

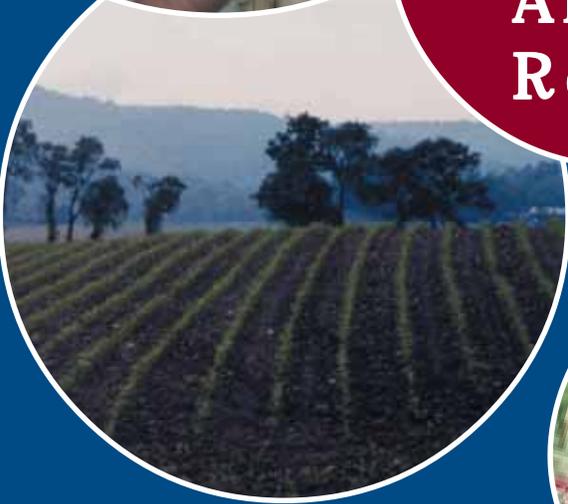
# New York State Department of Agriculture & Markets

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George E. Pataki, Governor  
Nathan L. Rudgers, Commissioner



**2003**  
Annual  
Report



*Working to foster a more competitive  
food and agriculture industry that benefits  
producers and consumers alike.*

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*[www.agmkt.state.ny.us](http://www.agmkt.state.ny.us)*

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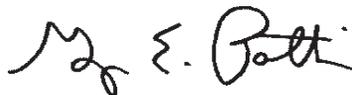
Dear Friends of Agriculture:

Agriculture is alive and well in New York State, and 2003 brought with it some exciting accomplishments on all fronts of the industry. Helping our producers at the market level, the New York City Department of Education decided to source only New York State apples for its million-plus students. On the environmental front, we welcomed US Secretary of Agriculture Ann Veneman as she signed a \$62 million CREP agreement to help further protect New York farmland and our water supply. Probably 2003's most memorable success was a New York thoroughbred named Funny Cide, galloping onto the national stage, winning two legs of the Triple Crown and the hearts of millions.

We have worked hard over the past nine years to embrace innovative ideas and implement new programs that will help bring the industry success as we saw this past year. Many of the programs outlined in this year's Annual Report such as *Grow New York*, *Agricultural Environmental Management Program*, *Pride of New York*, and our *Animal Health Assurance* Programs are continuing to help us to sustain and grow our farms operations and agri-business.

The agricultural industry makes vital contributions to the quality of life in our State by creating jobs, generating revenue, producing safe and wholesome products, and allowing us to preserve open spaces and beautiful rural landscapes. Our goal is to ensure a safe, wholesome and high quality food supply and to create opportunities and programs that enable New York's farmers to succeed. This year, New York was again able to maintain our 7.6 million acres of farmland, which encompass one-quarter of the total land area in this great State. Such an accomplishment indicates that our educational efforts and agricultural programs are working, and that we remain committed to preserving our proud heritage. We are optimistic that through the efforts of our dedicated farm families and food producers, agriculture will continue to be one of the strongest and most productive industries in New York State. Special thanks to each of you who helps make agriculture a strong and viable industry in this great State!

Very truly yours,



George E. Pataki  
Governor



Nathan L. Rudgers  
Commissioner

# Economic Development



## FARMERS' MARKET NUTRITION PROGRAM

The Farmers' Market Nutrition Program promotes improved nutrition through increased consumption of locally grown fresh fruits and vegetables by providing coupons for fresh produce at participating farmers' markets to low-income, nutritionally at-risk families enrolled in WIC and Senior Nutrition Programs. In 2003, 888 farmers marketed their fresh fruit and vegetables to participants in the WIC program and to low-income seniors. These farmers redeemed \$5,200,000 in Farmers' Market Nutrition Program checks, which the Department issued to 265,000 WIC participants and 84,418 senior citizens. New York leads the country in the number of recipients served under this program.

## FOOD TRADE SHOWS

The Department maintained an ambitious Trade Show schedule in 2003, sponsoring New York pavilions at five major shows. Over 250 companies took advantage of this market development opportunity to showcase their New York produced or processed food products to domestic and international food buyers.

- Food Marketing Institute Exposition-Chicago, Illinois
- Fancy Food Show-New York City, New York
- Produce Marketing Association Show-New Orleans, Louisiana
- Kosherfest-Secaucus, New Jersey
- National Restaurant Association Show-Chicago, Illinois

## FARM-TO-SCHOOL

Since 2002, the Department has implemented the Farm-to-School Law, by facilitating the purchase of New York grown farm products by the State's school districts. Additionally, the Department promotes New York Harvest for New York Kids Week, which the law directs to take place every fall. Both objectives have been met in conjunction with the New York State School Food Service Association-NY Farms! Task Force on Farm-to-School.

