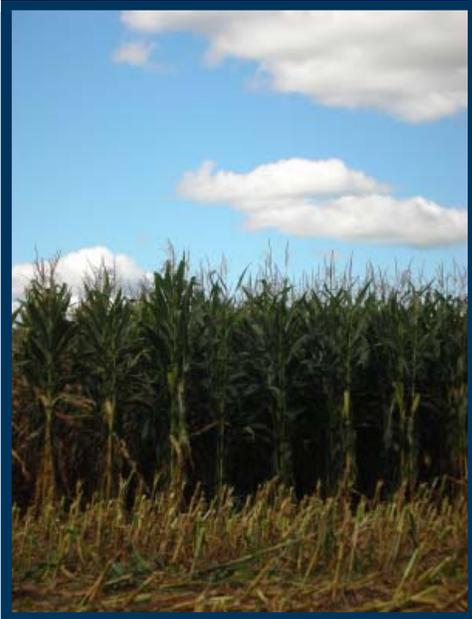




# New York State Department of Agriculture & Markets

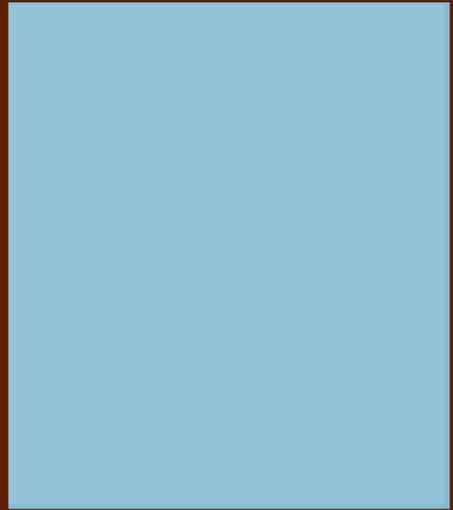


# 2007 Annual Report



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Dear Friends of Agriculture,

New York is blessed to be a state with great soil and water, large consumer markets within a few hundred miles of our prime producing regions and exceptional people working at all levels to support our strong agricultural economy. We have more than 35,000 farm families working hard every day to produce food, fiber and renewable energy. Our state and its people flourish because of these businesses, which provide the foundation for more than \$25 billion to the State's economy each year.

The Department is dedicated to ensuring the continued success of New York State agriculture and we are working hard every day to help safeguard our food supply, build markets for our products and protect productive farmland for future generations. We do that by carrying out our mission of protecting consumers, completing over 40,000 inspections of retail food establishments every year. We protect our farmers under the Agricultural Districts and Right-to-Farm laws. We promote our farm products through our Pride of New York program and continue to educate our non-farm neighbors about the importance of agriculture. We also work to protect our natural resources from potentially devastating diseases and invasive species.

Beyond these critical functions, we focus a great deal of attention on things that

help production agriculture, and therefore all New Yorkers prosper. In 2007, we announced \$35 million in funding to preserve over 13,000 acres of farmland. This funding was the largest dollar amount ever dedicated for farmland preservation and will protect the largest single amount of acreage in the program's 11-year history. Recognizing the importance of the dairy industry in New York State, we provided an unprecedented \$30 million Dairy Assistance Program to compensate producers for losses incurred in 2006. We also marked the creation of the Department's very first organic program to help producers and processors take advantage of the explosive demand for natural and organic food products.

Agriculture remains as important today as ever and these accomplishments, in addition to the numerous other programs highlighted in this annual report, will provide you with a good idea of all that has been done to help grow New York agriculture and make sure that all New Yorkers have access to a safe, nutritious and affordable food supply.

Very Truly Yours,

Patrick Hooker  
Commissioner

# ECONOMIC DEVELOPMENT

## **New Organic Initiative**

A new organic initiative was announced in 2007 to help provide resources for organic farming in response to an increasing demand for organic products.

The primary objective of the initiative is to develop and execute new programs that will expand and support organic agriculture in New York State. In its first year, a survey was conducted to determine the challenges and barriers to organic transition and production. The Organic Farming Resource Center was also added to the Department's website, providing producers and consumers with a comprehensive guide to finding information on many facets of organic agriculture. This initiative complements the Department's ongoing program to reimburse farmers for a portion of their certification fees with federal dollars.

*Strawberries. Photo by USDA.*



## **Farm Worker Day Care**

The Agri-Business Child Development Program (ABCD) delivers day care and early childhood development services to the children of New York's farm workers. Children whose parents are engaged in production agriculture can benefit from ABCD's comprehensive services including health and dental care, meals, transportation, and age appropriate educational and physical activities. In 2007, ABCD served over 1,500 children in 25 centers throughout the State.

## **Agricultural Workforce Certification**

The Agricultural Workforce Certification Program (AWCP) conducted 26 training programs in 27 counties in 2007. Each 30-40 hour program is designed to place individuals new to agriculture into production agriculture employment or to upgrade the skills of existing farm employees. Last year, over 800 individuals were certified by AWCP and placed with dairy farms, landscapers, nurseries, garden stores and turf grass operations. Since 1992, AWCP has trained and certified over 13,000 individuals.

## **Agricultural Producers' Security Program**

Dealers buying more than \$10,000 of New York farm products annually to sell at wholesale must be licensed by the Department. The Agricultural Producers' Security Program offers financial protection for producers by requiring dealers to file security in the form of a bond or letter of credit with the Department. Licensed dealers also contribute to a fund that provides supplemental protection when the primary security of a defaulting dealer is not sufficient to reimburse producers. Of the nearly 500 licensed dealers in 2007, two defaulted resulting in 15 producers receiving \$231,571 in security.

