail chain) are examples of retail shows that the Department has participated in the past.
- **Retail Stores:** In order to capitalize on the tremendous consumer interest in purchasing local fruits and vegetables, the Department has initiated a Pride of New York retailer promotion program that assists retailers in sourcing from New York producers and highlights and promotes those products in the stores.

**Issues:** Although New York has had a strong presence with certain components of fruit and vegetable sectors at domestic shows, the growing and increasingly valuable "green industry" encompassing a wide variety of greenhouse and horticultural crops offers significant opportunity to further build New York recognition and sales. Additionally, sourcing of berries and stone fruits has at times been difficult and sales could benefit from a fruit shipper directory or other tools to improve coordination.

Furthermore, current federal proposals to include fresh fruits and vegetables in the WIC food benefit package offers tremendous opportunities to work synergistically with the Department to promote the sale of New York produce.

**Population Served:** Fruit and vegetable producers, wholesalers, brokers/distributors, retailers, consumers

**Performance Measures:**

- Participation of produce growers in events and activities such as the PMA Show.
- Evidence of increased New York produce and sales in retail markets.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit**

**Program:** Trade Shows

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:** The Department supports domestic and international marketing by sponsoring exhibitor pavilions at a number of major trade shows. Because many companies do not have the expertise, time or funding to build a free-standing booth for presence at trade shows, the Department offers New York State food producers and processors a professionally designed turn-key exhibit (with signage, lighting, tables, shelving, etc.).

By grouping producers under one New York State Pavilion, we are able to maximize the visibility of New York products to literally thousands of potential buyers at each event. Each year, Division staff select key industry events to participate in based on trade show participation and level of company satisfaction. The Department typically organizes a New York State pavilion at:

- The U.S. Food Export Showcase
- United Fresh Fruit and Vegetable Association Show
- The National Restaurant Association American Food Fair
- The Produce Marketing Association Show
- The Summer Fancy Food Show
- The Kosherfest Show
- International Dairy Deli Bakery Show

In addition, the Division, primarily through the Pride of New York Program, provides and maintains an exhibit at various consumer events throughout the State (e.g. Harvest Fest, Empire Food Fest, etc). Each year at the New York State Fair we showcase and educate thousands of consumers about the depth and diversity of New York State grown and processed food products. This year we are expanding our presence at the Fair by adding 2 new exhibits and offering New York products for purchase on site.

**Issues:** As the free trade agreements and global markets continue to evolve, it is essential that we continue to adapt our trade show strategy to maximize exposure and returns.

**Population Served:** Food/beverage companies and agricultural producers who source those companies

**Performance Measures:**

- Level of participation by New York producers and other food companies in Department sponsored trade show pavilions.
- Level of sales and new business generated by participants in trade shows as reflected in post show surveys

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit

**Program:** Kosher Marketing

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1987

The Division has been engaged in a number of activities to market the sale of kosher food items produced in New York State. These activities include:

- Meeting with companies and strategizing ways to increase their market share within New York and throughout the United States.
- Assisting companies in identifying and fully utilizing programs to assist in exporting their products. This includes determining which international markets are suitable for individual products and then connecting companies with federal resources to gain additional information and financial assistance.
- Sourcing kosher products and ingredients for companies that are seeking to expand their kosher product line or for manufacturers who are in need of specific ingredients.
- Assisting companies that are exploring the possibility of attaining a kosher supervision for their product. Division staff share marketing materials regarding the kosher market potential for companies, direct companies to the major kosher supervisory organizations, and remain available for consultation throughout the process.
- Coordinating a showcase of kosher products from New York State at Kosherfest, the annual kosher food show at the Javits Center in New York City. This involves outreach to every kosher company in the State to encourage participation and acquire product samples for display at the show. Division staff also create a directory of New York State products for distribution to food show attendees.
- Editing *Kosher Marketing Reports* for USDA Foreign Agricultural Services. These reports, which are prepared by representatives in different embassies around the world, are edited and reviewed by Division staff for content and accuracy.
- Working in cooperation with the Division's International Marketing Specialist, the Division's kosher marketing staff arrange international trade missions for foreign buyers that come to New York City. Kosher staff also design and co-coordinate tours of food retail and manufacturing facilities within the metropolitan New York City area for various visiting international groups and individuals.

**Issues:**

**Population Served:** Kosher community, food/beverage manufacturers, retail outlets.

**Performance Measures:**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Marketing and Promotion Unit**

**Program:** Community Gardens

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:** Around the State, particularly in New York City, a large number of community gardens provide a wide variety of social, recreational, educational, and economic opportunities for residents interested in growing vegetables and flowers in an urban or suburban setting. Community gardens can be quite productive in terms of amount of produce grown, due to intensive cultivation methods, efficient garden spacing, varieties with long-term harvest dates, and the ability of gardeners to provide timely care.

Involvement in community gardening provides people of all ages and backgrounds with the means to producing fresh, nutritious food that meets their cultural preferences. At the same time community gardens offer exercise, recreation, and nutrition education opportunities that help residents combat obesity while providing an effective hands-on means to gain a more complete understanding of farming/food production and its environmental and economic benefits.

Community gardens of a larger scale (urban farms) can provide youth with job readiness skills, offer immigrants with previous agricultural background an opportunity to re-enter agriculture, and produce special products for sale to local stores and restaurants (or donated to neighborhood emergency food providers). Gardens are also valued neighborhood amenities that can add to the quality and outright value of adjacent real estate.

For these reasons, many local governments, nonprofit organizations and community groups have taken an active role in creating or maintaining a community garden program in their localities. Often located on formerly vacant public land, community gardens are typically regarded as volunteer-managed open space that complements the urban park system.

In 2007, because of the growing interest in community gardens, the Department added the responsibility of developing, coordinating and promoting a New York State Community Gardens Program to a staff person in the New York City office. The program is developing connections with various New York City organizations and other Department efforts, including farmers' market nutrition programs, farm-to-school (see below), new farmer development and Pride of New York.

**Issues:** Because most community gardens are located on reclaimed or vacated lots, they are susceptible to development or being sold. Therefore many communities are in are in need of identifying and/or securing local and/or state protections in coordination with effective land use models (e.g. land trust or Non-profit organizational management).

With changing demographics, there is an immediate need to build the capacity of community garden organizations to address member issues and leadership development.

There is a growing and significant interest among schools to using gardening and growing food as an effective way to educate youth about where food comes from and healthy eating while also providing critical physical activity, job skills development, entrepreneurship, etc.

**Population Served:** Urban residents, particularly lower-income communities; community garden organizations; local municipalities; community development and environmental organizations; urban

farmers; health organizations; hunger/food access groups; planners; schools, colleges, and other educational institutions.

**Performance Measures:** Level of participation in Department sponsored events.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit

**Program:** Beginning Farmer Loan Program

**Mandate:** Chapter 366 of the Laws of 2004 amended the New York State Public Authorities Law by adding section 1285-r

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2004

The New York Beginning Farmer Loan Program (NYBFLP) provides low-cost financial assistance to beginning farmers in New York State for the purchase of agricultural property and equipment to help start a farming business or to facilitate inter-generational transfer of a farm business. The NYBFLP is administered by the New York State Environmental Facilities Corporation (EFC), in conjunction with the Department of Agriculture and Markets.

The assistance is in the form of tax incentives to lenders who make loans to qualified beginning farmers. This allows lenders to pass assistance on to the beginning farmer in the form of lower interest rates on loans. Tax-exempt "Aggie Bonds" are used to finance the low-interest loans. With the NYBFLP, the beginning farmer will save money because of the reduced interest rate paid over the term of the loan.

Under this program, New York State does not directly provide funds to finance the lender loan, but rather uses the lender's money from their bond purchase to pass on to the beginning farmer in the form of a loan that is assigned back to the lender. New York State or EFC shall not be liable or responsible for the failure, in any way, by either the beginning farmer or the lender, and EFC cannot recommend a specific lender to the beginning farmer.

**Issues:** Although the program was established in 2004, the program guidelines and documents were not finalized until July, 2006. EFC is now ready to begin accepting applications to the program. The program assists in fulfilling a critical industry need to provide low-cost financing to beginning farmers in New York State.

**Population Served:** New farmers.

**Performance Measures:** Funding is available to individuals looking to start a farming business.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit**

**Program:** Determinations and Declaration of Grape Disasters and Authorization for Farm Wineries to Source Grapes Out-of-State

**Mandate:** AML, Article 2, Section 16

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2005

The Department is required, in consultation with the State Liquor Authority, to investigate and make determinations of natural disasters or continued adverse weather conditions that affect the grape crop or other fruit products used in the production of wine. After determination of a disaster the Department declares which grape varieties qualify for the loss. Farm wineries impacted by the losses can then apply for authorization to manufacture or sell wine from grapes grown outside of New York State.

In 2006, the law was amended to provide for timelier disaster determinations. Farm wineries are now notified of such determinations by August 20 with subsequent declarations made by October 10.

**Issues:**

**Population Served:** Wineries.

**Performance Measures:** Determinations of disasters are issued timely to enable wineries to purchase out of state grapes if necessary.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit**

**Program:** Farm Products Dealer Licensing Program (Agricultural Producers Security Program)

**Mandate:** AML, Article 20

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1909

Article 20 of the Agriculture and Markets Law requires anyone purchasing more than \$10,000 annually in farm products for resale from New York producers be licensed by the Department. The purpose of the law is to ensure timely payments to the State's producers and to provide some measure of financial protection in the event a dealer defaults in payment. Dealers are required to pay producers for their products within a certain time period, generally 30 days, unless it is agreed upon, in writing, to extend such period to a maximum of 120 days. Dealers are required to post surety in the form of a performance bond or letter of credit guaranteeing payment in the event of default. The maximum amount of surety required is \$400,000 and is based on a dealer's annual purchases and financial condition. Additional protection for producers is provided by the Agricultural Producers Security Fund to cover losses beyond the amount of surety posted and the Article 20 trust. The Article 20 trust allows producers to preserve their trust benefit and to enforce it by civil action to recover the money owed in the event a dealer defaults in payment. Trust assets of the dealer consist of the producer's farm products, all inventories of food or other products derived from the farm products, receivables or proceeds from the sale of the farm products. Once the producer preserves their trust benefit in writing and the dealer defaults in payment, the producer can enforce payment by taking civil action to recover the money owed from these trust assets.

The Security Fund is financed through fees paid by dealers based on the amount of their annual purchases. The Department is allowed to deduct from the Fund on an annual basis up to five percent of the authorized fund cap (currently \$4 million) to cover administrative costs.

Article 20 also requires grape processors to file with any party delivering grapes a stated grape price by August 15 of each year that indicates the amount to be paid to any producer for their grapes.

**Issues:** Major default(s) can have a significant impact on the financial condition of the Security Fund. A recent \$2 million payout reduced the fund by half. Additional large payout(s) could bankrupt the Security Fund lessening protection available to producers. While New York's Agricultural Producers Security Program is one of the most comprehensive and progressive in the country, we are continually evaluating its provisions for further opportunities to enhance grower protection. A comprehensive internal program review will be conducted in 2008 to review and evaluate the current protections offered growers and possible ways to enhance them.

**Population Served:** Farmers.

**Performance Measures:**

- Dealer's license applications are reviewed and either approved or denied on a timely basis.
- Dealer financial risk is assessed and security levels set at a sufficient level with constraints of law.
- Producer complaints against dealers are investigated and resolved on a timely basis.

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**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit**

**Program:** Farmers' Market Nutrition Program and Senior Farmers' Market Nutrition Program

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1988

The New York State Farmers' Market Nutrition Program (FMNP) provides nutrition benefits to low-income women, children, and senior citizens and promotes the purchase of New York State fresh fruits and vegetables at farmers' markets throughout the State. The purpose of the FMNP is to encourage increased use of locally grown fresh fruits and vegetables by families in need of better nutrition, expand awareness and use of farmers' markets, and enhance farmers' incomes by attracting new customers and increasing sales.

Under the program, New York State farmers' market checks are provided during the summer to families enrolled in the Women, Infants, and Children (WIC) Program and senior citizens programs in communities with farmers' markets. Recipients bring their checks to authorized farmers' markets and use them to purchase locally grown fresh fruits and vegetables from participating farmers. Farmers accepting the checks redeem them through local banks.

The checks are distributed at selected WIC and senior program sites to eligible families enrolled in these programs. The value of farmers' market checks allocated to a given area is based on enrollments at WIC local agencies and senior program sites, such as congregate meal sites. In 2006, WIC families received a one-time benefit of \$24.00 per household (a booklet of twelve checks each with a face value of \$2.00); low-income seniors received \$20.00 in checks per household.

Only locally grown fresh fruits and vegetables (and fresh cut herbs) may be purchased with New York State farmers' market checks. FMNP recipients may also use cash to purchase additional fresh produce and other items at the market. Nutrition education in the selection and use of fresh produce is provided to participating WIC families and seniors at nutrition sites and farmers' markets.

In 2008, the FMNP operated at 400 farmers' markets in all 62 counties, benefiting 925 farmers, 251,000 WIC households, and 115,000 low-income seniors. More than \$5.2 million in locally grown fresh produce was purchased at farmers' markets in 2007 by WIC families and seniors (excluding cash sales) and added to the local farm economy -- over \$50 million since the program began in 1988.

**Issues:**

- Imminent changes to the WIC food package and potential impact on federal funding.
- State funds are currently appropriated to the Department of Health and transferred by MOU to our Department. This creates problems with carrying unutilized funds forward into succeeding program years.
- Demand always exceeds supply of checks particularly for the SFMNP which could easily be doubled or tripled if funds were available.

- Contracting and printing of materials is always a problem due to the outdated requirements for the bidding and printing of items in excess of \$5,000.

**Population Served:** The WIC Farmers' Market Nutrition Program serves low income families with children under 5 years old, (families at or below 185 percent of the federal poverty level).

The Senior Farmers' Market Nutrition Program serves low income households with persons 60 years old and above. Once again, the income limitation is 185 percent of the federal poverty level (\$1,604/month for a single person and \$2,159 for a two person household).

Combined, the Programs contributed \$5.2 million in revenue to 925 local farmers in 2008. In addition, these Programs were influential in the establishment and continued operation of 395 participating farmers' markets that provide marketing channels for several times the number of farmers and other vendors/producers participating in the FMNP while providing nutritious products for consumers.

**Performance Measures:** Ultimately, the performance of these Programs is measured by how effectively the available funds are used to serve the target populations. In 2007 all of the federal and State funds were utilized. Other performance measures include the growth in the number of farmers participating at farmers' markets and a growth in the number of markets serving the consumers regardless of whether or not those consumers are actively participating in these Programs. In 2008 we estimate sales in excess of \$5.2 million attributable to the FMNP and sales of several times that amount in total at participating farmers' markets from cash customers enrolled in other nutrition programs including food stamps.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit

**Program:** Job Development Authority

**Mandate:** Public Authorities Law, section 1802

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1961

The purpose of the New York State Job Development Authority (JDA) is to improve employment opportunities in New York State by assisting in financing the cost of eligible business facilities or machinery and equipment for use by businesses within the State. The JDA issues both taxable and tax exempt bonds to finance its lending programs. Projects are financed through loans to local development agencies which in turn provide funds to companies. The Commissioner of the Department of Agriculture and Markets is an ex officio member of the JDA. In support of the Commissioner's statutory responsibilities, Division staff review all JDA loan applications, provide analysis and recommendations on proposed program and operating policies of the Authority, and represent the Commissioner at meetings of the Authority.

**Issues:**

**Population Served:** Agri-businesses, food manufacturers and processors.

**Performance Measures:** Agricultural perspective is provided to ensure sufficient capital opportunities for agri-business.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit

**Program:** Market Order Administration

**Mandate:**

Law: AML, Article 25, section 294

Regulation: 1 NYCRR Parts 201, 202, 203, 204 and 205

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: SCMO - 1958; AMO - 1959; ORDP - 1985; ARDP - 1990; CRDP - 1999

The Division is responsible for the administration of all farm product marketing orders except those involving dairy products. Marketing Orders are created based on a voluntary, majority vote of commodity growers in the State. Funding for these orders is provided through grower assessments. Currently, the Division administers the following five orders: Apple Marketing Order (AMO), Apple Research and Development Program (ARDP), Sour Cherry Marketing Order (SCMO), Onion Research and Development Program (ORDP), and Cabbage Research and Development Program (CRDP). Together, these orders generate about \$1.75 million annually in industry funds which are used for marketing, promotion and research purposes.