The Department has used the Pride of New York Program as one way to connect interested school districts with New York producers who are interested in institutional school sales. Numerous successful events for New York Harvest for New

York Kids occurred throughout the State, with participation from the Commissioner and other Department representatives.

This year, the New York City School District chose to include fresh New York fruits and vegetables every day on the menu. The City participated in a pilot project with the United States Department of Agriculture and the United States Department of Defense during the 2003-04 school year, which brought \$3.2 million of fresh fruits

and vegetables into the school meal program. This city-wide initiative will promote good nutrition and healthy children, while also providing a significant new market for apple and vegetable growers in New York State.



*Students of PS 38 with Joy Crist of Crist Brothers Orchards (center) and Glenda Neff, New York Farms! (right).*

# Check us out.

Buy Pride of New York products.

[www.prideofny.com](http://www.prideofny.com)



*One of the Pride billboards located in Syracuse and Albany.*

## THE PRIDE OF NEW YORK

2003 was an exciting year for the Pride of New York program. Commissioner Rudgers presented the Pride marketing and promotional program to the members of the Eastern Produce Council. In conjunction with the *Albany Times Union*, the Program participated in a year-long advertising effort to profile its members through cooperative, weekly advertising which highlighted the value and quality of New York's agricultural and food products. Pride members traveled to Florida for the Produce Marketing Association (PMA) trade show, and were also featured at Senator Hillary Clinton's 2<sup>nd</sup> Annual "New York Farm Day." Pride members were featured at the Finger Lakes Wine and Food Festival in Watkins Glen; the 28<sup>th</sup> Annual Food Festival in Albany, and the Pride of New York Harvest Festival, also in Albany.

The Pride of New York program is designed to help consumers identify high-quality local products; help farmers, food processors and producers brand their products; and help retailers highlight New York products.

The Program promotes and supports agricultural products grown in New York State, as well as food products processed or produced within the State. The Program promotes these products in partnership with its members, who take pride in growing, processing and selling a diverse range of food and agricultural products.

Membership in the Program includes growers, farm markets/farm stands, vineyards, processors, wholesalers/distributors, retailers, restaurants/delicatessens/bakeries, agri-tourism destinations, culinary arts and related programs and supporting associations. Benefits of the Program include logo usage, marketing, tradeshow, advertising and promotion, and grant opportunities.

The Department encourages consumers to seek out the Pride of New York emblem at local supermarkets, convenience stores, and restaurants and to purchase products that bear the Pride of New York emblem.

## FARMWORKER DAY CARE

The Agri-Business Child Development (ABCD) Program delivers day care and early childhood development services to the children of New York farm workers. The program has served children of migrant farm workers and other income eligible, agricultural workers across the State since 1946. Utilizing Head Start guidelines, the program provides comprehensive child development services, including health and dental care, meals, transportation, and age appropriate educational and physical activities.

Children between the ages of six weeks to six years can benefit from the services provided by ABCD. In 2003, the ABCD provided care to over 1,800 children in 13 centers and 28 family day care homes.

# The really fresh vegetables have their roots in New York.



You can buy vegetables that have had a bruising ride across the country. Or, choose some picked as fresh as this morning in New York State.

One thing is sure: the fresher the better. Not only in taste, but in texture, even in nutritional content.

You know freshness when you taste it. And, there's also a sure way to know it when you see it – just look for the Pride of New York label. That label means vegetables grown fresh in New York State – on farms that adhere to Pride of New York quality standards.

Look for the Pride label. For vegetables with the right roots – rather than long routes.



*One Pride is better.*

**Pride of New York Program**

108 Airline Drive, Albany, NY 12235 1-800-554-4501 [www.prideofny.com](http://www.prideofny.com)

## GROW NEW YORK

The many facets of Grow New York combine to enhance the economic vitality of New York's extraordinarily diverse agricultural production, food processing and marketing industries. Three areas of notable success in 2003 were:

**Competitive Grants** Financial assistance is matched with private capital to develop and expand agricultural businesses. To date, Grow New York has invested nearly \$4.9 million in 200 projects to develop farm business strategies, assist innovative research projects, and improve farmers' markets.

**Enterprise Program** In its first two years of operation, the Enterprise Program has provided over \$2 million to assist New York businesses to create and expand marketing opportunities for New York growers, while creating or retaining 200 jobs. The program works with the Governor's Office of Small Cities to provide grants and low-interest loans to meet targeted capital needs of agricultural businesses.