## **Milk Producers Security Fund**

Licensed milk dealers that purchase milk directly from New York dairy farmers or cooperatives are required to either pay into the Milk Producers Security Fund (MPSF) or provide full alternate security. In 2007, most of the dealers paid into the MPSF, while 28 dealers provided full security. The total value filed by 96 dealers was \$98.1 million. As added payment protection, a state appropriation of \$6.25 million was available in case a dealer's default exceeds the MPSF. One claim for \$7,500 was received in 2007.

## Dairy Assistance Program

Following a year of record low dairy prices, the Dairy Assistance Program was included in the 2007-08 State Budget, making \$30 million available to dairy farmers who produced milk during the 2006 calendar year.

In order to distribute the \$30 million fairly and efficiently, eligible dairy producers received an “advanced payment” for eligible milk at \$.35 per hundredweight in April and a “final payment” of \$.05672 per hundredweight on eligible milk in August in order to use the entire \$30 million allotted to the Program. The Program had a 4.8 million pound production cap. Approximately nine percent of the State’s dairy producers met the cap, receiving a maximum payment of \$19,522.56. The overall average total payment to dairy farmers was \$5,991.43.

The program came at a critical time for the State’s dairy producers. In 2006, the price dairy farmers received was less than that of 25 years ago and far below the costs of production. Despite low milk prices, the costs of production continued to increase, with very high fuel, feed, energy, fertilizer, and other operating costs resulting in unprecedented financial losses for dairy farms.



*A herd of dairy cattle grazing.*

## Dairy Promotion

New York dairy farmers contributed over \$12 million in 2007 to promote milk and dairy products. Strategic efforts, such as advertising, in-store promotions, public

relations, school cafeteria events, and outreach to health professionals and media, offer broad opportunities for the dairy industry to reach consumers.

## Northeast Dairy Leadership Team

The Northeast Dairy Leadership Team (NEDLT) was initiated by the Departments of Agriculture in New York, Pennsylvania and Vermont to work cooperatively in an effort to further enhance the dairy industries in the three states.

With similar markets and industries, the tri-state area makes up one of the three major milk producing regions in the United States. Collectively, the three states produce over 25 billion pounds of milk annually, nearly 15 percent of the nation’s total milk supply.

In 2007, NEDLT members worked hard to help secure a national 2008 Farm Bill that would provide a reasonable safety net to the region’s producers. The New Farm Bill and its dairy-related initiatives lobbied for by NEDLT members will greatly benefit New York’s dairy farmers.

Funds are also allocated for research at Cornell University to improve milk and dairy product quality and develop new dairy products.

## Marketing Orders

Marketing Orders are established at the request of producers 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 & Development Program
- Sour Cherry Marketing Order
- Onion Research and Development Program
- Cabbage Research & Development Program

The Department is responsible for collecting assessments, managing funds and developing contracts with appropriate parties. In 2007, these orders collectively generated \$2.6 million in industry funds which were used to market and promote farm products and support market and production research.



*Photograph by Randall Tagg*

## Grape Disaster Declarations

The Department is required, in consultation with the State Liquor Authority, to investigate and make timely 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 or other fruits grown outside of New York State.

## Grow New York

Grow New York assists with the economic development efforts of New York's agricultural production, processing and marketing industries. This multi-faceted initiative contributes to economic development through environmental stewardship, quality assurance promotion, marketing enhancement, business and workforce development, tax savings and protection and funding opportunities.

Grow New York also offers financial assistance to develop and expand agricultural businesses. In 2007, Grow New York invested nearly \$1.5 million in 88 projects to develop farm business strategies, support innovative research projects, improve farmers' markets and assist in agri-tourism projects.

## Grow New York Enterprise Program

The Grow New York Enterprise Program dedicates \$3 million

annually to increasing the demand for and use of New York's agriculture and forest products. The primary objective of the program is to provide funds to local governments who in turn assist qualifying businesses who undertake activities resulting in the creation of job opportunities for low- and moderate-income persons. Businesses that are focused on producing, processing, marketing or expanding New York produced agricultural products are eligible. In 2007, six businesses received \$3,560,000 in financial assistance. These businesses will eventually result in the creation of 332 jobs that will principally be made available to persons of low- and moderate-income.



*The Department's Pride of New York Showcase at the Great New York State Fair*

## **Trade Shows & International Marketing**

The Department assists New York food and agricultural producers in selling their products locally, domestically and abroad.

In 2007, the Department sponsored state exhibitor pavilions at the following trade shows:

- U.S. Food Export Showcase
- United Produce Expo
- National Restaurant Association
- Produce Marketing Show
- Summer Fancy Food Show
- Kosherfest

The Department also helps New York companies secure funding and receive technical assistance in promoting and selling products abroad.

The Department is a member of Food Export USA, an international trade promotion organization, which offers food and agriculture companies in New York the opportunity to participate in trade and buyer missions, trade show assistance programs, trade leads, a food export helpline, and international market research. In 2007, 70 New York companies participated in these activities organized under the Generic Promotions program.

The Department played a leadership role in several 2007 Food Export USA activities including the Gulf Food Show in Dubai, UAE where three New York companies participated. Also in 2007, 52 companies were allocated \$1.9 million in marketing expense reimbursements through the Market Access Branded Program, the highest utilization among other states in the region.

