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Administration

Staffing

The Department's permanent administrative staff of 60 full-time employees perform the fiscal management, human resources, legal services, special projects, and executive management functions for the agency. All agency administration staff are located in the Albany headquarters. Where possible, full-time staff is shared with one or more agencies to complete a required function (i.e., Internal Audit and Special Counsel).

Counsel's Office

Counsel's Office is tasked with providing legal advice and representation to Department officers in connection with the exercise of their powers and duties under New York and applicable federal law. Specifically, the Division:

- Advises Department officers on issues arising under State and federal law and responds to requests of governmental entities for interpretation of the Agriculture and Markets Law;
- Develops and coordinates the Department's legislative program, including the drafting of proposals and support memoranda, negotiation of bill language, and the research and analysis of bills relevant to the Department's work;
- Develops regulations and represents the Department in rulemaking proceedings implementing the Agriculture and Markets Law;
- Represents the Department in administrative, judicial and other proceedings, both seeking to enforce the Agriculture and Markets Law and responding to challenges to the Department's actions;
- Administers and collects civil penalties;
- Provides advice regarding procurement issues and best contracting practices;
- Prepares, reviews, and negotiates contracts, grants and memoranda of understanding to which the Department is a party;
- Provides legal support services to the State Soil and Water Conservation Committee;
- Represents the interests of agricultural resources and farmers in proceedings before the Public Service Commission;
- Conducts investigations concerning, among other things, possible violations of the Agriculture and Markets Law, Department personnel matters and ethics issues;
- Performs risk analyses; and
- Responds to requests for Department records in conformance with the Public Officers Law.

Since April 1, 2017, the Division completed the following:

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Litigation and Contested Matters	382	Regulations	9
Adjudicatory Proceedings	99	Ethics Law	169
Contracts	597	FOIL requests	304
Opinions	111	Miscellaneous	14
Legislation	7		

Fiscal Management

The Division of Fiscal Management provides financial and office services to support the programs and employees of the Department, and ensures that State and other resources allocated to the Department are used effectively and in accordance with applicable laws and regulations. Fiscal Management administers all agency budget development, coordination and execution activities, and all fiscal and business management services.

Specifically, the Division:

- Prepares the agency budget request;
- Assigns appropriated funds and prepares fiscal plans;
- Performs revenue accounting, fiscal monitoring, and budget execution;
- Reviews and processes contracts, purchases, and travel vouchers;
- Manages and monitors all agency MWBE and SDVOB spending and reporting requirements;
- Acts as a liaison with the Business Services Center regarding the agency payroll;
- Performs various office services, such as space and telecommunications planning and fleet management;
- Completes federal grant applications, billings, and indirect cost proposals; and
- Manages inventory systems and procedures to safeguard physical assets.

Since April 1, 2017, the Division completed the following:

Contracts Processed	763	Travel Approvals	2,844
Vouchers Processed	6,084	Size of Vehicle Fleet	163
MWBE vendor spending	29.42%		

Human Resources

The Division of Human Resources Management facilitates the Department’s core mission by ensuring a competent and productive workforce is maintained. This is accomplished through the administration of Civil Service Law, Rules and Regulations, Negotiated Agreements, and other State and federal Laws.

Major responsibilities include recruitment, position classification, exam development, labor relations, training, and health and safety.

Specifically, the Division:

- Manages agency recruitment and terminations;
- Classifies jobs to ensure equitable salary distribution based on position requirements;
- Administers disciplinary processes and procedures;
- Develops examinations with the Department of Civil Service;
- Develops succession plans to ensure agency goals are continually met;
- Administers the Performance Evaluation Program;

- Presents or arranges for employee training;
- Administers compliance with the Americans with Disabilities Act, processing Reasonable Accommodation requests, researches Family Medical Leave Act issues, advises staff on Paid Family Leave Act eligibility, and manages the Ethics Law reporting system;
- Administers State and Department attendance and leave policies; and
- Liaises with the Business Services Center regarding health benefits, retirement, payroll and time and attendance administration.