**Issues:** Need to increase compliance with reporting and assessment payment requirements. Increased assessment collections will result in additional moneys available for marketing, promotion and research.

**Population Served:** Apple, onion, cabbage and sour cherry growers and dealers.

**Performance Measures:**

- Growers comply with reporting and assessment remittance requirements.
- Beneficial research is conducted to help growers address plant pests and diseases.
- Marketing and promotion efforts are effective in improving grower markets for products.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit

**Program:** Stated Grape Price

**Mandate:** AML Article 20, section 250-e

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1983

Grape processors are required to file with any party delivering grapes a stated grape price by August 15 of each year that indicates the amount to be paid to any producer for their grapes. A copy must also be provided to the Commissioner by August 15. A grape processor may negotiate a price other than the stated grape price with a grower for up to five tons per variety, not to exceed a maximum of twenty tons in total.

**Issues:** Current law only provides for growers to be notified of the stated grape price by mail while the Commissioner can be notified by mail, facsimile or electronic means. Statute should be amended to also allow grape processors to notify growers of stated grape price by mail, facsimile or electronic means.

**Population Served:** Grape growers.

**Performance Measures:** Grape processors report prices to be paid for grapes by required deadline.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Agricultural Protection and Development Services  
Business Development and Support Services Unit

**Program:** Organic Certification Reimbursement

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2001

Through a cooperative agreement with United States Department of Agriculture, the Division reimburses growers for a portion of their cost to gain organic certification. The program allows for reimbursement of 75% of growers' costs, up to \$500.

**Issues:** With strong consumer demand for organic products and increasing interest from growers to meet this demand and gain a premium on returns, this program is a valuable economic development tool for New York agriculture. There is an opportunity to maximize grower participation, as well as consumer access to organic product information, through improved web site capabilities and enhanced connections to other programs, such as the Pride of New York.

In the past, organic processors were also eligible for funds through this program. It would be advantageous if the United States Department of Agriculture again allowed them to participate.

**Population Served:** Organic farmers.

**Performance Measures:** Timely distribution of reimbursement funds to qualifying applicants.

# **Agricultural Business Services Program**

## **Soil and Water Conservation**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

**Program:** Agri-Business Development

**Mandate:** AML, Article 2, section 16, subdivision 2

**Mandated Funding Level:**

**Brief Description/History/Background:** The Agri-Business Development Program provides technical assistance for agricultural business development in accessing conventional and/or public financing for the purpose of establishing a new agri-business or the expansion of an existing agri-business. Guidance is provided to new and/or expanding agri-businesses with respect to business planning, grant writing and preparation and project development.

Technical assistance is provided to municipal economic developers in obtaining access to various State financing programs. Assistance is provided to State economic developers in evaluating agri-business development projects. Program staff is available to meet with local officials, local economic developers and businesses to discuss business development or expansion plans.

**Issues:** New or expanding agri-businesses, regardless of size, are challenged with accessing capital through conventional financing. There is an increasing need and opportunity for the State to grow its agricultural economic base by developing complementary grant and loan programs. There is also an identified need for additional public loan and grant programs to assist in filling this gap in capital and spreading the risk in financing agri-business projects.

**Population Served:** Existing and new production and manufacturing agri-businesses.

**Performance Measures:** Agri-Business needs for new or expanded agricultural operations are addressed.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Soil and Water Conservation Committee**

**Program:** Agricultural Environmental Management (AEM)/Agricultural Nonpoint Source Abatement and Control Program

**Mandate:** Agriculture and Markets Law (Section 16 and Article 11-A), Soil and Water Conservation Districts Law, Article 2, Sections 11-b, Cooperative Memorandum of Understanding (MOU) with DEC for NPS Pollution prevention and control, Federal Earmark Agreement for AEM

**Mandated Funding Level:** Determined by annual appropriation. \$13 Million in SFY 2006-2007 and 2007-2008 from the Environmental Protection Fund (EPF), Federal appropriation \$1,000,000 annually.

**Brief Description/History/Background:** More than 90 percent of New York's remaining surface water quality problems are due to nonpoint sources of water pollution. Nonpoint source pollution results from a variety of activities on the land such as fertilizer and pesticide applications, manure spreading, timber harvesting, construction, and road salt applications. Individually each of these sources of pollution may not be noticeable, but when added together, they can have a significant impact on surface and ground water quality. According to the NYS Department of Health, 95% of all New Yorkers receive water from public water supply systems in New York State. These systems are vulnerable to both surface and ground water contamination. A major goal of the AEM Program is to support New York's diverse agricultural community in their efforts to reduce nonpoint source pollution while increasing their economic viability.

AEM is a statutory program, under the direction of the NYS Soil & Water Conservation Committee (NYSSWCC)/Department of Agriculture and Markets establishing a coordinated framework for farms to protect and enhance the environment while maintaining their economic viability. The AEM program coordinates agricultural and environmental conservation agencies and programs, as well as private sector consultants to provide technical and financial assistance to address environmental issues on farms.

AEM is the umbrella initiative used to implement the Agricultural Nonpoint Source Abatement and Control Grant Program (Ag NPS Grant Program) and the Conservation Reserve Enhancement Program (CREP). AEM serves as an evaluation tool for participation in Federal Farm Bill programs in New York State. AEM is also the means for Concentrated Animal Feeding Operations (CAFOs) to reach compliance with environmental permits through the development and the implementation of Comprehensive Nutrient Management Plans (CNMPs).

AEM is based on progressive tiered planning and strategic implementation approaches on individual farms. AEM is most effective when accomplished on a comprehensive basis in a priority watershed. AEM collects information (Tier 1), assesses farm management practices for potential environmental concerns (Tier 2), develops farm specific resource management or comprehensive nutrient management plans (Tier 3) and implements individual practices or systems of Best Management Practices (BMPs) (Tier 4) to address environmental concerns. AEM also includes an evaluation component that identifies the level of environmental improvement after a farm has achieved certain levels under the program (Tier 5). There are currently over 11,000 farms participating in AEM statewide.

Division staff provides leadership to the program by coordinating the AEM Technical Advisory Committee and various subcommittees (Certification, Evaluation, Outreach and Technical) on behalf of the NYS Soil and Water Conservation Committee. The AEM program continues to expand and diversify as its partnership of local, State and federal agencies, agricultural and environmental groups, private sector businesses and farmers continues to expand. For example:

- New assessment tools have been developed to involve diverse types and sizes of agricultural operations including the vegetable and equine industries.
- Under the AEM framework, a reporting system and a variety of resource tools have been developed to address agricultural odor issues. The reporting system procedure includes a protocol for receiving, recording and assisting with odor complaints. Additionally, we are investigating the feasibility of expanding the existing AEM Program to address agricultural air quality issues and renewable energy related to farm operations.
- Several additional outreach tools are being or have been developed to promote the AEM program, including a reconstruction of the AEM website.
- A series of "AEM in the Media" workshops were held in 2006-2008 around the State to train SWCDs on how to effectively communicate farmer environmental stewardship efforts and success stories to media outlets. AEM information, draft news articles, and media tips were also routinely provided to AEM partners through the AEM Outreach Network.
- An AEM signage recognition program is operating. The program recognizes farmers that take their level of commitment to protecting the environment to an even higher level.
- The AEM program has a Long-Range Strategic Plan to guide the program until the end of the decade. This plan is being actively implemented through the AEM Steering Committee and the AEM structure.

The New York State funded Agricultural Nonpoint Source Abatement and Control Grant Program (Ag. NPS Grant Program) is a competitive program that assists farmers in abating and preventing surface and groundwater pollution from agricultural activities by providing technical assistance and financial incentives through the Environmental Protection Fund (EPF). The Agricultural NPS Grant Program is implemented under the umbrella of the Statewide Agricultural Environmental Management (AEM) program. Currently, grants are of two types: planning grants (Tier 3) are used for farm specific environmental planning, and implementation grants (Tier 4) provide funds to construct or apply a wide variety of Best Management Practices (BMPs).

#### Status of Rounds 1 - 15

- 301 of 505 contracts completed
- Total funded ≈ \$73.6 million
- The 47 projects awarded through Round 14 included one planning contract, and 46 implementation contracts that will cost-share a wide variety of BMPs, including barnyard runoff management systems, manure storage systems, pasture management projects, and a variety of other practices that address nutrient management and erosion control. Nutrient management planning will be conducted on 11 farms, and BMPs will be implemented on 363 farms.
- Over the life of the program BMPs have been implemented on over 2,460 farms.
- The request for proposals for Round 15 is currently under review. The anticipated release is late August 2008. \$12 million from the SFY 2008-2009 Budget has been appropriated for this purpose.

**Issues:** On July 23, 2008 Governor Paterson signed an amendment to Agriculture and Markets Law, in relation to clarifying the role of the state AEM Program. The amendment added measures to abate and control air pollution and other adverse environmental impacts from farm operations through the implementation of BMPs designed to enhance the environment while maintaining the economic viability of the farm. Before this amendment was signed, the AEM Program was limited to the abatement and control of nonpoint source water pollution.

The law clarified that an AEM plan may also include measures to address greenhouse gas emissions, global warming and renewable energy related to farm operations.

The amended legislation is the foundation for a successful holistic AEM Program to include issues related to air and energy. However, the development of air quality, greenhouse gas reduction, and renewable energy assessment tools and subsequent project implementation requires an investment of state resources.

Round 14 of the Ag NPS Grant Program represented the largest amount of state funds requested totaling \$24,753,491 and total project costs totaling \$38,556,849.93. Approximately 50% of the proposals were funded leaving the remaining unfunded.

Other issues related to Ag NPS include rising engineering costs due to a decrease in available technical assistance from the USDA-Natural Resources Conservation Service (NRCS). NRCS had been assisting County Soil and Water Conservation Districts (SWCDs) with project engineering in the past, but currently NRCS has fallen behind in completing Farm Bill program projects. As NRCS has withdrawn technical support, the majority of sponsoring SWCDs have had to include private sector professional engineering services on the project budget. In addition, SWCD technical capacity to complete basic BMP designs has decreased due to attrition and new hires needing basic and intermediate technical training.

**Population Served:** NYS Farmers, general public. 12,000 farms are participating in AEM; approximately 500 farms are prioritized for implementation projects annually.

**Performance Measures:** Conduct an AEM Technical Advisory Committee Stakeholder Meeting. The Division re-organized the AEM committee structure in order to provide more efficiency to this activity and to more effectively engage Committee members.

Enhance county AEM efforts through funds provided by the EPF. Try to secure additional funding by re-establishing the AEM federal earmark.

Explore ways to expand AEM to address on farm air quality, greenhouse gas reduction, carbon trading, biomass and other renewable energy opportunities for producers and agencies.

Broaden AEM outreach efforts in New York.

Renew 52 contracts with Soil and Water Conservation Districts for the Year 4 AEM Base Program.

Contract for \$1.9 million in Agricultural Environmental Management planning activities, Tiers I, II, IIIA, IV and V planning on agricultural operations in New York State under the Year 3 AEM Base Program.

Issue 47 additional contracts for Abatement and Control of Agricultural Nonpoint Sources of Pollution. Contracts would develop Comprehensive Nutrient Management Plans or implement BMPs.

Document the completion of 25 NYS Agricultural Nonpoint Source Abatement and Control contracts.

Update the NYS Agricultural Nonpoint Source Abatement and Control Grants Program guidance manual.

**FTE Estimate:** The entire staff of the Division of Soil and Water have AEM/Ag NPS responsibilities ranging from 5% - 100% of individual staff time.

Estimate for AEM/Ag NPS = 6.00

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Soil and Water Conservation Committee

**Program:** State Soil and Water Conservation Committee Advancement to Soil and Water Conservation Districts (SWCDs)

**Mandate:** Soil and Water Conservation Districts Law, Article II Sections 4,5,6,7,8,9,10,11, 11-a, 11-b, and 12.

**Mandated Funding Level:** Determined by annual appropriation. Historically 3 Million annually for Section 11a State Aid to Districts. Annual appropriation of \$1 million for MOU with DEC.

**Brief Description/History/Background:** The mission of the New York State Soil and Water Conservation Committee is "to develop a responsible Soil and Water Conservation Program for the State of New York that will be implemented through Soil and Water Conservation Districts. The State Committee establishes policy to guide the Soil and Water Conservation Districts' programs, to assist the State's Soil and Water Conservation Districts in organizing, developing and implementing programs, to advise all agencies of government on matters relating to soil and water conservation, and to work in concert with State and federal agencies to reduce pollution of the State's water resources and improve the quality of these resources."

The Division works to secure the cooperation and assistance of federal and State agencies to advance ongoing Conservation District activities in the broad areas of public involvement, project implementation, land use planning, natural resource management and public health and safety. The responsibilities of the Division are predominantly carried out under authority of the New York State Soil and Water Conservation Districts Law (SWCDL) through direct staff assistance to the NYS Soil and Water Conservation Committee. These responsibilities are predominantly directed through monthly public meetings of the New York State Soil and Water Conservation Committee.

Division staff assist the NYS Soil and Water Conservation Committee to deliver the NYS Agriculture Nonpoint Source Control and Abatement Program and the Agricultural Environmental Management (AEM) Program as prescribed by Soil and Water Conservation Districts Law (Section 3, 4, 9 and 11-b) and Agriculture and Markets Law (Section 16 and Article 11-A).

The Committee's responsibilities are implemented through County Soil and Water Conservation Districts (SWCDs) and partners at the federal, State and local level including those members that have collectively organized as the local County Water Quality Coordinating Committees (CWQCC). The Division also reviews and approves soil and water conservation programs for fifty-eight Districts through locally developed annual plans of work.

The Division circulates information throughout the State concerning various State and District programs. The Division provides direct administrative and technical leadership to the fifty-eight Soil and Water Conservation Districts in areas that impact water quality including the Agricultural Nonpoint Source Grant program, Bond Act and Environmental Protection Fund initiatives, Agricultural Environmental Management, Source Water Assessment, Unified Watershed Assessment, Watershed Restoration and Protection Strategies, the Concentrated Animal Feeding Operation (CAFO) general permit, the associated certification process to develop Comprehensive Nutrient Management Plans (CNMPs), the Stormwater Phase II State Pollutant Discharge Elimination System (SPDES) Program, and Disaster relief efforts affecting natural resources.

The Division also works cooperatively with USDA to deliver Farm Bill programs such as the Environmental Quality Incentives Program (EQIP), Wetland Reserve, Conservation Reserve Program (CRP), Wildlife Habitat Incentives Program (WHIP), Conservation Reserve Enhancement Program (CREP) and others. The Division supports and administers some of New York State Department of

Environmental Conservation's (NYSDEC's) Performance Partnership Grants (319), a federal congressional earmark to support Agricultural Environmental Management (AEM), Statewide Ecosystem Based Management projects (EBM) and, in partnership with the Environmental Facilities Corporation, the Environmental Farm Assistance and Resource Management Program (EFARM).

In addition to many of the programs and tasks that support SWCD's both directly and indirectly, the State Committee is authorized to provide State Aid to 58 Conservation Districts. Three elements of this aid are:

- a) Direct reimbursement to Soil and Water Conservation Districts for 50 percent of their eligible expenditures, up to a maximum of \$30,000 (established by Chapter 534 of the Laws of 1996)
- b) Up to \$6,000 annually in support of local "Conservation Projects" (SWCDL Section 11a-1b)
- c) Additional resources as available awarded competitively on a performance basis (SWCDL Section 11a-1c)

**Comprehensive Water Quality Training** - Funding and technical support is provided for training of Soil and Water Conservation Districts, County Water Quality Coordinating Committees, federal and State conservation agencies, and private sector partners.

**Statewide Training** - The Annual Water Quality Symposium is held annually in March. Soil and Water Conservation Districts, Water Quality Coordinating Committee Members and other federal and State conservation partners receive training on a variety of topics related to the conservation of natural resources and the prevention of nonpoint source pollution.