## **Pride of New York**

In 2007, the Pride of New York program implemented a statewide media campaign that included billboards, radio and television advertisements to penetrate retail and food service organizations about the advantages of sourcing local food products whenever possible. The program also supported a cooperative television campaign in the Albany, Rochester and Syracuse market areas that offered Pride members a unique cost-share opportunity to promote their products to consumers in their respective regions. This cooperative advertising program offered New York agricultural producers and food processors the opportunity to promote and educate consumers about the diversity, quality and abundance of the State's food products. In addition, many of the program's publications, display and marketing materials, such as banners, brochures and point of sale signs were updated to include a "buy local" message.

The Pride program continues to partner with organizations and trade groups to offer opportunities to New York growers and processors to participate in a wide variety of local and regional consumer events, such as the Pride of New York Harvest Festival, Central Park Winter Jam, Maple Weekend, Oswego Harbor Festival, and others.

## Enhancing New York City's Food and Agriculture System

The Department launched a number of initiatives to capture the buying power of New York City consumers and build awareness of New York State as a source of high quality food and agricultural products. These efforts enhanced consumers' access to locally-grown foods in retail stores, restaurants and a variety of other outlets.

New York City's growing network of 90 farmers' markets was also strengthened through the operation of the Women, Infants, and Children (WIC) Program and Senior Farmers' Market Nutrition Program, which together serve more than 200,000 households. In addition, the Farmers' Market Wireless Electronics Benefit Transfer Program was enhanced through a partnership with the



*Explaining the difference between New York's many different apples to school children.*

### Wine Promotion

The Department organized and hosted a New York wine pavilion at two major international wine consumer and trade shows. In March, 18 wineries participated in the Boston Wine Expo, the largest wine show in the United States. Over 20,000 consumers and 4,000 trade representatives had the opportunity to learn about the quality and diversity of New York wines.

The New York pavilion at the Washington, DC International Wine and Food Festival featured eight wineries representing three growing regions that served to further increase the presence and reputation of New York State wines throughout the world. This high profile event attracted approximately 7,000

New York City Department of Health and Mental Hygiene's "Health Bucks" coupon program.

The Department also improved the quality of life for city residents and promoted local and statewide economic development by helping facilitate the purchase of New York State apple slices and carrots, frozen vegetables, and other products to 1,200 New York City schools serving over one million children. The Department furthered plans for a New York City Wholesale Farmers' Market to connect medium-scale farmers and producers with city wholesale buyers including fine restaurants, distributors, and thousands of retail stores in low-income areas lacking access to farm fresh food. By sponsoring Pride of New York, Farm-to-School, agri-tourism, and other high-profile consumer and trade events, the Department was also able to encourage individuals and businesses to use New York food products.

visitors, including trade representatives from 33 states.

The Department also provided a display and distributed information about New York wines to more than 30,400 people from more than 25 communities in the Erie Canal corridor as part of the Grand Canal Journey, a 1,000 mile voyage of the Lois McClure replica schooner.

The Department provided a second round of its Website Improvement Matching Grant Program to promote New York wines via the Internet, attract more tourists to New York's wine regions, and expand the sales of New York wines to customers throughout the country. Sixty-two wineries were awarded \$59,776.

# ENVIRONMENTAL STEWARDSHIP

## Right-To-Farm

The Right-to-Farm Law prohibits local governments from administering laws, rules or regulations in a way which unreasonably restricts a farm operation located in an agricultural district, unless public health or safety is threatened. During 2007, 54 reviews of local ordinances were conducted.

## Farmland Protection

In 2007, the Agricultural and Farmland Protection Program announced \$35 million in funding to protect nearly 13,300 acres of active farmland across New York State. The funding announced in 2007 is the largest dollar amount ever dedicated for farmland preservation in the State and will be used to protect the largest amount of acreage in the program's 11-year history. The funding was evenly distributed throughout the State, with 35 farms in 22 counties benefiting from the program.

The Farmland Protection Program provides financial assistance to counties and towns to support local farmland protection activities. Grants enable municipalities to purchase the development rights for farmland, permitting farm

owners to utilize the equity in the land without selling the farm. The program is open to all counties in the State that have approved agricultural and farmland protection plans and other municipalities that have a local farmland protection plan in place.

Since the program began in 1996, New York has allocated more than \$144.5 million from the Environmental Protection Fund for farmland protection projects, assisting local governments and their project partners in 28 counties to help protect 63,700 acres on 276 farms. To date, roughly half of those project contracts have closed, protecting 27,500 acres of farmland in perpetuity.



*A corn field in southern Washington County.*

## Advisory Council

The Advisory Council provides recommendations relating to the Agricultural Districts Law. During 2007, the Advisory Council reviewed and commented on one sound agricultural practice opinion and three opinions on whether a practice is "agricultural in nature."

There were 97 Notice of Intent filings, which are intended to help avoid adverse agricultural effects associated with certain types of publicly funded actions. In addition, the Advisory Council commented on the recertification of 33 agricultural districts and 68 annual reviews.

## **Soil & Water Conservation Committee**

The Soil and Water Conservation Committee (SWCC) sets policies and oversees programs for New York's 58 county soil and water conservation districts, while advising agencies of government on matters relating to soil and water conservation.