### Growing Partners

The Department continues to provide New York food and agricultural businesses with linkages to federal, state and local agencies and organizations that provide the resources, information and assistance.

## AGRICULTURAL PRODUCERS SECURITY FUND

The Agriculture and Markets Law provides for the licensing of all dealers who buy or receive New York farm products from producers in excess of \$10,000 annually to re-sell at wholesale. This program offers a measure of financial protection for producers by requiring licensed dealers to file surety in the form of a bond or letter of credit with the Department. Licensed dealers also fund the Agricultural Producers Security Fund that provides supplemental protection when the primary security of a defaulting dealer is not sufficient to reimburse producers. During 2003, 520 dealers were licensed.

The Department conducted 30 audits to determine compliance with the law. During the year, 7 cases involving 19 producers resulted in the producers receiving \$75,239 from the dealer's security and \$6,354 from the Agricultural Producers Security Fund.

## AGRICULTURAL WORKFORCE CERTIFICATION

The Agricultural Workforce Certification Program (AWCP) conducted 50 training programs in 20 counties in 2003. Each AWCP 30-40 hour training program is designed to place individuals new to agriculture into production agriculture employment or to upgrade skills of existing employees already in farm employment. Over 1,000 individuals were certified by AWCP educators, with placements of the graduates with dairy farms, landscape companies, nursery farms, retail garden stores and turf grass operations. These program accomplishments include training and certification of over 6,000 individuals since its inception in 1992.



*Commissioner Rudgers, USDA Under Secretary Bost, and OTDA Commissioner Wing visit Rochester Public Market to introduce Electronic Benefit Transfer (EBT) terminals.*

## MARKETING ORDERS

Marketing Orders have been established to assist the industry in achieving a variety of objectives including product development, research and promotion. Currently, the Department administers the following orders:

- Apple Marketing Order
- Apple Research and Development Program
- Sour Cherry Marketing Order
- Onion Research and Development Program
- Cabbage Research and Development Program
- Western New York Milk Marketing Order

The Department's responsibilities include collecting the assessments, managing the funds and developing contracts with appropriate parties to effectuate the purposes of all farm product. Together, these orders generate about \$2 million in industry funds annually which are used to market and promote the farm product, to support market and production research and encourage orderly marketing.

## DAIRY PROMOTION



In 2003, New York dairy farmers contributed more than \$12.2 million through the dairy promotion order program to promote the sale of milk and dairy products. A ten member board of active dairy farmers advises the Commissioner on the proper

## HORSE HEALTH ASSURANCE PROGRAM

The New York State Horse Health Assurance Program (NYSHHAP) was established in the fall of 2002 with the State's first farm certified in October 2002. At the end of 2003, 14 farms were certified statewide.

NYSHHAP is a disease prevention program that promotes horse health through the institution of "best management practices" by farm owners and managers, horse owners, and show management, and recognizes the equine operations that implement these practices. It provides a framework for horse owners to consider the health risks

commonly associated with equine operations and to increase their knowledge and awareness of equine diseases and disease control.

This year, McMahon of Saratoga Thoroughbreds, LLC of Saratoga Springs was certified under NYSHHAP. The McMahons are most famous for the foaling and rearing of Funny Cide, the 2003 winner of the Kentucky Derby and Preakness. In addition to Funny Cide, the McMahons have also foaled and raised five 2003 stakes winners and five winners from the 2003 season at Saratoga.



Photo By: Barbara Livingston

*Funny Cide  
wins the  
Preakness!*

expenditures of money collected under the dairy promotion order. Contracts are established with five regional promotion organizations—for media advertising, nutrition education, and publicity. In addition, contracts are written with Cornell University to fund advertising effectiveness studies and for research to improve milk and dairy product quality and develop new dairy products. The dairy promotion order is funded by a mandatory 15-cent per hundred weight assessment on all milk domestically produced and marketed commercially.

"3-A-Day of Dairy" is a nutrition-

based marketing and education program developed in 2003 through the producer-funded dairy promotion order. Through the "3-A-Day of Dairy" program, producers are urging Americans to consume at least three servings of calcium-rich milk, cheese or yogurt a day as an easy way to help build stronger bones and better bodies.

Strategic efforts, such as advertising, in-store promotions, public relations, school cafeteria events, and health professional and media outreach, offer broad opportunities for the dairy industry to reach millions of targeted consumers, urging greater consumption.



# Environmental Stewardship

## SOIL & WATER CONSERVATION COMMITTEE

The New York State Soil and Water Conservation Committee (NYS SWCC), with the Department, establishes policy to guide County Soil and Water District programs and assist in organizing, developing, and implementing them. The Committee also advises all agencies of government on matters relating to soil and water conservation, and works in concert with partner agencies to protect and improve the State's soil and water resources.