Since April 1, 2017, the Division completed the following:

New Hires/Appointments	42	Reasonable Accommodations	7
Separations	37	Training Referrals	3
Exam Development	11	Staff Trained – Mandatory issues	ALL
Classification Actions	16		

Division of Agricultural Development

Staffing

The Division has a permanent staff of 26. Five are based in Brooklyn, one in Rochester, and the rest of the staff is based in Albany.

Licenses

The Division licensed 380 dealers in 2017, who buy or receive farm products from New York producers more than \$20,000 annually to resell. The Agricultural Producers Security Fund totaled over \$2.65 million at the end of FY 2017-18, representing an increase of \$250,000 over FY 2016-17.

Programs

Taste NY

With an increasing presence at attractions across the State in the form of markets, cafés, bars, and concessions, Taste NY saw a gross revenue of more than \$16 million in 2017—up from \$13.1 million in 2016. Notable accomplishments include:

- **Long Island Welcome Center**: The first of its kind in New York State, the Long Island Welcome Center, which opened in October 2016, celebrated its first anniversary with more than \$700,000 in total sales.
- **Southern Tier Welcome Center**: Formerly the Broome Gateway Travel and Tourism Center, the Southern Tier Welcome Center was transformed from the Broome Gateway Travel and Tourism Center into a new space that includes a large Taste NY Market and regionally unique elements from the greater Southern Tier, including an antique carousel horse.
- **Central New York Welcome Center**: Opened in December 2017 and located inside Destiny USA shopping mall in Syracuse, the Welcome Center features a Taste NY Market with locally made food and gifts such as artisanal jams,

- gourmet hot chocolate mix, flavored culinary salts, and cutting boards made from New York State wood.
- **Northern Trust Golf Tournament:** Taste NY partnered with the PGA Tour for the third year to bring the Taste NY Marketplace to the 2017 Northern Trust. Building on the success of 2016's first-ever pop-up café, Taste NY launched another café and sponsored the entire New York-themed marketplace, bringing locally made products such as North Fork Potato Chips throughout the venue.
 - **Olana State Historic Site:** Taste NY partnered with Olana to make local food and beverage offerings available to visitors for the first time. The Historic Site now sells a variety of products made right in the Hudson Valley, including chocolates, tea, shrub, and jams.
 - **NY Craft Beverage Week:** Taste NY Craft Beverage Week was held in New York City from November 5-11, 2017. This one-of-a-kind event was created to shine a spotlight on New York's nearly 1,000 world-class wineries, breweries, cideries and distilleries through special events and promotions. During Craft Beverage Week, bars, taverns, restaurants, and wine and spirits stores throughout New York City offered exclusive opportunities to try some of New York's best craft beverages and to meet some of the men and woman behind these incredible products. Special events, discounts and promotions included meet the brewer dinners, sommelier-led tastings, exclusive dinner pairings, tap takeovers, happy hour specials, New York craft cocktail specials, and informational seminars.
 - **Taste NY Culinary Trail System:** The Taste NY Culinary Trail Promotional Program was created to assist New York's branded trail systems with additional statewide promotion, as well as a one-stop shop within the Taste NY program at the Department of Agriculture and Markets. A dedicated page on the Taste NY website was created to highlight wine, farm, apple, cuisine trails and beverage trails throughout the state.

New York State Grown & Certified

Governor Andrew M. Cuomo first announced New York State Grown & Certified at his 2016 State of the State Address to market New York's farmers who are already producing some of the world's best products and to help consumers easily identify foods that are in high demand—foods that are locally grown by farmers who work hard every day to ensure they are adhering to food safety and environmental responsibility standards. It is a certification program that differentiates New York State's agricultural products in the marketplace, with a focus on safe food handling and environmental stewardship. Accomplishments include enrollment in the program of a total of 150 farms representing over 50,000 acres of farmland and the announcement of new commodities including dairy processors, egg farms, Christmas tree farms, maple, beef, poultry and pork producers.