The SWCC also administers the AEM program and over the past year has continued its expansion to serve all types and sizes of agricultural operations including the greenhouse, equine, fruit and vegetable, and wine and grape industries.

### **Agricultural Districts**

The Agricultural Districts Program 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.

In 2007, a total of 289 districts, comprised of 22,823 farms and encompassing about 8.5 million acres of land were in existence in 53 of the 62 upstate counties throughout New York State.



*Conservation strip cropping along Owasco Lake.*

### **Agricultural Environmental Management**

Over 12,000 New York farms in 55 counties are leading the nation in conservation through the State's Agricultural Environmental Management (AEM) program. The AEM program provides farmers with a coordinated framework that helps them remain economically viable while also protecting the environment.

In 2007, particular focus was on expanding the AEM Base Funding Program that supports AEM Programs on farms in priority watersheds across New York. This non-competitive grant program provided up to \$40,000 for Districts to deliver technical assistance to farmers and advance their County AEM Strategic Plans. Last year, the AEM base program engaged more than 700 new farms, while maintaining the progress of more than 3,389 existing program members.

In times of high production costs, the resources offered through the cost-share program are particularly helpful to farmers. To date, over \$73 million in cost-share funds have been allocated through SWCDs to implement more than 4,400 conservation projects.

AEM was expanded in 2007 to include renewable energy and air quality, connecting farmers with opportunities to produce renewable energy on their farms. In addition to improving farms' bottom line, renewable energy efforts reduce greenhouse gases and dependence on petroleum.

Ecosystem-Based Management (EBM) is a new initiative to integrate the efforts of multiple agencies to ensure that objectives are aligned toward a common goal of promoting ecosystem health. EBM aims to cultivate a new approach for communities that will lead to decision making based on a holistic understanding of ecosystems.

## Golden Nematode

The discovery of the potato cyst nematode in Idaho and an outbreak of the golden nematode in Quebec in 2006 has refocused attention on the New York State golden nematode control program. The Department is seeking to enhance the development of resistant potato varieties that can be used in place of chemicals to suppress the nematode population and to assist growers in meeting sanitation regulations through the construction of wash pads that will allow a more thorough cleaning of soiled farm equipment used on infested fields. The Department is also working with the USDA to develop an eradication strategy similar to that adopted by Idaho for the Potato Cyst Nematode.

## Asian Longhorned Beetle

Discovered in Brooklyn in 1996, the Asian Longhorned Beetle (ALB) is a serious pest invading hardwood trees. Healthy trees are systematically treated, while infested trees are cut, chipped, and incinerated.

To date, more than 8,000 infected trees have been removed and in 2007, more than 65,000 host trees were treated with a systematic insecticide to suppress adult beetle populations. The target date for the successful eradication of the ALB from the 140 square miles under quarantine in New York City, Long Island, and Staten Island is 2033.

## Plum Pox Virus

In 2006, Plum Pox Virus (PPV) was discovered in two stone fruit orchards in Niagara County. PPV is a serious plant virus that injures and damages stone fruits by reducing fruit yields and disfiguring fruit to the point that it becomes unmarketable.

The Department has been surveying annually for PPV since 2000. The 2007 survey reported that three additional locations tested positive for PPV, bringing the total number of positive sites in the State to five. As a result of this discovery, the area under quarantine was expanded and five orchard growers were subjected to destruction orders.

*Taking out peach trees in Niagara County as a result of finding from Plum Pox Virus.*



## Cooperative Agricultural Pest Survey

The federal-state Cooperative Agricultural Pest Survey (CAPS) continues to focus on the early discovery and detection of exotic invasive agricultural plant pests. State horticultural inspectors target invasive insects, diseases and weeds considered to have a high probability for introduction and establishment in the State and the U.S. Exotic invasives have the potential to seriously impede our ability to move plant products domestically and abroad and pose a significant risk to the environment.

In 2007, 1,239 inspections of plant materials destined for export were conducted in addition to the inspection of 7,300,000 plants, 99,100 pounds of seed, 31,036 cartons of apples, and 600 Christmas trees.

New York sponsored a monthly teleconference call where other state survey coordinators could call in to share experiences and challenges. This activity has resulted in an annual meeting of SSCs to be held in conjunction with the Eastern Plant Board meeting.

## Apiary Inspections

The Department is responsible for inspecting the State's 3,529 apiaries and 70,100 honeybee colonies for the detection and control of infectious and contagious diseases and parasites. Since the introduction of the honeybee tracheal mite in 1984 and the Varroa mite in 1989, the State's honeybee population has declined by 60 to 70 percent.

With the onset of Colony Collapse Disorder (CCD), a new disease that has decimated honeybee populations, the Department reestablished the position of Apiculturist. Although the underlying causes of CCD are still being investigated, the Department began surveying for *Nosema ceranae*, a pathogen found in colonies associated with CCD mortality.

Honeybees provide over 90 percent of the pollination necessary for crop production.

## Invasive Species

As a major point of entry for passengers, cargo and mail entering the United States, the potential for the introduction of invasive species in New York State remains high, posing a significant threat to both agriculture and the environment.

The Invasive Species Task Force was established to explore the threats posed by invasive species and provide recommendations for their control and management. In 2007, legislation was introduced to establish a permanent Invasive Species Council and Advisory Committee. The Department has been asked to take the lead on the development of a Comprehensive Management Strategy and to initiate a control for a clean stock program. The Clean Stock Initiative has been contracted with the New York State Agricultural Experiment in Geneva and focuses on virus indexing and testing for grapes, fruit trees and small fruits.