In 2003, NYS SWCC continued to advance its mission to develop a

responsible soil and water conservation program for the State of New York. Over the past year, NYS SWCC has worked to support District efforts, foster partnerships and advance the State's conservation goals through several programs and activities. Under SWCC leadership, the Community Environmental Management (CEM) initiative was piloted to develop new tools for District's as the statewide focus for water quality protection expands toward non-agricultural pollution sources.

## RIGHT TO FARM LAW

The Right to Farm Law prohibits local governments from administering laws, rules or regulations which unreasonably restrict a farm operation located in an agricultural district, unless public health or safety is threatened.

During 2003, 35 formal reviews of local ordinances and several informal reviews were conducted. The Department satisfactorily resolved 29 open cases.

## ADVISORY COUNCIL

The Advisory Council on Agriculture provides advice to the Commissioner and on matters affecting agricultural districts and farmland protection, relating to Agricultural Districts Law.

The Council has statutory responsibilities related to Agriculture and Markets Law, including the review of notice of intent cases, sound agricultural practice opinions, farmland protection and food and agriculture industry development grant applications, the creation and review of the Districts, agricultural assessment values, eminent domain and public acquisitions, right to farm law, agricultural protection and farmland viability program.

## CONSERVATION RESERVE ENHANCEMENT PROGRAM

In partnership with USDA, a new statewide enhancement program, Conservation Reserve Enhancement Program (CREP), was announced. Providing over \$62 million to farmers for over 10 years, CREP will establish stream buffers and vegetative cover on highly erodible land and around public wellheads. CREP is a voluntary program that enables farmers to be paid for removing environmentally sensitive land from crop production. Under CREP, farmers are encouraged to establish conservation buffers by replacing row crops and pastureland with native grasses, hardwood trees, and other conservation practices that will reduce erosion and runoff

containing sediment, nutrients and pathogens. Areas targeted for CREP include farmland adjacent to streams and well head areas that are of public

health and environmental importance. The program will protect up to 40,000 acres within watersheds that are impacted from agricultural activities.



*At the table from left to right: NYS SWCC Chairman Dennis Hill, USDA Secretary Ann M. Veneman, Commissioner Rudgers sign the NYS CREP agreement*



Agricultural Environmental Management (AEM) has become the umbrella program for agricultural conservation in New York. AEM is recognized by state and federal water quality regulators as the primary program for helping farmers meet their environmental stewardship responsibilities. AEM is a voluntary, incentive-based program, which serves as the framework to coordinate and deliver the Agriculture Non-Point Source Grant Program.

Farmers work with a team of local resource professionals to develop comprehensive, site specific farm plans that protect water quality and comply with regulatory advances, while meeting business objectives. The SWCC's AEM Planner Certification process serves as the foundation for meeting the State Department of Environmental Conservation (DEC) permit requirement for Concentrated Animal Feeding Operations, as well as for the implementation of Best Management Practices on farms. The AEM process assures producers, environmental regulators and the public of the benefits of the program.

In 2003 approximately 8,000 farms had completed Tier 1 inventories, the first step in the AEM process.



## ENVIRONMENTAL STEWARDSHIP AWARD

The 2003 Environmental Stewardship Award was presented to the Chambers family, owners of Chambers Valley Farms, in Washington County, for their incorporation of AEM practices into the management of their farms.

Washington County SWCD was also recognized for the assistance it has provided to the Chambers family and other farm families in Washington County in properly maintaining and caring for their land.

The Chambers family proactively addressed the conservation needs of their farm, particularly with preventing erosion on the bottomlands of the White Creek Valley, where much of their cropland is located.



*The Chambers Family*

## FARMLAND PROTECTION

Local efforts to protect New York farmland continued to flourish in 2003. The Department received nearly \$70 million in requests from 35 municipalities for the purchase of development rights on 108 farm operations, encompassing over 20,000 acres. Farms face significant development pressure, and if protected, will help buffer natural public resources such as rivers, aquifers and important wetlands.

In 2003, \$12 million was allocated to purchase 6,000 acres of farmland.

Other conservation practices have included: Rock riprap and biotechnical streambank stabilization projects, riparian grass buffer projects, rye cover crop plantings on highly erodible soils, the installation of a 2,400 square foot concrete pad for heifer feeding, and 300 feet of natural channel construction and fish habitat improvement.

New York maintains 7.6 million acres of farm land which encompasses one-quarter of our land area. A total of \$68 million to protect over 28,000 acres of farmland has been awarded since 1996.