The Statewide Conservation Application Workshop is held every fall Cortland, NY. District and NRCS employees receive training in basic surveying, soils and hydrology, stormwater management, farmstead BMPs, Tier 3a conservation planning and Conservation District Law. A new employee orientation is also a part of the program.

State Committee staff serves on the New York State Envirothon Committee providing assistance for the State Envirothon held annually in May. Almost every County sends a school teams to compete in the following topics: Aquatics, Forestry, Soils, Wildlife and Wetlands. Each team also presents an oral presentation on a natural resource protection issue.

**Regional Training** - Regional District managers' meetings are held across the State. Soil and Water District managers, along with District directors, are informed of current water quality programs including AEM, current RFPs, EFARM and other administrative topics.

Several regional training programs are offered on an on-going basis to provide technical skill-building opportunities for SWCD staff.

Division staff assisted with the development of presentations for Certified Crop Advisors (CCA) which requires continuing education classes. These were offered at a variety of training sessions across the State.

**Local Watershed Initiatives** - Leadership and support is provided to special watershed projects throughout the State, e.g. Canandaigua Lake, Owasco Lake, Skaneateles Lake, New York City water supply watersheds, Lake Champlain, Oneida Lake, Seneca Lake, Dutchess, Yates and Steuben County special pilot watershed projects, the Upper Susquehanna River Coalition (comprised of eleven New York State and three Pennsylvania SWCD offices), the Lower Hudson Coalition of Conservation Districts (comprised of Albany, Rensselaer, Greene, Columbia, Dutchess, Ulster, Putnam, Orange, Rockland, Westchester and New York City), and the Lake Champlain Watershed Improvement Coalition of NY Conservation Districts (comprised of Clinton, Essex, Franklin, Warren and Washington).

**Issues:** The addition of Parts B & C reimbursement has challenged the Department to develop criteria for eligible activities. Districts must submit annually a request for reimbursement that summarizes the activities and performance measures achieved. This request must be validated by Division Staff before reimbursement payments are processed.

Decreasing availability of MOU partnership funds have made administering training, and programs progressively more difficult. The complexity of natural resource issues and programs continue to increase as funds for vital training are declining.

**Population Served:** 58 State Soil and Water Conservation Districts and their local constituency. Conservation District provides technical assistance to all forms of government, schools and the general public. SWCDs provide technical assistance to communities by:

- Protecting public health and safety
- Natural resources management
- Land use planning
- Project Implementation
- Public involvement (e.g. environmental education, conflict resolution/complaint investigation, Coalition/Consensus building, addressing customer needs)

**Performance Measures:** Administer State reimbursement for 58 County Soil and Water Conservation Districts.

Implement the rules and regulations relating to state aid to districts including development of guidance and procedures.

Coordinate and administer the Cooperative Agreements with NYSDEC and the USDA NRCS.

Enhance county AEM efforts through funds provided by the EPF. Secure additional funding by re-establishing the AEM federal earmark.

**FTE Estimate:** The entire staff of the Division of Soil and Water have SWCC program responsibilities ranging from 5% - 100% of individual staff time.

Estimate for SWCD advancement and MOU deliverables = 4

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Soil and Water Conservation Committee**

**Program:** Concentrated Animal Feeding Operation (CAFO) Compliance Assistance

**Mandate:** Memorandum of Understanding (MOU) with USDA-NRCS

**Mandated Funding Level:** \$100,000 from Environmental Facilities Corporation for personnel services, \$13 million for program implementation over the life of the EFARM Program (5 years)

**Brief Description/History/Background:** A significant workload item for the Division under the AEM umbrella is CAFO compliance assistance. This includes the training and certification of private and public sector AEM planners, development of program guidance, a wide variety of partnership activities, farmer training and delivery of the NYS Environmental Farm Assistance and Resource Management Program (EFARM) program.

The Division has developed a comprehensive training process that certifies individuals as competent and capable Nutrient Management Planners. The process serves as the foundation for the delivery of the New York State Department of Environmental Conservation's (DEC) State Pollution Discharge Elimination System's Concentrated Animal Feeding Operation (CAFO) Permit program for medium and large CAFO operations in NYS. Annual training providing continuing education units, as well as a three-plan review for quality control, is part of this process.

Progress made from 1999 to the present is as follows:

- 45 Individuals Certified as AEM CNMP Planners
- 15 Individuals Qualified as Conditionally Certified AEM CNMP Planners
- 154 CNMPs Submitted for Review
- 9 Individuals have been recertified through the CNMP Quality Assurance Review Program
- 800 Individuals participate in approximately 20 trainings offered each year to advance their knowledge, hone their conservation skills, and receive continuing education units.

The success of the CAFO program in New York has been based upon a strong partnership with several agencies and organizations. It is recognized as a model for the nation. Currently, 97 percent of all permitted CAFO facilities have met the initial regulatory planning requirements. It is expected that implementation of structural practices on the overwhelming majority of large CAFOs will meet regulated deadlines.

Through a partnership with the NYS Environmental Facilities Corporation, the Division is assisting with the delivery of EFARM. The program provides financial assistance to farmers that are required to develop, maintain and implement Comprehensive Nutrient Management Plans. Through the end of the decade the Division is expected to qualify up to \$13 million in reimbursement requests. Using the EFARM data, the average approved cost for the development of a CNMP was \$9,323. The average cost for a CNMP update was \$5,197.

**Issues:** CAFOs are under tight deadlines to implement their Comprehensive Nutrient Management Plans (CNMPs), the cornerstone of the permit requirements. AEM, Ag NPS and EFARM Programs provide substantial resources to CAFOs by coordinating natural resource professional services, and providing cost-share assistance for the development of CNMPs and implementation of prescribed BMPs. CAFO compliance poses significant demands on the available appropriation. According to the Annual CAFO Compliance reports and professional estimates, the cost of CAFO compliance exceeds \$80 million.

**Population Served:** CAFOs, CNM Planners, general public.

**Performance Measures:**

- Assist 625 Concentrated Animal Feeding Operations in the development and implementation of Comprehensive Nutrient Management Plans by certifying 3 additional AEM Certified Planners.
- Continue to implement the CNMP Quality Control Program and conduct 15 CNMP Planner Quality Control Reviews.
- Provide 4, or more, opportunities for AEM Certified Planner continuing education credits.
- Verify producer eligibility for 400 Annual Plan Update applications through the EFARM program.

**FTE Estimate:** Estimate for CAFO Compliance Assistance = 1

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Soil and Water Conservation Committee**

**Program:** New York State Conservation Reserve Enhancement Program (CREP)

**Mandate:** Memorandum of Understanding (MOU) with USDA establishing CREP.

**Mandated Funding Level:** \$105 million over the life of the program (10 years)

**Brief Description/History/Background:** The objective of CREP is to assist in the maintenance or improvement of current water quality conditions through the reduction of agricultural sources of sediment, nutrients, and waterborne pathogens in the State's 12 major watersheds. The Priority Waterbody List (PWL) and public wellheads in New York are targeted in the program. The established long-term goal is to install 40,000 acres of Best Management Practices on farmland in priority watersheds. The program will operate for up to ten years and can provide over \$105 million to NYS farmers. Soil and Water Division staff oversees the implementation of CREP on a statewide basis and coordinates program development with two USDA agencies, the Farm Services Agency and the Natural Resources Conservation Service. Training and outreach for the CREP program is the responsibility of both USDA and the NYS Soil and Water Conservation Committee.

Other Soil and Water Responsibilities include:

- Seek applicants willing to offer eligible and appropriate land for the enrollment in CREP
- Evaluate the overall success of the project in meeting its objectives
- Prepare an annual report
- Develop an outreach plan for CREP

**Issues:** NYS is required to contribute an additional 20% match to support this partnership effort. After 4 years of an anticipated 10 year program we have achieved only 16% of our farmer participation goals. In addition most of the buffers installed have been on marginal pastureland with very few farmers enrolling their cropland fields into the program. Expansion of program requires additional staff resources

**Population Served:** NYS Farmers on average are issued 140 contracts annually, general public.

**Performance Measures:**

- The established long-term goal is to install 40,000 acres of Best Management Practices on farmland in priority watersheds.
- Participate in 3 CREP Steering Committee meetings annually for program development.
- Program goals including enrollment caps, practice quality and acreage goals.

**FTE Estimate:** Estimate for CREP = .5

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Soil and Water Conservation Committee

**Program:** New York State Ecosystem Based Management (EBM)

**Mandate:** New York Ocean and Great Lakes Ecosystem Conservation Act

**Mandated Funding Level:** Determined by annual appropriation. Appropriation of \$100,000 for program development over the last two fiscal years. \$700,000 for pilot projects focusing on EBM principles.

**Brief Description/History/Background:** In 2006, in response to increasing understanding of the ecological problems of the Ocean and Great Lakes, the New York State Legislature passed the New York Ocean and Great Lakes Ecosystem Conservation Act (the Act). This legislation created the New York Ocean and Great Lakes Ecosystem Conservation Council (the Council) as a significant leadership body for improving the State's ecosystems. The Council is made up of 9 State agencies and authorities; the Council has chosen to utilize ecosystem based management (EBM) to advance their goals. The six components that characterize a comprehensive ecosystem-based management approach to ecosystem health are:

1. Place-based focus
2. Scientific foundation for decision-making
3. Measurable objectives to direct and evaluate performance
4. Adaptive management to respond to new knowledge
5. Recognition of interconnections within and among ecosystems
6. Involvement of stakeholders to advance ecosystem-based management

The Division of Soil and Water has been chosen by the Department of Agriculture and Markets to spearhead this effort for the agency. As such the Division has attended numerous meetings, prepared reports and project proposals for funding from the Council to advance EBM in the State.

The first project proposal has resulted in the funding of a \$250,000 Conservation Buffer Systems project to enhance and protect water quality and sustain agriculture in the Sandy Creek Watershed. This project is being implemented by the Jefferson County Soil and Water Conservation District.

In July 2008, two additional project proposals resulted in the funding of a conservation buffer initiative in the Upper Susquehanna River Watershed and a pollution prevention project in the Sandy Creek and Great South Bay Watersheds. The amount of funding received was \$250,000 and \$200,000 respectively.

**Issues:** None

**Population Served:** Farmers and general public in the pilot watershed areas.

**Performance Measures:** The Division is engaged in policy development integrating AEM/Ag NPS and Soil and Water Conservation District programming with EBM principles. In addition, each project lists specific deliverables to be achieved.

**FTE Estimate:** Estimate for EBM = .5

**Agricultural Business Services Program**

**Milk Control/Dairy Industry Services**



Funding Source

		Article 21	Dairy Promotion Order Article 21AA	Milk Producer Security	WNYMMO	Dairy Stats	Price Goug	Milk Cont	Total
		(percentage)							
Notes	Item								
<u>WNY Milk Marketing Order</u>									
	Associate Milk Accts. Exmnr.		5		95				100
	Sr. Milk Accts. Examiner	5			95				100
	Ag. Program Aide	0			0			0	0
	Keyboard Specialist I	0			0			0	0
	Total FTE: before two vacancies	3.5	2.0	1.4	2.0	3.8	0.3	3.3	16.3
	net of two vacancies	3.5	1.9	1.3	2.0	1.9	0.3	3.3	14.3

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Notes

1. Position vacant starting 3/08 ?
2. Positon vacant starting 4/08 ?
3. 50/50 Job share
4. Position shared with Ag Protection, 30% time to MCDS; allocation reflects this

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Milk Labeling, Sanitation and Inspection Program

**Mandate:** Agriculture and Markets Law Article 4 Dairy Products, Article 4-A Frozen Desserts, Article 4-B Milk Sanitation, Article 17 Adulteration, Packing, and Branding of Food and Food Products as applied to Milk and Dairy Products.

**Mandated Funding Level:** None Specified

**Brief Description/History/Background:** The Department of Agriculture and Markets was originally established in 1884 as the State Dairy Commission. New York State enacted one of the first milk control laws in the country to provide an increased level of public health at a time when a large percentage of food borne illness outbreaks were traced to milk and dairy products. Through strict vigilance and enforcement of milk safety laws and regulations, food borne outbreaks attributed to milk and dairy products have been nearly eliminated. The Division continues to inspect and oversee the strict sanitary production and processing of milk and dairy products in the state.

**Issues:** Milk inspection oversight is primarily a public health and safety program. Some program activities (reviewing milk labels, helping small processors through extension education, butterfat and component testing, standards of identity, some import enforcement work, training, and seminars) have an economic impact on the industry but are not clearly product safety areas. Given limited available and decreasing resources it will be important to identify if we are doing the right things to keep focused on health and safety while allowing economic activities to operate at a reduced level.

It is important that we focus on updating and streamlining our current milk sanitation regulations to make them compliant with the latest version (2007) of the Pasteurized Milk Ordinance. This will put NY in compliance with the National Conference on Interstate Milk Shippers Program and provide increased flexibility for NY plants to produce safe milk and dairy products without overly burdensome restrictions.

**Population Served:** Milk and dairy product consumers in New York State and where NY manufactured dairy products are shipped.

**Performance Measures:** The Division oversees nearly every aspect of the dairy industry in the state. During 2007 the Division's 41 Dairy Products Specialists conducted over 6,800 inspections. Nearly 13,000 samples were collected and analyzed for chemical, bacteria, pathogens, vitamins, or other abnormalities.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Milk Producers Security Program

**Mandate:** NYS AML, Section 258-b

**Mandated Funding Level:** Assessment rate prescribed in statute; currently set at \$.012 per cwt. For fiscal year 2008, monthly assessments totaled \$642,000 and interest earned was \$306,000. Balance in fund at 3/31/08 was \$6.8 million. Administration expenses were \$214,000. Cap on fund is \$7.5 million but can be higher if 7.5% of value of milk purchases of participants exceeds this amount.

**Brief Description/History/Background:** Licensed milk dealers that purchase milk directly from New York dairy farmers or cooperatives are required to file security to ensure payment to farmers in the event of a default. A dealer can elect to participate in the Milk Producer Security Fund (MPSF), which is maintained by the Division, or provide full alternate security. Alternate security can be a bond or letter of credit covering 40 days of milk purchases. Dealers that pay into the MPSF, unless exempted, must supplement such payments with a surety bond or letter of credit covering a minimum of twelve days' purchases. Dealers that are financially weak may be required to provide more than the minimum amount. Exemption from minimum security is granted to dealers that have 40-day purchases less than \$250,000 or have better than average financial condition. The amount of surety bond or letter of credit that a dealer is required to provide is based on volume of milk purchases and a review of financial provided. Additional information obtained through the licensing process, audits and required reports are used to monitor a dealer's purchases, timeliness of payments to producers and financial condition.

Milk producer security fund was established in mid-1970's to provide an alternative means to filing of full bonds by dealers to secure their milk purchase from producers. For many dealers, this is a lower cost option and for producers, provides a better level of coverage in the event of a default. Amendments over the years have not altered the fundamental operation of the program. Last amendment was in July 2006. It increased cap on MPSF balance from \$5.0 million to \$7.5 million to take into account the increased exposure to the Fund as a result of dealer consolidations.

**Issues:** Increased volatility of milk prices has strained dealers' ability to maintain margins and profitability. This plus higher milk prices has raised the financial stakes should there be a default. Consequently, the Department needs to be vigilant in monitoring dealers' finances and may need to step up reporting coverage to ensure better monitoring of developments to manage risk of a possible default. In addition, requesting an increase to the state's standby appropriation of \$6.25 million should be considered.

**Population Served:** Dairy producers and related agri-businesses

**Performance Measures:** For fiscal year 2008, 96 milk dealers were required to provide security. 68 elected to participate in the MPSF; 12 were required to file additional security that totaled \$13,170,000. The balance in the Fund at 3/31/08 was \$6.8 million. 28 dealers filed full security which covers \$98.1 million in milk purchases. Recent milk claims have been small, less than \$20,000 each, involving small distributors buying packaged milk from a cooperative. The last default involving bulk milk occurred in 2002 and resulted in \$3.9 million being paid to the cooperative that supplied the defaulting dealer, a cheese manufacturer.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Milk Control and Dairy Services**

**Program:** Dairy Promotion

**Mandate:** Article 21-AA of the Agriculture and Markets Law-Dairy Promotion Act and The New York Dairy Promotion Order, 1 NYCRR, Part 40.