## Wind Energy & Article VII Projects

Department staff are involved with the environmental review of wind energy projects because of their potential to significantly impact agricultural resources and their potential to receive public funds for construction. Division staff are involved with over 25 wind energy projects throughout the State. Staff involvement in 2007 included review of Draft Environmental Impact Statements, on-site review with project



*A wind turbine in Wayne County.  
One of many recently installed in New York State.*

sponsors and landowners, suggested application of agricultural mitigation practices and participation in public meetings. Division staff also participated in numerous meetings with staff from other state agencies to discuss agricultural impacts and other environmental issues on 24 Article VII gas and powerline projects, as well as reviews on several hundred miles of right-of-way.

# FOOD SAFETY & SECURITY

## Food Safety, Sanitation and Labeling



Fresh herbs. Photo by USDA.

The Department is responsible for maintaining the safety and integrity of the State's food supply from producer to retailer. Over 29,225 retail food establishments fall under the Department's jurisdiction, including processing plants, bakeries, manufacturers, and retail food stores. During 2007, the Department con-

ducted 41,773 sanitary inspections to ensure the safety, cleanliness, and proper labeling of food and found 92 percent of establishments to be in compliance with the Department's regulations.

Approximately 2,850 food samples were collected for analysis by the State Food Laboratory to determine compliance with food standards, adulteration, non-permitted preservatives, and other possible sources of contamination. One hundred and forty five administrative hearings were held to consider revoking licenses at food establishments due to insanitary

conditions, resulting in the revocation of 96 licenses.

The Division also held 556 industry conferences, which serve as an interim step in lieu of an administrative hearing or injunction proceeding. Approximately 72 percent of the establishments which participate in such conferences are found in compliance during their next inspection. This process significantly reduces the need for administrative hearings, injunctions or other legal action.

In 2007, 9,280 food-related investigations were conducted in addition to 3,951 consumer complaint investigations. As a result, 2,510 food seizures were made and 449,513 pounds of adulterated or otherwise unfit foods were destroyed.

There were 808 violations relating to food labeling and advertising reported during 2007. These reports resulted in the assessment of 126 penalties against these firms for violations involving misbranding, improper labeling, advertising and health claims.

### Pesticide Residues

In 2007, the Department collected 1,719 samples to analyze for pesticide residues. All of the samples met Department regulations in that they did not contain residues of unapproved pesticides or approved pesticides at levels over permitted tolerance levels. New York is one of only twelve other states in the nation to participate in the Pesticide Data Program, performed under a cooperative agreement with the USDA that is in its 13th year.

## **Ammonium Nitrate**

Since 2005, any person or entity in New York State that sells or makes available ammonium nitrate or related materials is required to register with the Department.

All purchasers must provide proper identification and background information before purchasing ammonium nitrate. All sales records must be retained for two years and be available for inspection. Ammonium nitrate and related materials must be stored in a secure location. Daily inspections by establishment operators for attempted entry, vandalism and structural integrity are also required.

In 2007, three inspectors were hired to carry out inspections and enforcement of ammonium nitrate regulations, and 748 inspections were conducted. Program outreach continues during inspections and through presentations to industry trade organizations.

## **Food Security**

As part of the State's Disaster Preparedness Plan, the Department, along with officials from other agencies, participated in several meetings and emergency response exercises during 2007.

The Department's role is to protect and monitor the food supply of the State and assist in the movement of food in the event of a natural disaster or an accident at any of the State's nuclear power plants.

## **Farm Products**

### **Grading & Certification**

The Department offers grading and certification to producers and shippers of farm products on a fee basis. State inspectors are licensed by USDA to inspect various commodities and to issue federal certificates attesting to the product's grade. The service is used to ensure fulfillment of purchase contract requirements, as a basis for delivery rejections, and to settle disputes over product quality and grade. In addition, official certificates are required on export shipments, government purchases, and many commercial sales contracts.

The Department also provides the produce industry with third-party certifications, which attest to the ability of producers and distributors to handle produce in a safe manner. New York's program is called the New York State Produce Quality Assurance Program.



*Cherry tomatoes. Photo by USDA.*

### **Food Safety Outreach**

In 2007, the Department held 43 outreach presentations to industry and regulatory groups attended by over 2,000 participants. Two of the more notable presentations were held in Brooklyn for Chinese and Russian food importers. Imported foods account for over 80 percent of all food recalls initiated in New York State. FDA, USDA, US Customs & Border Protection and New York City Health personnel participated. The intent of these sessions was to try to reduce imported food recalls by educating the industry.

In addition, the Department made available inspection status reports and statistics to food chains interested in monitoring their compliance status and pinpointing problem areas. These reports are often customized to meet specific needs of a given chain.

Department staff also routinely met with industry trade associations to discuss food safety and regulatory issues of mutual concern.

## New York State Food Laboratory

Providing expert analytical testing, the New York State Food Laboratory supports the Department's programs in the areas of food safety and security and consumer interests.

During 2007, 19,096 samples of food, dairy, beverage, animal feed, fertilizer and lime samples were tested for health hazards such as bacterial contamination, antibiotic residues, toxins, undeclared allergens and spoilage. The lab's results initiated 41 recalls for significant health hazards. Roughly 90 percent of samples were free of contamination and met proper labeling standards.