## AGRICULTURAL DISTRICTS

Farmers and local governments strongly support the Agricultural Districts Program which provides incentives such as preferential real property tax assessments and protections against restrictive ordinances and nuisance suits. The program also encourages farmers to keep their land in production.

At the close of 2003, a total of 325 districts, comprised of 21,557 farms and encompassing about 8.5 million acres of land were in existence in 53 of the 62 upstate counties throughout New York State. The Department also assisted local governments in their review of 27 districts.



**ASIAN  
LONGHORNED  
BEETLE**

In 2003, approximately 20,000 trees were treated with a systemic insecticide as part of a three year treatment regimen to protect non-infested host trees and suppress populations of the Asian Longhorned Beetle (ALB), an invasive wood boring beetle that has a large host range of hardwood trees. Additionally, 205 infested trees were cut, chipped and incinerated for a total of 7,400 infested trees detected and destroyed since 1996.

The percentage of infested trees remains low at less than one-percent of the total number of host trees in the 130 square miles under quarantine. The infestations in Manhattan and Islip are targeted for early eradication. Eradication of ALB from New York State is targeted for 2018.

### **GOLDEN NEMATODE**

The containment of the golden nematode (GN) a cyst-forming nematode that is recognized worldwide as a quarantine pest, continues to be an important objective of the Department. Because it is a soil borne pest, many commodities, in addition to its hosts of potatoes, tomatoes and eggplants, are subject to regulations governing their movement domestically and abroad.

Plans are underway to review GN management practices on a farm-to-farm basis. The implementation of sanitation practices and approved cropping rotations on regulated and exposed fields will eliminate the spread of this serious pest to new fields.

## **COOPERATIVE AGRICULTURAL PEST SURVEY**

Cooperative Agricultural Pest Survey (CAPS) is a federal-state cooperative program to enhance the detection of plant pests of quarantine significance. In 2003, federal support resulted in the purchase of computer sketch pads for our field inspection force. Each pad provides internet access, email communications, global positioning system capability and the ability to transmit photo images via electronic mail. The conversion from hard copy to electronic reporting of inspections and daily reports is underway. Software is also under development to guide our inspection workforce and enhance inspections for targeted pests considered to be at risk for introduction into New York and the Northeast.

Pests and diseases of CAPS interest:

- Swede midge
- Bacterial wilt
- Viburnum leaf beetle
- Leek moth
- Hemlock woolly adelgid
- Emerald ash borer
- Sudden oak death
- Brown Marmorated stinkbug
- Giant hogweed
- Asian longhorned beetle
- Exotic Wireworm
- European crane flies
- Pink Hibiscus mealybug
- Pine Shoot Beetle
- Southern Bacterial Blight
- Sudden Oak Death
- Chrysanthemum white rust
- Plum Pox Virus

**CAPS**

### **SOUTHERN BACTERIAL BLIGHT**

In 2003, geranium cuttings from Kenya and Guatemala were detected and diagnosed with *Ralstonia solanacearum* Race 3 Biovar 2 (R3B2), a water-borne pathogen of geraniums, potatoes, tomatoes, peppers, and eggplant and a select agent identified on the threat list of the Agricultural Bioterrorism Act of 2002. This bac-

terial pathogen is considered a serious threat to potato and tomato production. State and federal horticultural inspectors conducted joint inspections at 24 establishments in the State. Quarantines were issued with confirmation of the pathogen in 3 establishments. All suspect material, which included 7,329 plants, were destroyed and the greenhouses were disinfected.



**PLUM POX VIRUS**

Plum pox virus, a debilitating disease of stone fruits, was first discovered in North America in Adams County, Pennsylvania in 1999. During the summer of 2000, Plum Pox

Virus was also discovered in Ontario, within five miles of the New York border. New York's stone fruit production is considered at risk due to this presence of the disease in the Niagara area of Canada.

In 2003, an intensive survey was conducted by the Department in the 12 stone fruit producing counties in the State at the request of the USDA. All 13,957 samples were found to be negative. This represents the fourth year of intensive survey with negative results.