**Mandated Funding Level:** Funded based on assessment on all milk produced and marketed by New York State dairy farmers at the rate of 10 cents per hundred pounds of milk. Total annual funding level is about \$12 million. The Department takes about \$146,200 (1.2 percent) for administrative costs (salary, fringe, and overhead). Raising this to a reasonable 2.5 percent would double the funding available to the Department.

**Brief Description/History/Background:** The Dairy Promotion Act was passed in 1969 and amended in 1971, effective June 25, 1971. The Act provided the basis for the New York Dairy Promotion Order which was approved by a referendum of New York dairy farmers and became effective May 1, 1972. The Order provided for a 10 member dairy farmer Advisory Board to assist the Commissioner in the administration of the Order. The Commissioner, with the advice and assistance of the Advisory Board, is authorized to use Dairy Promotion Funds for advertising, promotion, education and publicity of dairy products. Under the terms of the Order the Department has contracted with several Dairy Promotion Agencies to promote milk produced in New York State. These agencies have used television and radio advertisements as well as print ads and billboard over the years. One of the most successful advertising programs was the "Got Milk" campaign that caught on across the country and resulted in hundreds of imitations. Many other promotional activities were also carried out by these agencies including School milk programs, retail store programs including the current "dairy case management" program designed to increase sales in retail stores, campaigns to encourage fast food companies to offer and promote milk as part of the menu, particularly as the beverage included in their "children's" meals.

In addition, the total promotional effort also includes working with health professionals and their organizations to remind doctors, dentists, dieticians, pediatricians and others of the importance of dairy products in the diet. Many other activities including dairy product sampling events, healthy dairy receipts, the New York Dairy Princess Program, New York State Fair Dairy Products Building promotions; including the popular Butter Sculpture and workshops and seminars and training programs are all part of the overall promotion program.

The Department also contracts with Cornell University in two specific areas. The first is with the Department of Food Science which has conducted many research projects from the beginning of the Order designed to develop new dairy products and to improve the quality of New York dairy products.

The second research area is with the Department of Applied Economics and Management to evaluate the effectiveness of the New York Dairy Promotion Program.

**Issues:** Increased costs of TV advertising.

**Population Served:** Dairy farmers and consumers in New York State and where NY dairy products flow.

**Performance Measures:** The effectiveness of the New York State Dairy Promotion Program has been constantly evaluated by numerous research projects conducted by Cornell University's Department of Applied Economics and Management. This research was funded by Dairy promotion Funds and has consistently found that the Promotion Program has been a profitable investment for New York dairy farmers.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Western NY Milk Marketing Order

**Mandate:** Article 21, Section 258-m of the Agriculture and Markets Law, and the Western New York Milk Marketing Area, Official Order No. 127, I NYCRR Part 21.

**Mandated Funding Level:** Funded based on assessment on dairy farmers marketing their milk in the Western New York Milk Marketing Area.

**Brief Description/History/Background:** The Western New York Milk Marketing Order was created on March 1, 1987 from the merger of the Niagara Frontier Milk Marketing Order and the Rochester Milk Marketing Order. The Niagara Frontier Milk Marketing Order had been established in 1938 and the Rochester Milk Marketing Order was established in 1939.

The need for Milk Marketing orders grew from many factors. Milk has been a staple in the diet for hundreds of years; consumers want milk to be readily available on a year round basis. However, milk production is based on the seasonal cycle of the cow which has historically produced most milk in the spring and summer months (from the need to nourish their calves normally born in the spring). In order to have enough milk year round, excess milk would be produced during the spring and summer to ensure that there would be a sufficient supply in the fall and winter months. In addition, milk is very perishable and cannot be stored for long periods of time. Another factor of importance has been the fact that there have been relatively few buyers (processors) of milk but many, many farmers who were generally small and, therefore, had little market power. The result of these and other factors led to what was called "disorderly marketing conditions" and an unfair pricing system particularly for the dairy farmers.

The Federal Government passed the Agricultural Marketing Agreement Act of 1937 which authorized Federal milk marketing orders and New York quickly followed passing a revised Milk Control Law.

The basic purpose of milk marketing orders is to provide for an adequate supply of wholesome milk while also establishing a fair system of payment between dairy farmers and milk processors.

Over the years many changes have occurred in animal management, transportation of milk, processing of milk, variety of dairy products, retail marketing and other factors that have resulted in rather complicated formulas used to calculate fair prices under the provisions of the orders, yet the basic purpose remains essentially unchanged.

**Issues:** None.

**Population Served:** All dairy farmers, milk processors and milk consumers of Western New York State.

**Performance Measures:** Monthly Price Announcements must be made according to a very inflexible schedule to ensure that milk processors and dairy farmers are paid according to dates prescribed in the order and in the correct amounts. Milk processors are audited according to a regular schedule.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Milk Control and Dairy Services**

**Program:** Foreign Dairy Inspection Program

**Mandate:** Agriculture and Markets Law Article 4-A Frozen Desserts, Section 71-d and Article 4-B Milk Sanitation, Section 71-l.

**Mandated Funding Level:** None Specified

**Brief Description/History/Background:** If milk, certain dairy products, ice cream, or frozen desserts enter New York from outside the state a permit or license is required. If the source plant is under the inspection program of another state, there is a reciprocal structure in place to accept the inspection done by the shipping state. For source plants located outside of the United States, the Commissioner has authority to conduct inspections and be reimbursed for the full costs of the inspections.

In 2005, the Division began inspecting one milk plant in Canada and one in Athens Greece. During 2006 a frozen dessert plant in Moscow, Russia was inspected by New York dairy products specialists. While the ice cream plant was only inspected once, the Canadian and Greek plants are required to be inspected on a quarterly basis. The milk plant in Canada stopped shipping into the United States and we discontinued inspections in 2007. The Greek company built a \$100+ million processing plant in New York employing over 120 people and our last inspection trip to Greece was completed in August 2008. During 2007 a group of Canadian dairy farms were inspected, but shipping into the U.S. ended in early 2008.

**Issues:** The Department continues to receive applications expressing interest in distributing foreign dairy products into New York State. While we have worked at the national level to have the federal government take responsibility for imported milk and dairy products there has been a failure to act. A pilot third-party inspection program is being evaluated on a limited basis. This may be an improper delegation of a government responsibility to a non-governmental agency.

**Population Served:** Milk and dairy product consumers in New York State and wherever these imported products may be shipped outside of NY.

**Performance Measures:** Since 2005, the Division has completed 28 inspection trips and generated over \$400,000 in reimbursed expenses.

The activities of our foreign dairy inspection program has resulted in significant investment in New York milk processing plants and has leveled the playing field for New York based competitors.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Dairy Statistics Program

**Mandate:** None, except as necessary to carry out the "Functions powers and duties of the Department" as specified in Article 21 of the Agriculture and Markets Law.

**Mandated Funding Level:** None

**Brief Description/History/Background:** Statistical records of the New York State dairy industry have been published, in various forms, since 1892. From 1892 to 1917, tables of dairy statistics were published in annual reports of the Dairy Commission and of the Department of Agriculture and in separate bulletins prepared at irregular intervals. From 1918 to 1972, printed bulletins were regularly published entitled "Statistics Relative to the Dairy Industry in New York State". From 1973 until 1978 the bulletins were published under the title "New York Dairy Statistics". Beginning with the 1979 annual bulletin, the title has been modified slightly to "New York State Dairy Statistics".

The current bulletins are organized in nine sections beginning with "General Dairy Statistics" which presents an overview of some of the major characteristics of the dairy industry in New York State. The remaining eight sections are "Receipts at New York Plants", "Payments to New York Dairy Farmers", "Fluid Milk Sales", "Manufactured Dairy Products", "Frozen Desserts", "Other Disposition", "Retail Milk Prices", and "Market Order Statistics".

**Issues:** Unable to provide needed information to the industry and for Department policy decisions.

**Population Served:** The Dairy Industry of New York State, in particular the Department of Agriculture and Markets, the dairy economists at Cornell University, dairy cooperative economists, New York State Agricultural Statistics, National Agricultural Statistics Service, New England Dairy Promotion Board, Cornell University, Department of Food Science, New York State Dairy Promotion Program, ADADC, (Regional Reallocation of DPO funds), Northeast Federal Milk Market Administrator's Office, Cornell Cooperative Extension, County Officials, students conducting research projects/papers, and the general public. Approximately 1,000 Annual Bulletins are distributed each year and the Bulletin is also available on the Department's website.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Milk Price Gouging

**Mandate:** General Business Law, Section 396-rr

**Mandated Funding Level:** None

**Brief Description/History/Background:** The milk price gouging law applies to the retail sale of fluid milk in consumer packages. Whenever the retail price exceeds 200% of the farm price for Class I milk, the Commissioner has the responsibility to investigate and determine whether or not such price appears unconscionably excessive. As a means of administering and enforcing the law, the Department calculates and announces the 200% price which is known as the "threshold price". It is established for two broad regions of the state for a quart, half gallon and gallon container. The threshold price usually changes monthly, moving up or down two cents per gallon for every one cent gallon change in the Class 1 price which is announced by USDA.

If a price above threshold is challenged, the retailer has the opportunity to demonstrate that its prices are not unconscionably excessive or reduce its prices. Such justification needs to demonstrate that the store's gross margin (selling price minus invoice price) is not unconscionably excessive when measured against in-store handling and selling costs, including a reasonable profit, on milk. The retailer may be subject to legal action based upon referral by the Department to the Attorney General if the challenged price is not justified.

As a result of no funds being appropriated for this program, the Department has administered the law on a very limited basis. Consequently, enforcement is generally focused on those time periods when the farm price drops significantly to confirm that such declines are transmitted to consumers. Enforcement also focuses on supermarkets and gallon milk prices given their large share of market sales. This has been accomplished primarily through the Department's longstanding monthly price survey which has found most supermarkets, especially in Upstate NY in compliance. In Metro NYC, a fair number of supermarkets are currently over the threshold and it is problematic that they are all justified.

The law was enacted in 1991 in conjunction with and as a counter-balance to legislation that amended the Rogers-Allen Act to allow the Commissioner, upon petition by producers, to establish an interim over-order price for producers in times of low prices and financial stress, by providing consumer protections.

**Issues:** The law is fundamentally flawed in that it does not take into account processing, distribution or retailing costs in establishing the threshold price and in instances of very high farm prices as we are experiencing today, actually sanctions price gouging on the retail level for many stores. On the flip side, when farm price is low, the resulting threshold is too low to be a reliable indicator of a possible violation. The law is also difficult to enforce, has no precise definition of what is "unconscionably excessive" and requires each store's pricing to be evaluated on a case-by-case basis which requires many man hours. The law applies to all retailers of milk and consumers expect enforcement across the entire spectrum of stores. In June 2008, over 400 consumer complaints were received alleging overcharging for milk in NYC area. Many of these pertain to non-supermarkets. Based on current law, to fully implement would require funding of several staff positions, mainly investigators and auditors, plus significant travel expenses. Need to consider repeal or amend law. To evaluate impact of law, Cornell is conducting a study that is expected to be completed by end of 2008.

**Population Served:** Consumers, dairy producers

**Performance Measures:** Based on Department's monthly milk price survey for July 2008, 23 of 100 supermarkets in Metro NY were above the threshold price on a gallon of whole milk while in Upstate NY (22 markets), none of the 150 supermarkets were over the gallon threshold price. In Metro NY, the amounts over threshold ranged from \$.02 to \$.92.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Division of Milk Control and Dairy Services

**Program:** Milk Dealer Licensing & Auditing

**Mandate:** NYS AML, Article 21 Milk Control, Sections 252 – 258-g

**Mandated Funding Level:** License fees set in statute, depending on type of dealer, pay either fixed amount, \$100 or variable amount based on volume, up to maximum of \$7,500. Total intake from license fees approx. \$260 - \$280,000. This revenue level has decreased over the years as larger dealers have merged or sold business to other large dealers already at maximum fee. As result of declining revenue, expenses have exceeded revenue and fund has been "subsidized" to keep whole. This imbalance has been partially offset by not filling job vacancies and shifting some staff to general fund.

**Brief Description/History/Background:** Licensing is a primary tool in providing oversight of the milk industry by ensuring milk is handled safely and properly, producers are paid fully, accurately and promptly, evaluating financial condition and performance of milk dealers, regulating certain terms of trade and promoting orderliness in the conduct of business. Licensed entities include milk plant operators, producer cooperatives, milk distributors, haulers and brokers.

Enabling legislation goes back to 1930's. Most recent significant reform occurred in 1987 when county-by-county licensing was converted to state-wide basis and eliminated need to show that entrance of new licensee would not cause destructive competition.

**Issues:** License fees do not provide adequate revenues to cover cost of program as there is no inflation adjuster built into the fee schedule. It has been approximately 20 years since fees were last increased. Recommend increasing fee and expand scope by including manufacturing milk in variable fee category. Currently, milk used in manufacturing is excluded from variable fee calculation and if dealer just manufactures milk, fee is flat \$100. Requires legislation.

**Population Served:** Dairy producers, milk processors and manufacturers, distributors, haulers, related agri-businesses, consumers.

**Performance Measures:** For fiscal year 2008, the Division issued 631 licenses which resulted in total license fees of \$287,760. The number of licensees that paid maximum amount was 12.

# **Agricultural Business Services Program**

## **Statistics**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Division of Statistics**

**Program:** State Statistical Program

**Mandate:** Memorandum of Understanding between U.S. Department of Agriculture, National Agricultural Statistics Service and the New York State Department of Agriculture and Markets, effective September 1, 1961.

**Mandated Funding Level:** As stipulated in the above referenced MOU:

"Method of Procedure: Part 2 The State Department ....

- (c) Will provide such funds as may be required annually to defray the total cost (salaries, services, travel, equipment, supplies, printing costs, etc.) of conducting the supplemental State program of work in gathering, compiling, and publishing the additional agricultural statistics developed under this Memorandum of Understanding; ...." - approximately \$420,000.

**Brief Description/History/Background:** The New York State Department of Agriculture and Markets and the National Agricultural Statistics Service (and predecessor Agencies) have worked under a Memorandum of Understanding since July 1, 1936. This agreement was developed to establish and maintain a cooperative reporting service in New York. The object is to consolidate and coordinate activities of NASS and NYSDAM in the collection, analysis, and publication of primary statistical data for the State of New York, relating to production, price, value, movement, stocks, marketing, processing, and other utilization of crops, livestock and other agricultural products of New York. By close cooperation in these activities, duplication of efforts is avoided and confusion of conflicting reports is eliminated. The Program promotes economy and efficiency of operations.

**Issues:** For the years 2003 to 2007 Federal staff logged an average of 5,700 hours per year on State funded programs. Annual funding and staffing provide to the NASS New York Field Office provide for a series of monthly and annual estimates which are published in the New York Agricultural Statistics, Annual Report and various other reports, press releases and brochures during each year.

Our Cooperative Agreement also provides funding for special surveys on individual sectors of agriculture on an intermittent but regular schedule. These areas do not need frequent information updates but are served well by providing snap shots over time. Special projects completed under the Cooperative Agreement in recent years include: Maple Census, Milk Goats and Production, Rural Land Survey, Fruit Tree and Vineyard Inventory, Organic Survey, Farm and Hispanic Workers Survey, Equine Survey, Turfgrass Survey. Three projects currently underway are: Retired Race Horse Survey, Direct Marketing Survey and Muck Lands Utilization Survey.

**Population Served:** Agricultural communities including farmers and producers, farm businesses, farm services, Universities, Cooperative Extension and other agricultural educators, rural communities including planning boards and agricultural districts, legislators and politicians from local communities to the national level.

**Performance Measures:** Programs are reviewed annually for relevance and changed as necessary. Performance is judged against other NASS Field Offices based on cost, timeliness, and quality of estimates provided by surveys.

# **Agricultural Business Services Program**

## **Local Assistance**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Local Assistance**

**Program:**

NYS Dept. of Agriculture & Markets, Division of Animal Industry  
Animal Health Diagnostic Center (AHDC)

**Mandate:**

NYS Agriculture and Markets Law, Article 5, §73-b

**Mandated Funding Level:**

Not specified.