New instrumentation and training combined with direct interaction with allied state and federal agencies expanded the State's capability to respond to wide scale food emergencies related to chemical or biological contamination. This was evidenced by the lab's significant contributions to several large multi-state outbreaks of foodborne disease including Salmonella in Veggie Booty snacks and Peter Pan peanut butter and E. coli O157:H7 in frozen hamburger patties.

Research projects initiated in 2007 include phase 3 of a study on the ecology and epidemiology of *Listeria monocytogenes* in

retail environments, rapid detection methods for enterohemorrhagic *E. coli* in food, LC/MS/MS detection of antimicrobial residues in food and dairy products, and pharmaceutical products in drinking water.

In 2007, the Food Laboratory became a member of PulseNet, an international database of foodborne pathogen genetic fingerprints. PulseNet is the

single most valuable tool for identifying related clusters of illnesses in humans often leading to the identification of a source of the outbreak.

The Food Laboratory also renewed federal contracts for the Microbiological Data Program, the Pesticide Data Program and the Food Emergency Response Network (FERN), which validates rapid methods to detect pathogens in food.



*A microbiologist evaluates Salmonella cultures from food samples that were implicated in a multi-state outbreak of illness in humans.*

### ***First to Identify Pet Food Toxin***

*The New York State Food Laboratory was the first in the nation to identify a toxin present in pet food that was responsible for causing sudden death in dogs and cats, prompting a nationwide recall of the contaminated pet food. New York State Food Lab scientists identified Aminopterin as a toxin present in cat food from Menu Foods, a manufacturer of the brands of dog and cat food that were the subject of the recall.*

*The Food Lab received the pet food samples from the New York State Animal Health Diagnostic Center at Cornell, where testing had been underway to try to identify the cause of kidney failure in dogs and cats that consumed the recalled brands of pet food. The close partnership between the Department and the Diagnostic Center was key to the finding and enabled the State Food Lab to be the first in the nation to identify the toxin.*

## Chronic Wasting Disease

Chronic Wasting Disease (CWD) is a degenerative neurological illness affecting elk, mule deer, and white-tailed deer. First discovered in Colorado in 1967, CWD has since been found in wild deer and elk and captive cervids in 11 states and 2 provinces, including New York.

The Department tests for CWD in captive deer and elk, requiring all owners of susceptible species to maintain a herd inventory and sample every animal over 16 months of age that dies, or to submit samples from 10 percent of their herd, up to 30 animals maximum every year.

New York discovered its first positive case of CWD in 2005, when two animals on two related premises tested positive for the disease. No other cases of CWD have been detected in captive cervids or wild white-tailed deer since 2005.

In 2007, 830 captive deer and elk on 158 premises were tested for CWD in New York with a “not detected” result. From 2005 – 2007, 2,356 captive cervids and 27,364 wild white-tailed deer were sampled for CWD statewide with 5,287 of those coming from the Oneida County CWD Containment Area.

## Tissue Residue Investigation

Since 1995, the Department has been contracted with the FDA to conduct 24 on-farm investigations annually of tissue residue violations at the time of slaughter. These investigations follow a prescribed FDA format and document the facts and circumstances of the violation. In addition, these investigations provide producers with educational materials and a comprehensive, professional evaluation of the farm’s residue prevention and medication management systems.

In 2007, 24 investigations were completed and the recidivism rate for participating producers continues to be less than 3 percent.

## Avian Influenza

Samples collected from the live bird marketing system identified the sporadic presence of low pathogenic avian influenza virus in the live bird markets during 2007. During the year, over 10,000 samples were tested for the presence of avian influenza virus during 984 market and poultry distributor site visits. We recovered a low pathogenic H<sub>5</sub>N<sub>2</sub> avian influenza virus from 30 samples. No highly pathogenic avian influenza isolates were reported. We continue to monitor sanitation and bird health in these markets and throughout the live bird marketing system in New York. There were no findings of low pathogenic H<sub>7</sub>N<sub>2</sub> virus.

The low pathogenic H<sub>5</sub>N<sub>2</sub> avian influenza (LPAI) virus mentioned above was detected in two Sullivan County

poultry operations in June and July of 2007. The Department led the successful effort to perform an epidemiologic investigation of potentially exposed flocks, contain and eradicate the LPAI virus, and decontaminate the affected farms. Funding support from USDA Animal and Plant Health Inspection Service, Veterinary Services was crucial to our success. Surrounding farms’ operations were minimally affected by the Department’s work to eradicate this infection at the two affected Sullivan County farms.



*An animal health technician swabs the back of a bird's throat to collect a sample for avian influenza virus testing.*

## Cattle Health Assurance Program



*Peter and Mike McMahon of McMahon's EZ Acres were the first farm to enroll in the NYSCHAP Welfare Certification Program.*

The New York State Cattle Health Assurance Program (NYSCHAP) addresses key food safety, animal health, and environmental pathogen control issues. The program recognizes a set of practices that limits the impact and amplification of an infectious agent to a farm and beyond its borders.

The modules of the NYSCHAP program are becoming increasingly more important

with herd expansions, cattle movement, and the threat of an intentional introduction of biological agents. Producers can choose to participate in issue specific modules such as Johne's disease, mastitis, and herd expansion. In 2007, new materials were prepared to assist producers and their veterinarians with transition cow challenges. A new module was also developed, offering producers a cattle welfare certification.

There are currently 900 active farms enrolled in NYSCHAP. Total enrollment since the program's inception is 1,258 farms. In 2007, there were 69 new enrollments and a total of 719 herd plans were submitted.