# Food Safety & Inspection



## FOOD SAFETY REPORT CARD

### 28,742 Licensed Food Establishments:

- ✓ 20,596 retail food stores
- ✓ 1,553 food processing plants
- ✓ 200 slaughterhouses

### Inspections: (92% compliance)

- ✓ 41,542 at retail food establishments
- ✓ 343 at food processors
- ✓ 332 at custom slaughterhouses
- ✓ 21,665 inspections of farm products--94% compliance

### Food Samples/Seizures:

- ✓ 6,632 samples collected for Food Lab analysis
- ✓ 2,180 food seizures conducted
- ✓ 412,912 pounds of unfit food seized

### Violations/Penalties:

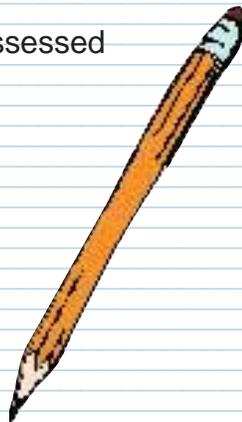
- ✓ 6,344 penalties assessed for food safety related violations
- ✓ 378 food labeling violations (103 penalties assessed)
- ✓ 1,476 farm product violations
- ✓ \$2,173,550 collected for penalties assessed

### Legal Actions:

- ✓ 11,770 food related investigations
- ✓ 112 administrative hearings
- ✓ 45 licenses denied or revoked

### Industry Support:

- ✓ 701 compliance sessions  
(79% complied at next inspection)



## FOOD INSPECTION & OUTREACH SERVICES

The Department is responsible for maintaining the safety and integrity of the food supply from producer to retailer, as well as providing an unbiased third party product grading service for a wide variety of agricultural products.

During 2003, 41,542 sanitary inspections were conducted to ensure the safety, cleanliness, and proper labeling of food during processing, transportation, and sale.

The Department conducted 26 food safety and labeling seminars for members of the regulated industry across New York State. Over 1,500 food establishment executives, supervisors, and employees attended these seminars, which explained the food safety issues behind Agriculture and Markets law and regulations, and offered advice on how to keep their respective businesses in compliance.

## FARM PRODUCTS GRADING & INSPECTIONS

The Department grades and certifies fruits, vegetables, fish, poultry, eggs and meat. Official certificates are required on export shipments, government purchases, and many commercial sales contracts. In 2003, 30,011 certificates were issued, for a volume of 1,106,669 pounds and \$1,749,000 in fees collected. This service is facilitated by cooperative agreements between the Department, USDA, and the U. S. Department of Commerce. USDA licenses State inspectors to inspect various commodities and issue federal certificates attesting to the product's grade. The service is widely used to ensure fulfillment of purchase contract requirements, as a basis for delivery rejections, and in the settlement of disputes over product quality and grade.

## FOOD LABORATORY

In 2003, the New York State food lab sampled approximately 3,749 samples of various foods to determine compliance with food standards, adulteration with inferior or substitute ingredients, undeclared or non-permitted preservatives, heavy metals, color additives, contamination with filth, spoilage, pathogenic bacteria, toxins or parasites.

## ANIMAL PROTECTION ANNEX



*Prairie dog: one of the animals infected by Monkey Pox.*

Outbreaks of Monkey Pox, Avian Influenza and BSE (Bovine Spongiform Encephalopathy) around the U.S. highlighted the need for good emergency management planning.

The State Comprehensive Emergency Management Plan was

The Pesticide Data Program performed the majority of the 1,998 samples that were collected and analyzed for pesticide residues; none were found violative. This nationwide program is in its twelfth year and has ten participating states, including New York. Some of the samples were collected under the Triazole Sampling Project, another program performed under a six

month temporary cooperative agreement with USDA. 19,636 samples of food, animal feed and fertilizers were tested to determine compliance with labeling standards. Approximately 90 percent were found to be properly labeled and/or free of contamination or adulteration.

Under a cooperative agreement with USDA, 540 microbiological samples were collected as part of a microbial data program.

revised in 2003 to create an Animal Protection Annex, featuring an all-hazards approach focused on both animal care and infectious disease response efforts. A web portal was also created to provide 24/7 access for private veterinarians to report animal disease incidents to the Department.

This year, continued assistance was provided to counties to develop animal annexes for local emergency management plans as well as promoting the development of County Animal Response Teams (CARTs). One additional field veterinarian was trained and certified by the USDA as a Foreign Animal Disease Diagnostician (FADD) for a total of seven in the Department.

Statutory requirements for ingredient and nutritional labeling of livestock feed and pet food were enforced by collecting and analyzing 223 samples of these products, most collected through routine, scheduled inspections; approximately 92% were found in compliance. 537 BSE inspections were conducted by State inspectors at animal feed manufacturers and distributors for compliance with federal and State rules. The FDA conducted another 140 inspections of different facilities, for a total of 677 inspections in 2003. 332 inspections were conducted at custom and small animal slaughterhouses under a Cooperative Agreement with the USDA.