**Brief Description/History/Background:****Mission Statement:**

The mission of the Animal Health Diagnostic Center (AHDC) is to improve the health of food and fiber producing animals, companion animals, sport and recreational animals, exotic animals, and wildlife. These activities protect and improve public health, promote environmental stewardship, and foster economic growth. The AHDC is the diagnostic arm of the NYS Department of Agriculture and Market's Division of Animal Industry.

**Background:**

Since 1912, a veterinary diagnostic service has existed at the College of Veterinary Medicine at Cornell University. In the 1970's the New York State Legislature enacted laws that authorized the Commissioner of Agriculture to contract operation of a veterinary diagnostic laboratory at Cornell University. In 1974, funds were appropriated for the construction of the existing Diagnostic Laboratory building within the College of Veterinary Medicine complex. The State law that governs the creation and operation of a veterinary diagnostic service at Cornell University was amended in 2001 to include the following language:

*S 73-b. The New York state veterinary diagnostic laboratory.*

*1. The commissioner is authorized to establish and maintain, by contract or otherwise, a New York state veterinary diagnostic laboratory and to contract for other diagnostic services, as he or she may deem necessary or beneficial, to improve the health of food and fiber producing animals, companion animals, sport and recreational animals, exotic animals and wildlife.*

*2. The New York state veterinary diagnostic laboratory shall:*

*(a) Evaluate domestic and wild animal populations for evidence of disease agents that may cause human disease;*

*(b) Maintain capability to respond to disease outbreaks in animals;*

*(c) Establish diagnostic testing capabilities to establish herd health status and evaluation of disease programs;*

*(d) Support disease surveillance and monitoring programs of domestic, zoo and wild animals;*

*(e) Support veterinarians by analyzing and interpreting samples obtained from clinical cases; and*

*(f) Evaluate, adjust and improve New York's ability to recognize diseases that impact animal populations.*

Currently the AHDC employs over 230 professionals. The AHDC serves over 5,000 registered veterinary practices or organizations. The AHDC is one of the most comprehensive veterinary diagnostic laboratories in the country, receiving over 140,000 submissions per year that generate over 900,000 individuals tests a year. All these activities generate an enormous number of informal and formal interactions with Center clientele and other stakeholders of our services. All these combined activities represent significant contribution to the health and wellbeing of society

in general as well as the protection of the economic wellbeing of the animal industries and animal populations of the State of New York and the nation as a whole.

The impact of providing an effective surveillance and early disease detection for the State of New York is significant. When it comes to animal production economics, the estimate is that the dairy and animal production provided \$1.87 billion to farmers in 2002. That accounts for 60 percent of all cash receipts. Milk sales account for over one-half of total agricultural receipts, with 12.2 billion pounds, at a value of \$1.56 billion. New York livestock producers marketed 211 million pounds of meat animals during 2002, bringing in \$116 million in cash receipts. Sales from cattle and calves accounted for \$108 million, hogs and pigs returned \$6.4 million and sheep and lambs provided \$2.0 million.

The economic impact of a disease event in the companion or on the wildlife sectors is much more difficult to quantify. However, the State of New York has a large population of companion animals (dogs, cats, horses, birds, camelids and other pets) that live in proximity to their owners. In addition, there are increasing opportunities for interaction between humans companion animals and wildlife species throughout the state and the nation. Such interactions increase the possibility of transmission of diseases from animals to humans and vice versa; increasing the possibility of emerging disease situations if/when diseases jump across species.

At the national level, the AHDC has been recently selected as a full member of the National Animal Health Laboratory Network (NAHLN). This network of 43 state veterinary diagnostic laboratories (in 35 states) provide expanded surveillance and diagnostic capabilities for the early detection of serious animal diseases caused by either natural or intentional (bioterrorism) sources. The AHDC is just one of seven NAHLN laboratories providing a full range of services in testing for diseases like Foot-and-Mouth Disease, Classical Swine Fever, Avian Influenza, Newcastle Disease, Chronic Wasting Disease, Scrapie, and Bovine Spongiform Encephalopathy ("Mad Cow Disease"). An outbreak of any of these diseases would have very serious economic, social, public health and political ramifications for the entire country.

The AHDC is accredited by the American Association of Veterinary Laboratory Diagnosticians (AAVLD). The AAVLD Essential Requirements for accreditation incorporate the World Organization for Animal Health (OIE) guidelines for veterinary laboratories. These standards are largely derived from the ISO/IEC 17025-1999 *General requirements for the competence of testing and calibration laboratories*. The AHDC has implemented a Quality System to the management and technical requirements specified by the AAVLD. Such a quality assurance program is essential for the laboratory itself as well as the clients that rely on the results from the laboratory.

The Animal Health Diagnostic Center at Cornell University is recognized as one the top veterinary diagnostic laboratories in the US. It has played key roles in animal disease surveillance programs of national significance, notably Johne's Disease, Bovine Spongiform Encephalopathy, Avian Influenza, and Chronic Wasting Disease.

#### Issues:

- Ground has been broken for a new building to house the AHDC. The budget for the project is \$56 million. The new facilities are needed since the current building is aging and no longer has adequate floor space to accommodate all the AHDC's activities.
- Establish the Operations and Maintenance budget for the new AHDC facility and provide an administrative framework for cost adjustments reflecting external economic factors.

#### Population Served:

- Animal Health
  - o Food and fiber animal owners, both within NYS and outside NYS benefit from the AHDC's outstanding service.
  - o Veterinarians both within and outside of NYS, are supported by the AHDC.
  - o Companion animal and pet owners and their veterinarians benefit from the AHDC's work.
- o The AHDC is critical to the disease control and surveillance programs administered by both NYS Dept. of Agriculture & Markets and the US Dept. of Agriculture. New York farmers and agribusinesses benefit indirectly through the lower incidence of serious

livestock diseases and the preservation of access to international markets, situations created by the existence of credible animal health systems.

- ☒ Public Health: The general NYS population.
  - The AHDC supports the NYS public health mission by providing diagnostic support for programs designed to eliminate disease agents in animal populations that may be transmitted directly to people, through contaminated food items, or those shed into the environment by animal populations.

**Performance Measures:**

- ☒ Meet the external standards of the American Association of Veterinary Laboratory Diagnosticians.
- ☒ Provide diagnostic and test support for NYS animal disease control programs and measure performance against federal and state program standards.
- ☒ Manage diagnostic unknowns to meet federal and state program standards

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** The New York Dairy Farm Profitability and Productivity Project (PRO-DAIRY) at Cornell University

**Mandate:** None

**Mandated Funding Level:** Limited to annual appropriation

**Brief Description/History/Background:** Pro-Dairy recognizes the rapidly changing production, stewardship and management needs of dairy farming and is focused on increasing the profitability and competitiveness of the dairy industry. The Pro-Dairy program is delivered through the Cornell Cooperative Extension network by campus staff and regional specialists.

Currently Pro-Dairy has programs that focus on nutrient management(including support for the State Agricultural Environmental Management (AEM) program), manure management and treatment systems, air emissions, farm business management (including a new program on farm management discussion groups and a new program on dairy modernization that will focus on increased cow comfort, energy efficiency and manure management. In addition, Pro-Dairy regional specialists will continue to work with producers across the state to address issues such as feeding management and "management for success" and with the dairy youth program.

Pro-Dairy strives to enhance the management knowledge and skills of dairy farm owners, managers, employees and the agri-service providers by focusing on the crucial role of people in the successful application of production practices and technologies. Pro-Dairy continues to work with its partners in the dairy industry, cooperative extension and other agricultural colleges to maximize its impact on dairy farming in New York State.

**Issues:** None

**Population Served:** Agricultural Community / Upstate

**Performance Measures:** Increased dairy farm productivity and profitability as well as increased utilization of nutrient management and other conservation best management practices

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Local Assistance**

**Program:** Agriculture Educational Outreach

**Mandate:** No specific statutory mandate

**Mandated Funding Level:** None

**Brief Description/History/Background:**

These programs at Cornell University develop materials to integrate information about agriculture into school curricula so that all of the State's children will increase their knowledge and value of the sources of their food supply.

- Agriculture in the Classroom gives students at the primary level a better understanding of the economic and social contributions of agriculture and of the diverse career opportunities in the food and agriculture sectors.
- Future Farmers of America cultivates individuals at the secondary level an agriculturally literate citizenry and to prepare individuals for career opportunities in the food and fiber industries and related fields.
- Association of Agricultural Educators provides professional support for educators across the state.

**Issues:** Helps raise awareness about where food comes from and how it is produced – one of the key issues being addressed by the Governor's Council on Food Policy.

**Population Served:** Primarily school-age children, but the adult population as well

**Performance Measures:** No specific measures, but greater public awareness about the food and agriculture industry in New York State is a critical general objective.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Agri-Business Child Development

**Mandate:** AML, Article 2, section 16, subdivision 31

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1946

The New York State Agri-Business Child Development Program (ABCD) is operated by a private not-for-profit corporation under contract to the Department. The origins of the Program date back to 1946 when it was established to help attract a labor supply necessary to support New York's agricultural industry's needs. The ABCD Program annually serves approximately between 1,500 and 1,700 children, ages six weeks to school age, in 13 ABCD centers and 12 day care homes and purchase of service centers in 19 counties across New York State. Approximately 98% of the families served are of Hispanic origin, and an additional 1% is Haitian, Jamaican, and African American. The newest ABCD Center in Holley, Orleans County, opened in February 2006 and is licensed to serve 109 children in ten classrooms.

**Issues:** The United States Department of Homeland Security Immigration and Customs Enforcement's (ICE) aggressive enforcement activities, including raids of farms for documentation verification, may significantly impact the client base and the ability to attract qualified farm workers to New York. Comprehensive immigration reform is a top priority necessary to support New York's agricultural industry and its labor needs.

Many farmers are concerned about having to leave crops in the field this year due to a labor shortage. One estimate places New York State's losses in excess of 900 farms, \$195 million of agricultural production and 200,000 acres in production in agriculture over the next 24 months unless meaningful immigration reform is enacted.

**Population Served:** Farmers and agricultural related businesses, agri-business employees and their children.

**Performance Measures:** Farmers and other agricultural employers have a sufficient migrant and seasonal labor supply. Agricultural employees have child care needs addressed enabling them to be productive employees. Children of Agricultural workers are provided safe and reliable early childhood education, social and health services.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Grow New York Enterprise Program

**Mandate:** Memorandum of Understanding between the Governor's Office for Small Cities and the Department of Agriculture and Markets

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2001

The Grow NY Enterprise Program is a joint initiative of the Governor's Office for Small Cities (GOSC) and the Department of Agriculture and Markets. The GOSC dedicates \$3 million annually through the Community Development Block Grant Small Cities Economic Development funds to increasing the demand for and expanding the use of New York's agriculture products.

The Grow New York Enterprise Program provides low-interest loans and grants for the development and expansion of production agriculture and agri-business enterprises, as well as a micro-enterprise development program to increase opportunities for agri-business in New York State and promote a more viable agricultural industry. Eligible projects must result in the creation of permanent private sector jobs.

**Issues:** In FY 05/06, the GOSC awarded funding to assist seven agri-businesses. A total amount of \$2,388,500 was awarded creating 317 jobs that will principally benefit low-and moderate income persons.

This program is an excellent example of cooperation between agencies. Department staff is able to provide knowledge of the agricultural industry to the GOSC staff in order to properly evaluate projects and, in the majority of the projects, to show the economic benefit of agriculture thereby justifying increased funding over and above GOSC guidelines.

**Population Served:** Farmers and other agri-businesses, food processors and manufacturers.

**Performance Measures:** Agri-business needs for financing to increase jobs are met. Opportunities for the development and increase of agri-business are provided.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Local Fair Premium Reimbursement Program

**Mandate:** Established under Article 24, Section 286 of the Agriculture and Markets Law which provides for the promotion of agriculture and the domestic arts.

**Mandated Funding Level:** Limited to amount of annual appropriation.

**Brief Description/History/Background:** The Department reimburses approximately 60 county fairs for the monies paid out for premiums, specifically the various county agricultural societies, the American Institute of the City of New York and various town or other agricultural or horticultural societies for certain premiums and harness race purses paid at the fairs run by these organizations. The program also provides for reimbursement of purses paid for the trials or tests of speed and endurance of harness horses held at the Historic Track at Goshen.

The minimum reimbursement is the amount each society actually pays in premiums or \$7,200, whichever is less. The maximum amount is \$12,000. If the appropriation is not sufficient to reimburse each society for the amount of premiums actually paid or the \$12,000 maximum, each society that has more than \$7,200 in reimbursable expenditures receives an equal share of all monies remaining after the minimums have been allocated. Premium reimbursement up to \$5,000 (or actual expenses, whichever is less) is also made for fairs and expositions conducted by county extension service associations for youths between the ages of nine and twenty-one. The agricultural societies are also eligible to receive an additional amount for youth program premiums paid up to \$1,500 or actual premiums paid, whichever is less. In no case can an agricultural society or cooperative extension association receive more money than it actually paid out in eligible premiums.

**Issues:** None.

**Population Served:** General public.

**Performance Measures:** None.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** NY Wine and Grape Foundation

**Mandate:** None

**Mandated Funding Level:** Limited to annual appropriation

**Brief Description/History/Background:** The New York Wine and Grape Foundation, established in 1985, was created to strengthen the agricultural and economic potential of New York's wine and grape industry. The Foundation represents all sectors of the grape industry in conducting coordinated promotion and applied research programs to stimulate and support the New York wine and grape industry. The Foundation's ongoing programs in research, promotion and education strengthen the industry by maintaining and expanding domestic and international markets and increasing the uses for grapes grown and processed in New York State.

The Foundation:

- Fosters research into market development and into new or improved methods for the production and quality of wine, grapes and grape products;
- Reduces agricultural unemployment and increases State and local revenues through market expansion and new market development. It promotes the sales of wine and other grape products in areas that will reach the greatest number of potential consumers;
- Conducts major promotional programs in metropolitan areas to heighten consumer awareness;
- Publishes and distributes to producers, retailers and consumers information relating to the grape, wine and grape products industry, including a winery survey. Its media relations program includes a comprehensive press kit about the Foundation, its programs and the industry as well as a regular newsletter; and
- Helps to facilitate educational and promotional activities to enhance New York's agricultural image through cooperative activities with other organizations such as the New York Beef Council, the American Dairy Association, the New York Hotel and Restaurant Association, and the New York Farm Bureau.

**Issues:** None

**Population Served:** New York State wine and grape industry

**Performance Measures:** Since the Foundation was established, the New York industry has grown from approximately 27 to more than 230 wineries. Wine production has increased more than 50 percent in the last 20 years to nearly 200 million bottles annually. New York winery sales account for \$420 million a year. More than 4 million tourists visit wineries annually.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** New York Farm Viability Institute/Center for Dairy Excellence

**Mandate:** None.

**Mandated Funding Level:** Limited to annual appropriation.

**Brief Description/History/Background:** The New York Farm Viability Institute (NYFVI) was established in 2003 as an independent, non-profit organization led by farmers and dedicated to increasing New York's farm profits and farmer success. The Institute supports and oversees applied research, demonstration, extension, and technical assistance projects to enhance and sustain the vitality of the State's farm industry and rural economy. These projects will advance the profitability of the State's agricultural enterprises and address other issues which are critically important to the long term sustainability of New York's agricultural production sector. The Institute works in partnership with organizations in the public and private sectors to reduce barriers to production, increase the sale of New York grown products, and increase profits to those involved in agriculture.

Farmers can apply for four types of small grants from the NYFVI. These grants are the: Agricultural Innovation Center (AIC) grants, Extension Innovation grants, Applied Research Partnership grants and Specialty Crop grants. These grants focus on helping producers use new technologies and crops to improve the way they farm. These grants also allow farmers to research and manage new systems on their farmlands. The Institute requires that project ideas come from farmers and that farmers are directly involved in preparing proposals, implementing approved projects and evaluating results. Projects are selected based upon the greatest potential and impact for agriculture across New York State. A panel of farmers and farmer-members of the board of directors evaluate proposals and make funding recommendations. The Institute's full board of agricultural production leaders and representatives make the final award decisions.