To increase participation, NYSCHAP certifies private veterinarians to create herd plans with their clients. Since 2001, 24 practitioners have completed the process, two in 2007. There is also a week-long elective course offered at the New York State College of Veterinary Medicine to partially certify veterinary students, with ten students participating in 2007.

## Egg Quality Assurance Program

The New York State Egg Quality Assurance Program (NYSEQAP) was initiated in 1997 to address the public health problem posed by Salmonella enteritidis (SE). At the end of 2007, ten egg producers and five pullet growers were certified by NYSEQAP, and together account for more than 80 percent of the State's total shell egg production.

In 2007, no human cases of SE were associated with the consumption of New York State shell eggs and none of the samples collected on NYSEQAP farms tested positive for SE.

## Dairy Inspections

The Department inspects all sectors of the dairy industry from cow to consumer to ensure compliance with the State's sanitary regulations. The Department conducts approximately 7,000 inspections annually for compliance with sanitation, bacteriological, chemical, standards of identity, and economic fraud. The Department also collects samples of roughly 22,500 dairy products for laboratory analysis.

In addition, the Department certifies private industry inspectors to perform dairy farm inspections, which include the sanitary conditions of the farm, the health of the cows, and the health of individuals working on the farm.

## Horse Health Assurance Program

Introduced in 2002, the New York State Horse Health Assurance Program (NYSHHAP) is a voluntary certification program designed to promote and teach a pro-active approach to equine health, care, and welfare through the use of certain “best management practices.” The only program of its kind in the nation, NYSHAAP recognizes exceptionally managed equine operations and has raised the level of horse management in New York State.

In 2007, program enrollment increased to 62 operations varying in size and type and located throughout the State. Recently, NYSHHAP members became the first to take advantage of the newly introduced EIA TEST/Rabies Vaccination Verification Card.

A major innovative and unique aspect of the program has been the inclusion of a “Microchip Benefit” which offers operations microchips and readers to permanently identify their animals. Currently, three-quarters of NYSHHAP members are utilizing this technology, placing New York State in the forefront of aggressively addressing the national issue of permanent identification of livestock.

## Ram Project

The New York Ram Project was designed to test rams for the gene that confers resistance to scrapie. Scrapie is a disease in the family of TSE’s, which also includes mad cow disease in cattle and chronic wasting disease in deer. The project also provides funding, through a cooperative agreement with USDA, to cover laboratory costs associated with genetic testing. Since 2005, more than 1,400 sheep have been tested. Producers can then use this information to make strategic breeding decisions within their flock.

## Animal Identification

The New York Animal Health Information System (NYAHIS) provides the State’s information infrastructure to manage animal and public health threats among animal populations. The NYAHIS provides the functionality of the National Animal Identification System (NAIS) to ensure that New York State producers can partake in the benefits of the national system. Specific components include premises location and description of animal populations, individual animal identification, and the maintenance of a database to catalog premises, animal, and movement information.

Currently, there are over 20,000 New York State farms registered in the national database, 79 percent of all farms involved in animal agriculture in the State. In 2007, the NYAHIS offered several stakeholder outreach activities including producer meetings, appearances at fairs and other agricultural events and voluntary return of premise registration forms. An I.D. Partnership Summit was held to increase knowledge and cooperation among industry leaders.



*From a commercial dairy farm to a single 4-H project, animal identification is important in order to protect our livestock population.*

# CONSUMER SERVICES

## Council on Food Policy

The New York State Council on Food Policy was created in 2007 and charged with the tasks of recommending a state food policy and developing a comprehensive strategic plan for implementation. The Council was created with the recognition that 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; and that there are significant environmental, health and economic benefits to the State and its residents from expanding agricultural production.

The Council is composed of 21 members from nearly every aspect of the food system and meets twice a year and has identified four key issue areas to address in New York State. They consist of maximizing participation in food and nutrition assistance programs; strengthening the connection between local food products and consumers; supporting efficient and profitable agricultural food production and food retail infrastructure; and increasing consumer awareness and knowledge about healthy eating and improving access to safe and nutritious food for all New Yorkers.



*Fresh New York vegetables.  
Photo by Liz Neumark.*

## Kosher Enforcement

New York State's Kosher Law Protection Act of 2004 requires that all companies, products, and certifiers in the Kosher food industry be registered with the State. In

2007, the Department welcomed an updated version of the database program which has helped it to monitor Kosher enforcement more efficiently. The data base presently has over 9,100

## Halal Registry

Since 2005, the Department has offered consumers an on-line registry for halal food products, which provides important information about halal products and makes it easier for consumers to find certified halal food products.

Under the law, producers, distributors, processors and retailers of food marketed as halal are required to file with the Department the names, addresses and telephone numbers of the persons or organizations providing halal certification. Retail stores, restaurants, and caterers that sell halal food must file additional information about certifiers and operations and post it on premises for consumers to see.

The on-line registry allows regulated parties to electronically file halal certification forms and consumers to locate halal retailers and obtain the qualifications of the product classifier.

registered members and over 340,000 kosher products.

In 2007, the Kosher Law Enforcement staff conducted 7,870 inspections, 412 investigations, and responded to 45 consumer complaints.

## New York State Fair

The 161<sup>st</sup> New York State Fair in Syracuse completed another successful run as 936,399 persons visited the grounds during the Fair's 12-day run, from August 23 through September 3.