## PET FOOD & LIVESTOCK FEED

Fees collected for registration of over 5,941 brands of pet food totaled \$594,100. An assessment of 5 cents per ton on commercial feed yielded \$137,158.00. License fees totaling \$2,724,694 were collected for 14,824 operations, including food processing establishments, disposal plants, food salvagers, slaughterhouses, and refrigerated warehouses.

## AVIAN INFLUENZA

Samples collected from the live bird marketing system identified the presence of a low pathogenic avian influenza virus in the live bird markets in 2003. The virus most often isolated was an H7N2, low pathogenic strain. During 2003 more than 6,000 samples were tested for the presence of avian influenza virus during 520 market site visits. No highly pathogenic avian influenza isolates were reported. The Department continues to monitor sanitation, the health of birds in these markets and at all the live bird markets in New York.



*New York State inspector collects samples in one of New York City's live bird markets.*

## NEW YORK STATE CATTLE HEALTH ASSURANCE PROGRAM

The New York State Cattle Health Assurance Program (NYSCHAP) is a process oriented program that addresses key food safety, animal health, and environmental pathogen control issues on the farm. The program recognizes that there are a set of practices that, when employed on the farm, limit the impact of an infectious agent. These practices reduce the potential for introduction of an infectious agent, amplification within the farm, and transportation of the agent beyond the farm borders.



The collective set of these principles constitutes the core module of the program. 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. NYSCHAP certifies private veterinarians to create herd plans with their cattle clients.

In 2003, an elective course was created at the Cornell University New York State College of Veterinary Medicine to partially certify veterinary interested students. There are currently 710 farms participating in the program.

## PRODUCE QUALITY ASSURANCE PROGRAM

In response to the increase in food borne illness outbreaks associated with fresh fruits and vegetables, the FDA and USDA issued guidance on good agricultural practices (GAPs) for fresh fruit and vegetable growers and packers. The goals of GAPs are to develop educational materials informing growers and farm workers about the microbial risks associated with fresh fruit and vegetables and assist in controlling these risks. As a result, New York fruit and vegetable growers and packers are conducting self evaluation audits or seek certification from a third party inspection source. Many producers have performed a hazard analysis of

food operations and have implemented hazard analysis critical control point (HACCP) plans for their packing, storage and transportation systems.

To meet the fruit and vegetable industry's demand for third party certification services of its GAPs and HACCP practices, the Department has developed the Produce Quality Assurance Program (PQAP). Department Farm Product Grading and Certification staff receive extensive training from Cornell University, and their first hand experience enables them to perform certifications necessary under the PQAP program.

## EGG QUALITY ASSURANCE PROGRAM

The Egg Quality Assurance Program (NYSEQAP) was initiated in 1997 to improve the quality of eggs produced in New York and minimize the public health risk posed by *Salmonella enteritidis*. The program includes an initial certification, producer training, and annual recertification audits.

In 2003, NYSEQAP certified participants included nine egg producers and two pullet growers, which represent approximately eighty-five percent of New York State's total egg production. Since 1997, there have been no New York eggs implicated in a human *Salmonella enteritidis* outbreak.

## HOMELAND SECURITY

In 2003, the Governor established the Interagency Task Force on Food Safety and Security to be jointly chaired by Commissioner Rudgers and State Health Commissioner Dr. Antonia Novello. Based on recommendations of the Task Force, the Department has been actively increasing surveillance capacity in field inspection for food and milk safety and plant and animal health protection. The new field staff are also assisting to expand NYSCHAP to enhance on-farm biosecurity, working in cooperation with the Federal Food and Drug Administration to establish a model cooperative import inspection program and to develop county response teams to assist animals in the event of emergencies. The Department continues to enhance collaboration with neighboring northeast states on food security and is working with other state and federal partners to bolster preparedness and response capacity. Outreach to industry continues and includes listening sessions with key groups to improve education and support to farms, processing establishments and retail operations.



# Consumer Services



The 157<sup>th</sup> New York State Fair was officially opened August 21<sup>st</sup> by New York Governor George Pataki and Syracuse University NCAA Mens 2003 Basketball Champions Coach Jim Boeheim. Rain on Labor Day kept the Fair from reaching the 1 million attendance mark, though 84,148 still attended that day and a total of 988,122 attended the 12-day run, in Syracuse. Despite the final numbers, the Fair set two daily attendance records earlier in its schedule.

This year's theme was "More excitement at every turn!" and was appropriate as the Fair featured many new grounds entertainers, free shows and new family entertainment. Among the attractions were the Chevrolet Rock & Roll Tour, JCB Dancing Diggers,

The Monroe Safe Tour 2003, the Crayola Adventure, the JFK Remembered 40<sup>th</sup> Anniversary Exhibit, the Original Living Statues, Fritter, Circle City Sidewalk Stompers, the Atlantis High Dive Show, the Royal Drummers of Africa and the Raggs Kids Club Band.