In 2007-08, a new Center for Dairy Excellence was created within FVI. The Center provides coordination and leadership for collaborative, focused efforts that prioritize opportunities and obstacles to profitability on New York dairy farms and in the Northeast dairy industry. The Center collaborates with similar centers and dairy leadership in Pennsylvania and Vermont to seek solutions and coordinate efforts to reduce obstacles to success in the Northeast dairy industry.

**Issues:** None.

**Population Served:** Agricultural community.

**Performance Measures:** None.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET****Agricultural Business Services Program****Local Assistance**

**Program:** Farm Family Assistance (Farm Net) at Cornell University

**Mandate:** None

**Mandated Funding Level:** Limited to annual appropriation

**Brief Description/History/Background:** NY FarmNet provides farmers and their families with a network of contacts and support services to help them develop skills for dealing with life challenges and transitions through personalized education, confidential consulting and referral. Stresses identified by New York farm families are many and include fluctuating commodity prices, erratic weather, natural disasters, employee relations and labor policies, interconnectedness of family and business, lower profit margins, changing environmental regulations, increased global competition, loss of markets and operating in a non-farm community.

NY FarmNet is an established support network program developed to assist farm families with improving their situation by addressing and reducing the stress within their lives. The program goals are as follows:

- Provide confidential one-to-one assistance delivered in a timely manner, with priority given to those who cannot afford other problem solving alternatives;
- Help develop and sustain strong farming families by providing early intervention to prevent or ameliorate business termination and/or family dissolution;
- Enable farmers and their families to develop problem-solving skills to meet their individual needs;
- Assist the agricultural community with farming transitions;
- Foster information networking among the New York State agricultural and human service communities to help meet the needs of farming families; and
- Complement, collaborate and support service providers in meeting the needs of farm families.

FarmNet operates a statewide toll-free helpline available to the farm community that is confidential and serves as an access point to the program's extensive network of resources, information and referrals. Each call is taken and responded to by a FarmNet staff person. Individual assistance based on each caller's concerns is provided. The response may include linking a family to a FarmNet consultant, connecting a family to local resources and/or agencies for help, sending printed information and research to find the appropriate help.

**Issues:** None

**Population Served:** Agricultural Community

**Performance Measures:** None

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET****Agricultural Business Services Program****Local Assistance**

**Program:** Organic Development & Assistance

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:** Currently, about 2% of all NYS farms are certified organic. NYS survey results indicate that in 2007, an additional 3% of conventional farmers were transitioning to organic production, while 14% of existing organic farmers are expanding their certified organic acreage. Interest in transition among other NYS farmers is surprisingly strong; 7% are very interested in transitioning, 15% are moderately interested, and 19% are slightly interested in transitioning to organic production. The main barriers to transition include: lack of organic-specific written production guidance, lack of organic expertise among service providers, lack of organic market development, lack of research on organic problems.

In September, the Department is scheduled to announce a state-funded program that will reimburse farmers up to \$1000 for each of the three transition years for transition-related expenses. The program's purpose is to: make transitioning farmers visible in their initial year of transition; allow the Department and other service providers to get much-needed information to them, and provide visible State support for transitioning to organic production. The Department has also contracted with NYS Integrated Pest Management, housed within Cornell University, to compile a dozen much-needed specific crop organic production guides, which will be made available for free on their website. The Department will produce a report on the State of Organic Agriculture this calendar year.

The Commissioner appointed a 19-member Organic Advisory Task Force in January 2008. The group has met twice and provided the Department with a list of tasks that need attention in order to remove challenges to the expansion of organic agriculture in the State.

**Issues:** The FY 08-09 \$200,000 fund to provide reimbursement to transitioning farmers of up to \$1000 per year for 3 years is likely to need to be increased to accommodate growing number of farmers who wish to transition. Additional funding is needed to address other barriers to transition.

**Population Served:** Potential population served – the 40% of all farmers who have indicated an interest in transition to organic production.

**Performance Measures:** Short-term: removal or reduction of specific barriers farmers identify that hold them back from transition. Long-term: larger percentage of farmers begin transition.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Local Assistance**

**Program:** Wine Promotion

**Mandate:**

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2005

The New York Wine Industry has grown from 21 wineries in 1975 to a current count of more than 240 wineries, making New York State the third largest wine and grape producer in the nation. The wine and grape sector supports \$477 million in gross sales, attracts 4.2 million tourists annually and has a total economic impact for the State of \$3.4 billion per year. To that end, several new marketing and support initiatives have evolved at the Department to meet the industry's growing marketing needs and opportunities.

In June, 2006, the New York Wine and Culinary Center, located in Canandaigua (Ontario County) held its grand opening. The Department provided \$1.65 million which was used for the construction of the facility, as well as for the creation of a permanent Pride of New York presence, and a portable wine and grape educational display. The New York Wine and Culinary Center is a 501(c)3 not-for-profit organization formed to educate industry and consumer audiences about New York wine and food. The Center serves as a gateway for agritourism throughout the State and promotes New York as an established leader in the worldwide wine, food and agriculture industries.

Working closely with the New York State Wine and Grape Foundation and the New York Wine and Culinary Center, the Department has implemented or is currently implementing a number of promotional activities to support new market opportunities, including:

- Winery Web Site Improvement Matching Grants. Grants have been made available for wineries to enhance or build web sites to support and promote the New York wine industry anticipating increased e-commerce wine sales.
- Wine Trade Show Support. To increase New York State presence at national and international wine trade shows, the Department provided a "Discover New York Wines" pavilion at a number of high profile events in 2007 and 2008 including the Boston Wine Expo – the largest trade and consumer wine event in the United States. In 2008, the Department also organized a pavilion in the first ever New York Wine Expo, in which 30 New York wineries participated.
- Wine Trade Mission. In the spring of 2007, the Department hosted hosting a buyers and media mission – *A Tasting Tour of New York Wine Regions* – to raise media exposure and encourage sales of New York wines by bringing pre-qualified international wine buyers to visit New York vineyards and meet with key industry representatives. The Department received highly favorable feedback from the wine industry about organizing future trade missions/familiarization tours.
- Virtual Wine Tasting. Virtual wine tasting is a cost effective tool to connect New York wineries to markets across the globe. The Department has provided tastings using U.S. embassies in Prague and South Korea.
- Consumer Outreach. The Department is currently developing an aggressive promotion and public relations campaign for consumers and the media that will offer New York wineries the opportunity to promote and sell their wines at a major, high-volume farmers' market in New York City to expand their visibility, sales, and marketing options.

- **The Liquid Connection.** New York waterways have been identified as a strategic marketing tool for New York wines. In 2007, the Department sponsored and developed a wine marketing and promotion campaign to support the "Grand Canal Journey", a 1,000 mile long voyage of an 1862 replica canal schooner. Festivals and events coupled with the Journey were held at more than 25 communities along the Erie Canal from July through September.
- **Wine Trails Initiatives.** Eighty percent of all New York State wine sales occur at the wineries. Because New York's 14 wine trails are a critically important promotion tool for wineries, Department resources and activities that support the trails can be an efficient and effective means to increase the sales of many wineries.
- **Portable Wine Display.** A portable display was created to provide timely information for consumers interested in learning more about and choosing New York wine. In addition, a display featuring the benefits of grape juice consumption is currently being developed.
- **Wine Handbook.** In order to reflect recent changes to New York State rules and regulations pertaining to licensing and winery operations, in 2006 a winery handbook was designed, produced and distributed to wineries throughout the State.
- **Market Research and Incentives.** With increasing interest from the wine industry to identify consumer buying trends, the Department oversaw a comprehensive study regarding consumer and retail opportunities for New York State wineries, particularly as they relate to ethnic markets, as well as distribution needs.

**Issues:** Fifteen years ago, the California wine industry was in its infancy; however, today California is known throughout the world as a wine super power. Many feel the tipping point for California was a modest investment by the State to consolidate and lead marketing activities. Similarly, as New York wineries continue to receive national and international awards and increased recognition for the production of high quality wines, we are at a pivotal time to build and enhance the marketing and sales of New York State wines in a coordinated fashion.

**Population Served:** Vineyards, wineries, consumers, wholesalers, distributors, retail outlets

**Performance Measures:**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Agri-Tourism Grant Program

**Mandate:** AML, section 16, subdivision 2

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2006

Section 16(2) of the Agriculture and Markets Law authorizes the Department to undertake and support activities and projects which aid in the promotion and development of the agricultural resources in the State and the improvement of the conditions of rural life. Eligible projects include the development, implementation or expansion of activities which will promote New York State food and agriculture by attracting visitors to New York State food and agriculture related destinations for economic, social, cultural, educational, environmental, and recreational and/or entertainment purposes.

From an economic standpoint, food and agricultural tourism generates income, creates jobs, provides economic diversification and stabilization, and attracts tourists and the dollars they spend. From a social and cultural standpoint, food and agricultural tourism can help preserve rural lifestyles, increase awareness and appreciation for rural and agricultural heritage, increase a sense of community pride, and raise awareness of rural and agricultural issues. Environmentally, food and agricultural tourism often contributes to better agricultural environmental management, protection of farmland, restoration of agricultural heritage sites, and greater and better use of farmland, forests, and other agricultural resources.

Maximum funding available to projects under this program is \$50,000, which must be matched by equal or greater amounts of matching funds.

**Issues:** Based upon the number of applications received and the amount of funding requested compared to the amount of available funds there is a demonstrated industry need for continued funding of the program.

**Population Served:** Farmers, chambers of commerce, ag and farmland protection boards, municipalities, not-for-profit organizations and other agri-businesses.

**Performance Measures:** Grant funds are awarded on a timely basis and projects completed win accordance with plans.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Geneva Experiment Station and Seed Testing Laboratory

**Mandate:** None

**Mandated Funding Level:** None

**Brief Description/History/Background:** The mission of the NYS Agricultural Experiment Station is directly focused on supporting New York's agriculture and food industries with research, extension and education programs. The Center:

- Uses the best-suited scientific tools and systems to solve both fundamental and applied scientific questions pertaining to plant agriculture and food science;
- Improves competitiveness and profitability of growers and processors of fruit and vegetable crops, turf, and other expanding horticulture industries;
- Develops biologically and environmentally sound practices to produce, protect, and process horticultural crops and commodities;
- Develops and implements technologies to ensure the wholesomeness of foods;
- Serves the diverse clientele of the State and supports emerging opportunities to enhance and expand plant-based agriculture and food systems; and
- Helps create, attract and retain agricultural, food, and biotechnology enterprises within New York.

New York State Seed Testing Laboratory:

The work of the NYS Seed Testing Laboratory is supportive of growers and food processors that submit seed samples for testing prior to planting. This is important because poor quality seeds can put an entire crop at risk. Seed analysts in the Lab also test seeds submitted by the Department, which seeks to ensure that seeds sold in New York are of high quality. Thus, by the very nature of the work carried out by the Seed Lab, the work is relevant to stakeholders' needs for an unbiased source of accurate information for seed samples and helps to keep the agricultural sector of the State's economy strong by ensuring that growers plant high quality seeds leading to productive crops.

**Issues:** None

**Population Served:** Agricultural Producers and Growers

**Performance Measures:**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Agricultural Workforce Certification Program

**Mandate:** AML, Article 2, section 16

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1992

The Agricultural Workforce Certification Program (AWCP) provides training to individuals interested in entering production agriculture or upgrading current skills. Training is provided on a wide range of topics including landscaping, dairy farming, plant health care, horticulture and pest management. A new farmer training course is also offered.

Approximately 26 training programs were held in 27 different counties during 2007. Each course is 30-40 hours in length and results in the attendee being certified in the course subject matter. Since inception in 1992 training has been provided to over 13,000 individuals.

**Issues:** Northeast agriculture and family farms face a great challenge locating and maintaining trained and dependable workers. The AWCP has been given the opportunity to address this challenge through providing both entry level and continuing training programs for new and existing agriculture workers in New York State.

**Population Served:** Farmers and other agri-businesses, farm workers and employers.

**Performance Measures:** Training addressing the needs of both employers and employees are provided to help ensure employers are provided a well trained workforce and employees provided opportunities to improve their skill levels.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Farmland Viability Program

**Mandate:** AML, Article 25-AAAA

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2000

Article 25-AAAA of the Agriculture and Markets Law authorized establishment of the Farmland Viability Program to help ensure the continued economic viability of the State's agricultural industry and to preserve the environmental benefits associated with agricultural land use. The Commissioner of Agriculture and Markets is authorized to issue requests for proposals and award matching grants within funds available for projects that will contribute to overall farm profitability and sound environmental management. The purpose of the program is to assist farm operators and agricultural cooperatives in developing business plans or implementing part(s) of an existing business plan that will enhance the profitability and/or environmental compatibility of their farm operations, and to assist county agricultural and farmland protection boards (AFPBs) in implementing components of their approved county agricultural and farmland protection plans that will enhance the economic condition of agriculture in their communities.

**Issues:** Based upon the number of applications received and the amount of funding requested compared to the amount of funds made available, there is a demonstrated need for continued program funding.

**Population Served:** Farmers and country ag and farmland protection boards.

**Performance Measures:** Grant funds are awarded on a timely basis and projects completed win accordance with plans.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Agricultural Business Services Program

Local Assistance

**Program:** Food and Agricultural Industry Development Grants

**Mandate:** AML, Article 25-A

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2000

Article 25-A of the Agriculture and Markets Law allows the Department of Agriculture and Markets to implement a Food and Agriculture Industry Development (FAID) Program to address the rapid changes taking place in the industry. It authorizes the Commissioner to issue requests for proposals and award matching grants within funds available for projects that will promote such strategic business undertakings as are necessary to assure the continued prominence of agriculture as a leading industry in the State and of the State as a supplier of quality foods. Projects involving new product development; alternative production, processing, distribution and marketing methods or technologies; the introduction of high technologies; or organizational methods that further the development of the food and agricultural industry in New York State are eligible for funding. For the purposes of this program, food and agricultural industry projects shall include those involving farm woodland or fresh water aquatic products produced in either natural or man-made water bodies or controlled structures.

**Issues:** Based upon the number of applications received and the amount of funding requested compared to the amount of available funds, there is a demonstrated an industry need for continued program funding.

**Population Served:** Farmers and other agri-businesses, educational institutions, food processors and manufacturers.

**Performance Measures:** Grant funds are awarded on a timely basis and projects completed win accordance with plans.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Local Assistance**

**Program:** Direct Marketing and Agritourism

**Mandate:**

**Law:** AML, Article 23  
 AML, Article 2, section 16, subdivision 5(b)  
 Education Law §1619 (Farm-to-School)  
 General Municipal Law §103(8-a) (Farm-to-School)  
**Regulation:** NYS Finance Law; NYS Education Law; NYS Health Law;  
 HPNAP food bank contracts, Thruway guidelines and contracts

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 1980

The Division develops, facilitates, and promotes direct marketing connections and arrangements between producers, consumers and other buyers, including school districts and state and local government agencies. Activities include:

- maintaining the Department's *Farm Fresh Guide* web site to provide detailed information on farms and markets for agritourism promotion and institutional marketing;
- assisting the New York State Thruway Authority in *Tailgate Farm Market Program* at selected Thruway travel plazas to promote agriculture;
- providing assistance to organizations and farms to support innovative agritourism promotions and concepts;
- partnering with regional food banks to expand procurement of fresh produce for emergency food provisions, including food pantries and soup kitchens;
- assisting New York State Agricultural Statistics in designing direct marketing surveys that gather critical information used to develop, modify, and enhance marketing programs

**Issues:**

- Upgrading the Department's web site could allow timely interactive updates so consumers could access up-to-date information regarding available farm products, scheduled events, directions, etc.

**Population Served:** Urban/suburban/rural residents, farmers, institutions, state/county/regional tourism and economic development offices, NYS Thruway Authority; hunger/food access groups; tourists

**Performance Measures:** Development of a new electronic Guide to Farm Fresh Products.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Agricultural Business Services Program**

**Local Assistance**

**Program:** Farm to School

**Mandate:** AML, Article 2, section 16, subdivision 5(b)

**Mandated Funding Level:**

**Brief Description/History/Background:**

Established: 2002

The mission of the Farm-to-School Program is to increase the consumption of nutritious New York-grown and produced foods in schools in order to strengthen local agriculture, improve student health and promote regional food system awareness. Through a variety of tools and hands-on resources, we provide assistance to a various organizations and institutions who want to provide students with nutritious, delicious, seasonally varied meals from foods produced by local farms and food processors.