The theme of the Fair was "Gotta Be There," reflecting the remarkable collection of exhibits, food, entertainment, and activities that have made the Fair a summer destination for all New Yorkers year after year. New attractions featured at the Fair in 2007 include a major display featuring the Pride of New York and a Hall of Beers featuring the State's 59 breweries. In response to public requests for a venue where consumers could buy fresh produce, a farmers' market was hosted at the Fair on Labor Day. This event was so popular that the farmers' market has been expanded to all 12 days of the 2008 Fair.

There were many new policies in effect to help make the 2007 Fair one of the best ever. Visitors with E-ZPass Plus were able to use their pass to pay for parking in select lots. The Fair also prohibited visitors from bringing alcoholic beverages into the Fair, a change that is



*The annual butter sculpture is a State Fair tradition and always a favorite.*

credited for making last year's fair one of the safest ever. Additionally, the sale of tobacco products was banned at the Fair, in support of the Governor's initiative to improve the health of all New Yorkers.

There were many organizational changes that took place in 2007. The administration reclassified the job titles of the Fair's staff to align with standard New York State Civil Service job descriptions and pay scales, making its operation more transparent, understandable and accountable. A logical and consistent price guideline was also established for vendors and exhibitors,

eliminating a previously fragmented system of space rentals.

A greater emphasis was also placed on local and regional music, with several new venues created to highlight New York talent. These venues include "Upstate Unplugged," a series of acoustic acts on Chevrolet Court; "The Beef Barn Jamboree," a series of country music bands playing in the Beef Cattle Barn; and an "Emerging Artists' Showcase," highlighting young musicians on the Youth Stage.

In 2007, 10,000 exhibitors submitted roughly 40,000 entries to the Fair.

## Dog Licensing

The Department provides oversight, as well as a database for dog licensing in all areas of New York outside New York City. Licenses are issued by town, village and city clerk offices and some animal shelters. These offices, along with dog control officers may now access the Statewide database 24 hours a day through a secure internet site. Roughly 650,000 dog license renewal applications are printed and mailed to dog owners each year.

## Animal Response Teams

The Empire State Animal Response Team (ESART) is a private-public partnership formed in 2007 to serve as a unifying network of organizations, businesses and agencies to provide assistance to local municipalities for mitigation, planning, preparedness response and recovery activities for animals affected by emergencies. The program seeks to minimize the personal loss or separation of animals from their owners during an emergency. In addition, ESART will help decrease health and safety threats to humans and animals, minimize economic impact and decrease the spread of disease during emergencies affecting animals.

ESART was formed in conjunction with County Animal Response Teams (CARTs), the actual responding units deployed by county emergency management offices to provide the initial assessment and response for animals affected by a disaster or emergency. ESART provides support to CARTs

through specialized training opportunities, planning guidance, additional resource coordination and information concerning regulatory actions and best practices.

Over 300 individuals have participated in an interactive on-line course to provide an overview of the CART program.

ESART also has a taskforce to draft a plan to meet the temporary emergency sheltering needs of animals displaced by a disaster or evacuation. A written plan has been developed and added as an appendix to the State's Comprehensive Emergency Management Plan.



*ESART personnel providing emergency rescuing services.*

## Population Control

In 2007, 7,211 dogs and cats were spayed and neutered under the Animal Population Control Program. Of them, more than half were adopted from shelters. The Department also reimbursed spays and neuters for 789 dogs and 2,459 cats whose owners participate in specific public assistance programs, a new provision of the program implemented in 2006.

## Pet Dealers & Breeders

The Pet Dealer Licensing Program requires annual inspection and licensure of pet dealers and breeding facilities that sell dogs or cats to the public. A pet dealer is a person who sells or offers to sell more than nine dogs or cats per year. Pet breeders are exempt if they sell or offer to sell fewer than 25 animals that are born and raised on premise.

Currently, 475 facilities are licensed under the Program. The Program has been instrumental in promoting a standard for the welfare of dogs and cats for sale to the public as well as preventing pet dealers from operating without valid licenses.

## Weights & Measures

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

Because of increasing fuel prices, consumers continue to show interest in the accuracy of the 90,000 retail dispensers measuring gasoline and diesel fuel throughout the State. The Department places a high priority on complaint investigations and compliance for retail dispensers remains very high at nearly 95 percent.

Programs to monitor and ensure fuel quality have also been effective. Compliance rates for gasoline octane remain high at 99percent for terminal samples and 98 percent for retail samples. Compliance for retail premium grade was 96 percent. In 2007, 3,000 gasoline and 750 diesel samples were collected at terminals by state specialists and 13,000 gasoline and 1,400 diesel samples were collected.

The Department also monitors marketing practices used in the sale of motor fuels. The high cost of credit along with the high price of fuel has resulted in the reemergence of dual pricing for cash and credit sales. The Department is strongly enforcing rules to ensure that consumers get clear information about their purchasing options and that discounts due to the consumer are delivered.

The Metrology Laboratory maintains its accreditation to ISO 17025 standards and is one of only 13 states to achieve and maintain that status. This year the laboratory processed 341 orders for calibration and calibrated 4,535 standards for private industry clients.

Companies rely on high quality calibration services to satisfy ISO 9000 requirements and allow them to compete nationally and internationally.

*Inspecting retail gas equipment.*



## 2007 EXECUTIVE STAFF & DIVISION DIRECTORS

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*Deputy Commissioner*

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