More than 36,000 entries were received and nearly \$300,000 in premium money was distributed to thousands of competitors who exhibited during the Fair.



## PET DEALER LICENSING PROGRAM

Effective July 2002, this program requires annual inspection and licensure of pet dealers and breeding facilities that sell dogs or cats to the public. Currently there are 300 facilities licensed.

Licenses are valid for one year. Facilities are inspected and rated on housing; sanitation; feeding and watering; records of veterinary care; required postings; and records.

## DOG LICENSING

During 2003, over 660,000 dog licenses were issued for dogs in New York, outside of New York City, for total license fees of \$2,331,772. Of this amount, issuing municipalities retained \$1,235,839 for providing dog control, shelter services and issuing licenses. The counties retained \$701,398 for dog damage indemnifications, and the State received \$394,535 for the administration of the companion animal programs. Cornell University received \$81,526 for research on dog diseases.

## KOSHER ENFORCEMENT

In 2003, several provisions of the Agriculture and Markets Law relating to the sale of food as kosher became unenforceable due to federal courts holding them unconstitutional. The Department continued to enforce the disclosure and registration requirements applicable to the sale of foods offered for sale as kosher that were not overturned by the courts. Approximately 7,500 inspections and investigations were carried out this year.

## "AG TAGS" AND AGRICULTURE IN THE CLASSROOM

Lt. Governor Mary Donohue joined Commissioner Rudgers and Commissioner Martinez of Motor Vehicles to unveil New York's newest custom license plate - the "Ag Tag," which will help support New York's Agriculture in the Classroom Program by contributing \$25.00 of the initial cost and all renewal fees for the specialized license plates. New York Agriculture in the Classroom (AIRC) is a statewide program and part of a national effort to increase the public

awareness and understanding of agriculture. The mission of AIRC is to promote this awareness and



understanding of the food and fiber system in school curriculums. AIRC provides materials for nearly four

million school age children. In addition to the regular license plate registration fee, the initial cost for standard "Ag Tags" with an assigned plate number by the DMV is \$34.50 with an annual renewal fee of \$25.00. A personalized version of the "Ag Tag" is available for \$63.00, with an annual renewal fee of \$50.00. The renewal fees are billed every two years. In every case, \$25.00 of the annual renewal fee will be deposited with the New York Agriculture in the Classroom Program.

### WEIGHTS AND MEASURES

The Department is responsible for assuring measurement accuracy and uniformity in commerce in New York. The Department regulates measuring device accuracy, package commodity net contents and quality standards for gasoline and diesel fuel.

A ban on the gasoline additive MTBE will be effective January 2004 and the Department will be enforcing the rules of this ban. This additive was blended in gasoline to meet federal

clean air standards and boost octane rating, though now has been found to pollute ground water. New York was one of the first states to take this step to protect its water supplies. The Department began monitoring the removal of MTBE from the distribution terminals in November. Major terminals were essentially MTBE free in December. Beginning in January, the program will expand to samples taken at retail stations.

### ANIMAL POPULATION CONTROL

In an effort to reduce the number of unwanted dogs and cats in NY, 6,060 Adoption Voucher Agreements were issued to approved animal shelters, and 5,897 were used. The vouchers are distributed to those adopting shelter pets, entitling the new owner to spay or neuter surgery for the adopted animal, at a participating veterinarian, for a \$30 co-pay. The primary funding for this program is the \$3 fee on all unspayed/unneutered dog licenses.

### WWW.AGMKT.STATE.NY.US



Nathan L. Rudgers, Commissioner

The Department's new and improved website was debuted in 2003, offering a variety of new information on the Department's programs and services and providing a fresh new look and more efficient organizational structure. The front page is designed to allow features and pictures to change periodically, while maintaining a uniform appearance with the State banner on top, a

standard side menu on the left, a new "quick links" section on the right, and links to the Department's signature programs on the bottom. Information was reorganized by division, program name or issue area. Also listed in the side menu are buttons for funding opportunities, licensing, and farm and market searches, which should make searching for information easier than in the past.

In addition to the twelve on-line license applications now found on the website, the Department was also one of seven State agencies to participate in the Governor's Office of Regulatory Reform's (GORR) On-Line Permitting and Licensing (OPAL) project. On-line registration forms for nursery dealers and plant growers can now be found on both the Department's and GORR's site at [www.gorr.state.ny.us](http://www.gorr.state.ny.us).



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