The Department has achieved noteworthy results in the largest school district in the country, New York City, where a strong partnership with the New York City Department of Education's Office of School Food led to a three year strategic plan to maximize procurement of New York State food products.

The Department works with New York State Farm-to-School Coordinating Committee to expand farm-to-school procurement of fresh, locally grown produce and other items in both urban and rural school districts by:

- providing assistance with sourcing locally grown/minimally processed foods
- surveying the capacity and interest of schools and farmers in participating in local or regional farm-to-school programs
- developing informational resources to educate educators, parents, administrators, food service directors, etc. about farm-to-school opportunities in the State
- promoting *New York Harvest for New York Kids Week*, which the law directs to take place each fall. As a result of the Department's involvement, farm to school activities during this week are now common throughout the State with many schools organizing events and initiating or expanding purchases of New York farm products.
- developing a variety of fun/educational resources for children regarding agriculture, food and healthy eating

**Issues:**

- The number of obese children in New York is rapidly increasing and this growing epidemic has generated significant attention on what students are consuming while attending school. The farm-to-school program not only impacts what students eat at school, it also provides an opportunity to help children develop healthy eating choices/habits while building community support of local businesses.
- School food service programs' ability to provide well-balanced nutritious meals at affordable prices is directly impacted by State support. Currently, the State supports programs at approximately 6.5 cents per lunch served a level which has remained static for over 20 years.

**Population Served:** Pre-school children, elementary, middle and high-school students; parents; teachers; educators; school district administrators; food service directors, food wholesalers/distributors; Food Nutrition Association; local Health Departments; colleges; day care centers

**Performance Measures:**

- Increased participation by schools in *New York Harvest for New York Kids Week*.
- Increased procurement of New York produced food products by New York schools, daycare centers and colleges.

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# **Consumer Food Services Program**

## **Food Safety and Inspection**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Food Inspection Program targeting adulterated or misbranded food.

**Mandate:** Article 17 Agriculture and Markets Law – Adulteration, Packing and Branding of Food and Food Products.

**Mandated Funding Level:** None

**Brief Description/History/Background:** This statute defines food and food product and prohibits the sale of adulterated or misbranded foods. It applies to the entire commercial food chain and is the basis for the Division of Food Safety and Inspection's inspection and sampling program. This program is critical to the public health and safety of the citizens of New York State.

**Issues:** None

**Population Served:** The consuming public of New York State

**Performance Measures:** There are 30,222 regulated establishments which are subject to this provision of Agriculture and Markets. The Division conducts approximately 41,000 sanitary inspections each year. Approximately 7,260 penalty cases totaling about \$2,880,000 are referred to the counsel's office each year. 4,000 plus samples are collected for chemical or microbiological analysis each year. Federal contracts annual revenue associated with the enforcement of Article 17 include the following.

- USDA Pesticide Data Program                      Approximately \$340,000
- USDA Microbiological Data Program              Approximately \$55,000
- FDA Food Inspection                                  Approximately \$250,000
- USDA Custom Exempt                                Approximately \$130,000

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Agriculture and Markets law, Article 28, § 500. Special powers and duties of the Department with respect to retail food stores, food service establishments and food warehouses.

**Mandate:**

- The Department is mandated to assign at least one retail food specialist to each inspection zone.
- The Department is mandated to inspect each retail food store at least once in every twelve month period. Any store that fails two consecutive inspections shall be inspected at least once in every six month period until it has passed two consecutive inspections.
- That retail food stores post inspection results and maintain article 28 licenses.

**Mandated Funding Level:** None

**Brief Description/History/Background:** This act became a law May 15, 2003. The act requires each retail food store post a copy of the date and results of its most recent sanitary inspection by the Department in a conspicuous location near each public entrance. The act also requires that no person shall operate a retail food store, food service establishment or food warehouse unless such establishment is licensed.

**Issues:** None

**Population Served:** General consuming public

**Performance Measures:** There are currently over 23, 000 retail food stores and 2, 000 food warehouses in New York State which must comply with article 28 through posting of inspection and/or obtaining appropriate licenses. There are a total of 3, 800 retail food stores and 1, 200 food warehouses which require and article 28 license for a total of approximately \$720, 000 (most retail food stores and many food warehouses are otherwise licensed under article 20-C for food processing activities). Non-compliance with the posting requirement and/or operating without the required license are referred to the Department's Counsels office for legal action.

The Department must also comply with the mandates of article 28. At least one retail food store specialist is assigned to each zone in the state. These specialists conduct industry conferences at retail food stores with a history of non-compliance. Approximately 72% of the establishments that participate in these educational conferences are found to be in compliance during the next inspection. The Department inspects each retail food store at least once in every twelve month period. Any store that fails two consecutive inspections is inspected at least once in every six month period until it has passed two consecutive inspections.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Agriculture and Markets Law, Article 20-C – Licensing of food processing establishments

**Mandate:** Article 20-C, § 251-z-3 states no person shall maintain or operate a food processing establishment unless licensed biennially by the Commissioner.

§ 251-z-12, added in 2005 and revised in 2008, requires that every retail food store licensed under this article have an individual in a position of management or control assigned to it who has been issued a certificate of completion from an approved food safety education program.

**Mandated Funding Level:** None

**Brief Description/History/Background:** This article was enacted in 1972. The general purposes of this article are to assure that foods processed in New York State and offered for sale for human consumption are pure and wholesome and that the food processing establishments, in which such foods are manufactured or processed, conform to proper operating and sanitary standards.

**Issues:** None

**Population Served:** General consuming public

**Performance Measures:** There are currently over 21, 000 food processing establishments licensed under article 20-C in New York State. Article 20-C license revenues totaled over \$1.8 million in 2007-2008. A total of 194 administrative hearings were held in 2007-2008 to consider revoking, declining to grant or renewing article 20-C licenses based on insanitary conditions. A system is in place for approving food safety education programs and ensuring that every retail food store licensed under this article has an individual in a position of management or control assigned to it who has been issued a certificate of completion from an approved food safety education program.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Food Safety and Inspection**

**Program:** The Manufacture and Distribution of Commercial Feed

**Mandate:** Article 8 Agriculture and Markets law licensing of in-state facilities and the registration of out-of-state facilities, pet food brand registration and collection of commercial feed tonnage fee.

**Mandated Funding Level:** None

**Brief Description/History/Background:** The provisions of Article 8 are designed to assure feed offered for sale in New York is not adulterated and is properly labeled via a robust sampling and inspection program.

**Issues:** None

**Population Served:** New York State Farm Community and Pet Owners.

**Performance Measures:** 472 Feed facility inspections are performed each year.

- 8,104 Pet food brands are registered resulting in approximately \$810,000 annually
- 504 Feed tonnage registrations resulting in approximately \$135,000 annually
- 21 Feed facility registrations resulting in approximately \$38,000 annually
- 97 Commercial feed licenses resulting in approximately \$9,700 annually

Federal contract associated with the authority provided under this statute.

- FDA Medicated Feed/BSE approximately \$110,000 annually

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Halal Food Protection Act of 2005

**Mandate:** Manufacturers, producers, packers and distributors of food which is certified as halal must register their company with the Department of Agriculture and Markets and file the name, address, and phone number of the person who certifies the food as halal.

**Mandated Funding Level:** None

**Brief Description/History/Background:** The New York State Halal Foods Protection Act was signed into law in 2005 requiring that all food manufacturers, producers, packers and distributors must register their halal food products and halal certifiers. The law is written to encompass food establishments, food retailers, restaurants, caterers, and portable food carts. Also included are certifying individuals, partnerships, associations and organizations.

**Issues:** None.

**Population Served:** General public.

**Performance Measures:** The Department of Agriculture and Markets, Division of Food Safety and Inspection maintains a list of registered halal food establishments across the state. Establishments identified as being unregistered halal establishments (selling halal food products, displaying halal food signage) are visited by a food inspector for the purpose of reviewing the registration requirement and assisting the operator in completing the registration process. The Department maintains an interactive electronic registry on its website and also conducts surveillance inspections to assure compliance with this act.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Licensing of Disposal Plants and Transportation Services

**Mandate:** Article 5-C Agriculture and Markets Law Licensing of Disposal Plants and Transportation Services.

**Mandated Funding Level:** None

**Brief Description/History/Background:** Article 5-C requires the licensing and inspection of plants which render animal carcasses into animal feed and other by products as well as the transporters of such products. The purpose is to assure that such products do not find their way into the human food chain and that products intended for animals are safe and suitable for that purpose

**Issues:** None

**Population Served:** The purchasers of pet and animal feeds as well as the general consuming public of New York State

**Performance Measures:** The licensing and inspection of 40 Disposal Plants and Transportation Services.

- This results in approximately \$4,000 in license fees annually.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Food Safety and Inspection**

**Program:** Article 17 B – Licensing of Food Salvagers

**Mandate:** To protect the public safety and health by controlling the salvaging of damaged or contaminated food, food products, and food packaging which will come into intimate contact with food or food products.

**Mandated Funding Level:** None

**Brief Description/History/Background:** Article added to New York State Department of Agriculture and Markets law in 1965. Article 17 B was added to authorize Agriculture and Markets to license and regulate (including general inspection authority) any person engaged in the business of reconditioning, labeling, relabeling, packing, repacking, sorting, cleaning, culling, or by any other means salvaging food or food products, single serve food containers and utensils, soda straws, paper napkins or any product of a similar nature that may have become damaged, contaminated, adulterated or misbranded as a result of fire, flood, transit wreck, accident or other cause, or by water, smoke, chemicals, or any other adulterating agents.

**Issues:** None

**Population Served:** New York State retail grocery industry and the general public.

**Performance Measures:** Establishments licensed under Article 17 B in New York State are assigned a high priority inspectional status. New York State Department of Agriculture and Markets, Division of Food Safety and Inspection maintain a current inventory of 23 licensed food salvagers in 17 different counties within New York. License fees for Article 17B – Food Salvagers in New York State generate approximately \$1200.00 annually. All Article 17B Licensed Salvagers are visited for the purpose of conducting an unannounced inspection at a minimum of 3 times per year. Licensed food salvagers in New York State are required to meet regulations as written in Part 256 of Title 1 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Circular 855).

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Food Safety and Inspection**

**Program:** Licensing of Slaughterhouses

**Mandate:** Article 5-A, Agriculture and Markets Law licensing of Slaughterhouses

**Mandated Funding Level:** None

**Brief Description/History/Background:** This statute provides for the licensing and inspection of animal slaughterhouses not regulated by the United States Department of Agriculture. It recognizes the need to exercise the police power of the state to protect the public health by ensuring the regulated slaughter operations are conducted in a sanitary manner.

**Issues:** Live poultry markets in New York City are unpopular in certain residential neighborhoods and as a result certain zoning issues have arisen.

**Population Served:** The consuming public of New York State

**Performance Measures:** 138 slaughter operations in New York State are licensed and inspected by the Division of Food Safety and Inspection.

- This results in approximately \$28,000 in license fees bi-annually

# **Consumer Food Services Program**

## **Farm Products**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Food Safety and Inspection**

**Program:** Farm Products Grading and Certification

**Mandate:** Authorized by the Agriculture Marketing Act of 1946 and Article 2, Section 16-25; 25A of the Agriculture and Markets law.

**Mandated Funding Level:** None-Fee for Service

**Brief Description/History/Background:** The Department's Farm Products Unit provides 30 different grading, certifying, auditing, sampling and Inspection programs to help industry market and regulate their products. These programs involve a wide variety of products including eggs, fruits, vegetables, poultry, meat, seafood, maple syrup, and pet food. The Farm Products unit is also involved with Country of Origin Labeling (C.O.O.L.), Pesticide Data Program (PDP), Microbiological Data Program(MDP), as well as USDA's Good Agriculture Practices/Good Handling Practices(GAP/GHP) programs. The Unit works through cooperative agreements with 15 different USDA Divisions, or Divisions within our Department. The Units 50 employees and additional 20-40 seasonal employees scattered throughout New York State combine to generate over 2 million dollars in revenue while providing essential and vital services to New York's Agriculture Industry.

**Issues:** None

**Population Served:** All phases of New York State Agriculture from field, orchard, and farm, packers, re-packers, processors, wholesalers, retailers, laboratories, general consuming public, and various state and government agencies.

**Performance Measures:** Fee for Service which generates approximately 2 million dollars annually.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Fresh Fruit, Vegetables, Eggs, and Maple Syrup Branding Law Program (Regulatory)

**Mandate:** Article 2, Section 16, Part 23: Article 12-A, Subpart 156-e; Article 2, Section 20

**Mandated Funding Level:** None

**Brief Description/History/Background:** The Farm Products unit enforces branding laws and regulations which are designed to protect consumers, packers, wholesalers, and retailers through the prevention of unfair labeling and other sales practices due to misbranding of farm products. Establishes a level "playing field" for all levels of industry to market their products. Specific articles enforced: Article 12-A-potatoes; Article 13-apples; Article 13-A-eggs; Article 13-B-grapes; Article 13-C-lettuce; Article 13-D-maple syrup; Article 17 Sections 200.3; 201.4, 201.11 and 201.12. Article 17, 1NYCRR, Section 271.

**Issues:** None

**Population Served:** General public, packers, wholesalers, and retailers.

**Performance Measures:** Last year: 1,850 establishments, where 14,839 lots of fresh produce, eggs, and maple syrup were inspected.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Controlled Atmosphere (CA)

**Mandate:** Established under Article 12-A, Section 156-dd to provide a means of promotion, control, and enforcement of apples placed in storage under regulated conditions.

**Mandated Funding Level:** None

**Brief Description/History/Background:** In existence for over 50 years, originally established as a means of creating an opportunity for marketers of controlled atmosphere apples to readily identify their superior product. Users of this program are issued a license annually (for which there is no fee) and must follow certain protocol for their apples to qualify as CA. At present time CA records are the only means of verifying that apples shipped to California and Arizona meet quarantine requirements for New York state apple storages and growers.

Otherwise the necessity for controlled atmosphere has diminished chiefly to the refinement and advancement of storage technology. Controlled atmosphere is now highly sophisticated and the industry's expected standard of storage. Soft apples in the marketplace are not tolerated by either chain store buyers or consumers at all levels. Farm Products inspectors have indicated that most packages of controlled atmosphere apples are no longer identified as "CA Apples", probably because there is no longer any unique advantage to such identification. However, an attempt at eliminating this program in the 1990's was met with opposition from the apple industry, and the program was brought back. Industry seems to like this program as a means to give storage operators and "outside opinion" or "check" on how their storages are operating.

**Issues:** None

**Population Served:** Apple growers and Apple storage operators

**Performance Measures:** Annually approximately 70 to 80 storage facilities statewide store approximately 6 to 8.5 million bushels of apples in 400 to 500 controlled atmosphere rooms. Last year 75 storage facilities stored 8.3 million bushels in 406 controlled atmosphere rooms.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Agriculture and Markets Law, Article 13-D, §160-u. - Manufacture, Distribution and Sale of Maple Syrup

**Mandate:** To ensure that maple syrup and sugars manufactured, distributed and sold in New York State are properly labeled, graded, advertised and wholesome.

**Mandated Funding Level:** None

**Brief Description/History/Background:** Article, formerly article 13-C, was redesignated by L.1969, c. 839. The article provides definitions for maple sap, syrup and sugar; and requirements for grading and advertisement. The article is enforced by surveillance and inspection and the application of the following:

- Article 17 – Adulteration, packing and branding of food and food products, § 203
- 1 NYCRR, Part 175 – Rules and regulations for grading maple products
- 1 NYCRR, Part 176 – Standards of grading maple syrups
- 1 NYCRR, Part 276 – Food processing establishments

**Issues:** None

**Population Served:** New York State Maple producers and the consuming public

**Performance Measures:** The Department conducts Inspection and surveillance sampling at manufacturers, distributors and retailers. There are over 1, 500 maple syrup producers in New York State.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Safety and Inspection

**Program:** Article 19 – Refrigerated Warehouses and Locker Plants

**Mandate:** To license, regulate and inspect, any establishment or structure, or portion thereof, where space is rented or hired for the storage of food at or below the temperature of 45 degrees Fahrenheit (more than 30 days – Refrigerated Warehouse, less than 30 days – temporary storage place). Also included are buildings or portions thereof, under such chemical refrigeration, in which individual compartments or lockers, each not more than 100 cubic feet capacity, are rented for the purpose of freezer storage of articles of food.

**Mandated Funding Level:** None

**Brief Description/History/Background:** The history of Article 19 – Refrigerated Warehouses and Locker Plants, in Agriculture and Markets law dates back to 1922 giving the Department jurisdiction over refrigerated warehouses, temporary refrigerated food storage facilities, and “locker” plants. The statute is written authorizing the Department of Agriculture and Markets jurisdiction over licensing (issuing and suspension or revocation of), required maintenance of records, marking of foods in storage, the condemnation of unfit foods, length of storage period of foods, transfer of foods held in refrigerated storage, and the power of the Commissioner to investigate.

**Issues:** None

**Population Served:** General public.

**Performance Measures:** Department of Agriculture and Markets, Division of Food Safety and Inspection currently maintain an inventory of 40 Refrigerated Warehouses and/or Locker Plants within 25 different counties across the state. These facilities are visited for unannounced inspections on an annual basis throughout the state. License fees for Article 19 – Refrigerated Warehouses and Locker Plants in New York State generate over \$4000.00 annually.

# **Consumer Food Services Program**

## **Food Laboratory**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Food Laboratory

**Program:** Food Laboratory; sample testing programs for food, beverage, animal feed/pet food and fertilizer in support of regulatory programs and food safety and security.

**Mandate:** To provide analytical testing services to the regulatory divisions in the department of Agriculture and Markets in support of food safety and security programs and a variety of agricultural production programs, and to protect the economic interests of consumers in NY State.

**Mandated Funding Level:** No funding level mandated, actual funding varies depending upon available resources.

**Brief Description/History/Background:** The divisions of Food Safety and Inspection, Milk Control and Dairy Services and Plant Industry have statutory regulations that are in part supported by laboratory testing. Article 17 in the Department of Agriculture and Markets Rules and Regulations is administered by the Division of Food Safety and Inspection and requires laboratory testing to enforce. Among other things, Article 17 defines misbranding and adulteration of food. The FDA Interstate Milk Shippers program (FDA-IMS) requires that the state Food Laboratory provide testing of dairy products by FDA certified analysts to allow NY State dairy producers to ship their products out of state. State level involvement in the FDA-IMS program is regulated by the Division of Milk Control and Dairy Services; approximately 7,500 dairy samples/year are tested in the state Food Laboratory.

**Issues:** The main challenges faced by the Food Laboratory in providing the level of analytical expertise needed to support the above programs and activities are: Supporting state of the art analytical testing programs in an inadequate laboratory facility. Adequate funding to purchase equipment, supplies and reagents needed to perform analyses. Adequate staff expertise and training to meet the demands of the dynamic testing programs in the Food Laboratory; food safety and security issues are not static. Financial and staff resources needed to obtain and maintain international accreditation to the ISO 17025 and ALACC standards; this achievement will allow Food Laboratory analytical results to be internationally recognized as being unquestionably sound and of the highest integrity. Maintaining the support and resources necessary to meet agency obligations to three cooperative agreements with the USDA that provide \$2,312,000 in annual funding to several food safety and security programs.

**Population Served:** All consumers of food and beverage, all dairy producers, all pet owners, all owners/producers of livestock, and all farmers who utilize commercial fertilizers in NY State.

**Performance Measures:** Food safety and security programs are assets to the health and safety of NY State citizens. Analyses are performed and reported within the timeframe needed by the entities submitting samples. Quality control and quality assurance programs ensure the integrity of analytical results. The scope of analyses offered by the laboratory meet the needs of the regulatory divisions in the Department of Agriculture and Markets and the citizens of NY State. For example; in 2007 the laboratory tested 19,096 samples and reported 115,129 analytical results. Ninety percent of samples were found to be in compliance; 10 % were violative and 41 class 1 recalls of food and/or beverages (those with imminent hazards) were initiated based on Food Laboratory test results. The Food Laboratory played an integral role in several recent large multi-state outbreaks of foodborne disease including; *Salmonella enterica* in peanut butter, a veggie snack, and the recent tomato – pepper outbreak; *E. coli* O157:H7 in preformed hamburger patties and ground beef; and in several regional outbreaks of foodborne disease.

# **Consumer Food Services Program**

## **Kosher Law Enforcement**

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Kosher Law Enforcement**

**Program:** Dept. of Kosher Law Enforcement

**Mandate:** Section 16, Subdivision 30 of the Agriculture and Markets Law which authorizes inspections and investigations of kosher food establishments, to enforce the provisions of sections 201-a, 201-b, and 201- c.

**Mandated Funding Level:** Limited to amount of annual appropriation.

**Brief Description/History/Background:** The Kosher Law protection Act of 2004, requires that all producers, processors, packers, distributors, or retailers of kosher food products, as well as food establishments who prepare kosher food, register with the state the product information and the certifier of the product. Food establishments that serve or sell non packaged food prepared by them, must also register and post on premises a kosher certification disclosure form with certain information regarding the certifier and preparation practices. In addition, all certifiers must file with the department a registry which includes a statement of the certifier's qualifications.

The responsibility of the KLE staff is to gather all of this information and enter it into the kosher data base so that it is also available for consumers to obtain. The material has to be reviewed, entered and approved. There is also maintenance, regarding changes, at times, of certifiers, products added or deleted. The office staff also has to prepare assignments for the field inspectors, and supervise, guide, assist them, and review and submit their paperwork. The field inspectors, who are based downstate, must travel throughout the state conduct these inspections and investigations.

**Issues:**

**Population Served:** Jewish, Muslim, dietary restricted, and general public.

**Performance Measures:** During the past year, the Department conducted 7,870 routine inspections, 412 special investigations, and responded to 45 consumer complaints.

The registry data base presently has over 9,100 registries submitted by establishments and certifiers, and over 340,000 kosher products registered.

# **Consumer Food Services Program**

## **Weights and Measures**

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Weights and Measures

**Program:** Supervision of Statewide Weights and Measures Program (Division of Weights and Measures)

**Mandate:** Article 16 Section 179 and Section 181 as applicable to municipal directors and officials.

**Mandated Funding Level:** Presently funded through limited General Funds and mostly from the Motor Fuel dedicated fund.

**Brief Description/History/Background:** The Weights and Measures Program serves to promote equity in the commercial marketplace through enforcement of laws to assure measurement accuracy in transactions involving weight or measure. In the United States, weights and measures is primarily a State and municipal government function. While federal agencies may set the standards, it is the State and municipal programs that implement them. Weights and measures activities are essential to maintaining marketplace integrity, protecting both the buyer and the seller. These activities involve enforcement measures to regulate commercial devices and commercial measurement practices at both retail and wholesale, including retail pricing accuracy.

State specialists train, assist, and supervise 61 municipal programs and about 150 municipal officials in New York State. Commercial device regulation consists of inspections for accuracy and for appropriate use in commerce. Market practices include a wide range of issues such as net weight of packaged commodities, commodity labeling and disclosure and verification of accurate pricing in sales of bulk commodities at all types of retail stores and wholesale transactions. Adequate supervision is necessary to reduce barriers to both intrastate and interstate trade resulting from non-uniform application of weights and measures regulations and thus assuring fair competition among businesses.

This field work is highly integrated with many of the other programs within the division.

**Issues:** The program is funded through:

- General Fund covering personal services for 3 filled and one vacant position
- Motor Fuel Fund covering the remaining personal services and OTPS

**Population Served:** All citizens of the state benefit from the protections provided by a uniform and active weights and measures program. Municipal programs rely on the support and guidance from the State. Businesses desire uniform application of the laws to permit uniform business practices across municipal lines and assure fairness in business to business transactions.

**Performance Measures:** Overall effectiveness of the program is provided in compliance figures generated from annual report data submitted by the municipal directors. Overall satisfaction of businesses and consumers are reflected in the relatively small number of consumer and business complaints showing confidence that measurements within the commercial marketplace are fair and accurate.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Weights and Measures

**Program:** Motor Fuel Quality (Division of Weights and Measures)

**Mandate:** Sections 179, 192-a, 192-b, 192-c and 192-d

**Mandated Funding Level:** Supported by testing fee collected as part of tax on motor fuels imported into the State.

**Brief Description/History/Background:** This program seeks to ensure that motor fuels sold in the State meet appropriate quality standards. A statewide sampling program at both distribution terminals and retail stations is now at a maintenance level to keep compliance high. State specialists sample at the terminals and municipal officials sample at retail stations. The samples are analyzed by a contractor laboratory that also provides courier service to collect the samples.

Terminals are sampled about once per month and retail stations about once per year. The program is presently in a maintenance mode at this level, ensuring enough visibility to keep businesses honest.

During the summer months the sampling program is altered slightly to share resources with DEC (see Clean Air Program). This offers cost savings to both A&M and DEC programs since we use the test results for two programs.

**Issues:** The testing fee supporting this program was established in 1991 at \$0.0005 per gallon. Over the 17 year history of the program our testing has been reduced to a maintenance level but costs are now at a point that may overtake available revenues. Sweeps of the surplus in the fund have left no cushion in a year when sales of motor fuels are dropping in part due to conservation and in part due to a move to higher mileage vehicles. In addition, FTE's in the Municipal Supervision Program that were formerly under the General Fund were moved into this fund even though they do not perform fuel quality activities.

The tight economic times will possibly create more incentive cheat on fuel octane. Also there are a number of issues to be resolved regarding the blending of biofuels in motor fuels. There presently are no standards limiting the quality of those biofuels. This is an area that we are exploring.

The municipal role in the program and the reimbursement is a critical part of the operation. Each year almost \$500,000 is provided to municipal programs in support of this program. Any reduction in sampling levels will result in corresponding reduction in local support.

**Population Served:** All motorists benefit from the assurance that fuels sold in New York meet appropriate quality standards. Business also benefits from fair competition as no competitor is able to sell substandard fuel.

**Performance Measures:** The year round sampling program provides regular feedback on compliance levels and any changes become readily apparent. These can be isolated to individual brands and/or source terminal.

**NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET**

**Consumer Food Services Program**

**Division of Weights and Measures**

**Program:** Clean Air Program (Division of Weights and Measures)

**Mandate:** Section 179(20) and resulting Memorandum of Understanding with Dept o Environmental Conservation

**Mandated Funding Level:** Expenses covering costs only are paid from the Clean Air dedicated fund.

**Brief Description/History/Background:** The program utilizes the testing data from our Motor Fuel Quality Program to support DEC efforts to ensure compliance with air quality standards throughout the State. Under a MOU with DEC, data on fuel volatility from approximately 20% of the retail stations and all distribution terminals is provided to DEC during the summer season. That data provides evidence that fuels sold in the state meet EPA and State SIP requirements and do not lead to higher levels of air pollution. Significant cost savings are provided by using the data to ensure compliance of fuels with both air quality and consumer protection requirements for other fuel quality requirements.

State specialists do the sampling at distribution terminals and those activities are supported by the Motor Fuel dedicated fund. The Department uses about 15% for administration. Municipal inspectors take the samples at the retail stations across the state and are reimbursed for those activities. Approximately 30% of all costs in this program go to reimburse municipal programs. The remaining 55% covers the cost of sample analysis at a contractor laboratory.

**Issues:** None

**Population Served:** DEC Air Division and the STATE SIP with federal EPA. The tests also ensure every New York citizen gets cleaner air to breath and motorists get fuel that meets quality standards.

**Performance Measures:** DEC has to show compliance measures are in place to monitor fuels used in the State. In addition, our consumer protection compliance levels re maintained through the activities of this program,

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Weights and Measures

**Program:** Device Inspections not performed by Municipal Programs (Division of Weights and Measures)

**Mandate:** Section 179

**Mandated Funding Level:** Program supported by user fees set in Regulation

**Brief Description/History/Background:** The Division performs tests of large scales, terminal meters, propane meters, and State and local highway weight enforcement scales where the municipal programs are unable to perform these tests. These generally require specialized test equipment that is expensive to purchase and maintain. The bureau operates one weight truck unit, one terminal meter test unit, three propane test units and a testing facility at the state fairground for the highway scales.

A great deal of commerce is transacted using these devices each year. Thus it is vital to buyers and sellers alike to ensure that they remain accurate. If the Division were to stop performing these tests, the municipal programs could not fill the void.

**Issues:** The fees set in regulation are now quite old and some do not reflect the actual costs to perform the tests.. The Division is working a proposal to raise these fees to more appropriate levels in order to recover actual costs.

**Population Served:** Directly the program serves to protect both the buyers and sellers of commodities and services measured by these devices. The impact of these programs is leveraged by the large amount of commerce that gets measured every year and the ripple effects of that commerce on farmers, manufacturers, shippers and essentially every citizen of the State.

**Performance Measures:** We can track both the compliance rates of the devices tested as well as the inspector's time and material resources used in each program.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Weights and Measures

**Program:** Metrology Laboratory (Division of Weights and Measures)

**Mandate:** Section 179

**Mandated Funding Level:** Self supporting program supported by user fees set in regulation.

**Brief Description/History/Background:** The metrology laboratory maintains the State standards for primary units of measure and uses those standards to provide calibration services for standards used in State and local weights and measures regulatory programs, private industry, and other government agencies. The laboratory calibration functions are accredited to meet international standards and thus support the competitiveness of New York businesses that must show traceability in calibrations to national standards in order to sell their products in international trade.

The laboratory also evaluates and certifies new types of weighing and measuring devices before they are sold or used in commerce. The laboratory is a participating laboratory in the National Type Evaluation Program (NTEP) run by the National Conference on Weights and Measures that provides national manufacturers with one-stop shopping to obtain certifications to sell their new device types in all states.

**Issues:** The fees set in regulation are now quite old and some do not reflect the actual costs to perform the tests, in particular, the accredited tests for private industry and the type evaluation tests. The Division is working a proposal to raise these fees to more appropriate levels in order to recover actual costs.

**Population Served:** The program provides services to

- Municipal weights and measures programs providing calibration services to ensure standards used in regulatory programs are accurate.
- State and municipal government agencies like DOT, Lottery, State and local police, and others.
- Service/repair companies that install and repair commercial and non-commercial weighing and measuring devices.
- Private manufacturing industries that require standards calibration to compete internationally.
- Commercial device manufacturers wishing to sell their products in the State.

**Performance Measures:** The laboratory must qualify for the accreditation annually through submission of quality control data supporting our measurements and inter-laboratory comparisons demonstrating our ability to provide accurate measurements. In addition, the laboratory undergoes a biannually site audit.

As a pay for service operation, we must keep our clients satisfied with the quality and response time of our laboratory. We can judge our performance by our list of new and return clients.

NYS Department of Agriculture and Markets  
PROGRAM INFORMATION SHEET

Consumer Food Services Program

Division of Weights and Measures

**Program:** Licensing of Weighmasters (Division of Weights and Measures)

**Mandate:** AML Sections 195 and 192-f

**Mandated Funding Level:** Self supporting program supported by application fees set in statute

**Brief Description/History/Background:** Weighmasters provide a valuable service to commerce within the state by certifying the accuracy of weighments of bulk commodities sold or transported within the state and between states. No public sector positions exist to provide this certification. Private persons of good character are licensed to do this work.

Transporters of certain commodities like fertilizers, animal feeds, and household goods must be accompanied by a weight ticket issued by a licensed weighmaster when on the public highways. In addition, many industries have their employees licensed to provide accurate tickets as part of corporate purchase and sale agreements between companies and for quality control purposes.

Some low level of enforcement oversight is required to investigate complaints and resolve disputes between companies. This work is done either by state field specialists within their territories or by municipal officials as part of their duties.

Fees were last increased in 2002.

**Issues:** None

**Population Served:** A wide range of businesses in the state that sell or transport bulk commodities or that rely on accurate weighment for goods and services purchased.

**Performance Measures:** We measure effectiveness in the continued flow of commerce in bulk commodities and transportation within the state. Complaints are rare and are usually resolved amicably.