- Enrollment in the program of 80 fruit and vegetable farms representing over 50,000 acres of farmland. The program also includes nine dairy processors processing milk from over 1,360 dairy farms.
- There are 10 retailers and 680 retail locations participating in the NYS Grown & Certified program. Retailers include Price Chopper, Stewart's Shops, Hannaford, Baldor, Greenmarkets Co., Aldi, Tops, Hudson Valley Harvest, and ShopRite Supermarkets.

- The New York State Agricultural Producers Grant Program awarded \$4 million in grant funds to 8 organizations within each Regional Economic Development Council region to administer this program that will assist producers in purchasing equipment and services to meet food safety standards required by the NYS G&C program.

Risk Management Agency (RMA) Crop Insurance Education

New York was awarded funding for the RMA New York Crop Insurance Education program in 2017-18. Cornell University continued to provide crop insurance education opportunities to give producers complete information to make informed decisions about whether to utilize available crop insurance and risk management tools. The Division provided support to Cornell University on the program by staffing major trade shows and responding to inquiries.

Farm Product Marketing Order Program

The Department's Farm Product Marketing Order Program funded 16 research projects utilizing over \$460,000 from assessments collected from New York State apple, onion and cabbage growers. In addition to research, the Market Order Program funded \$2.1 million worth of marketing activities for the promotion of New York State apples as well as \$18,000 for New York tart cherry marketing. Marketing services for both programs were provided by New York Apple Association, through contracts administered by the Department.

Farm to School Coordinating Committee

The Farm to School Coordinating Committee met twice, once in person and once by phone, to discuss issues related to farm-to-school programs in our schools. Farm-to-school support materials were developed and circulated to New York schools including posters, a procurement toolkit, and a harvest of the month toolkit. These are available on the Department's Farm-to-School website.

Farm-to-School Summit

The Governor's Farm-to-School Summit was held on October 3, 2017 at the new Broome County Cooperative Extension conference center and farmers' market complex in Binghamton. The all-day event was attended by 150 persons interested in the continued growth of the farm-to-school movement. The event featured a plenary session in the morning moderated by Commissioner Ball, a locally sourced lunch in the farmers' market building and breakout sessions in the afternoon to discuss major farm-to-school topics.

FreshConnect Check Program

The FreshConnect Check Program provides incentive checks for SNAP beneficiaries who use their SNAP funds to purchase eligible foods at farmers' markets and farm stands. The program reached \$511,586 in sales serving 92 farmers' markets and over 400 farms in 2017. FreshConnect also provided \$63,000 in benefits for 3,150 veterans, service members, and their immediate families to be used for the purchase of SNAP eligible foods at farmers' markets and farm stands throughout the State.

Wood Products Development Council

Established by statute in 2008, the Wood Products Development Council is tasked with supporting and encouraging the practice of forestry and the manufacture of wood products. The Council works to improve public understanding and appreciation of New York's forests and forest products, and to direct attention and funding to programs and ventures that sustain existing forest product markets and promote the development of new markets. Funding was provided as part of the FY 2017-18 Executive Budget in the amount of \$100,000 to support operations. This has been allocated among priority projects including an assessment of the economic importance of New York's forest-based economy, engaging and educating the public at the New York State Fair, encouraging economic development opportunities, and developing export markets for New York forest products.

Federal Activity

Specialty Crop Block Grant Program

The Department's Specialty Crop Block Grant Program operated 28 projects utilizing over \$3.5 million in federal funds from the United States Department of Agriculture. These projects employed various strategies to improve the profitability and competitiveness across a multitude of New York's specialty crop industries with a focus on marketing, research, and food safety.

USDA Specialty Crop Multi-State Program

The Department received an award of \$684,000 from the USDA Specialty Crop Multi-State Program. This program combines the efforts of staff at Cornell University and Virginia Tech to develop control strategies for foodborne illness in specialty crop processing facilities.

New York Farm Viability Institute

The Department oversaw 61 projects under a New York State-funded, multi-year contract with the New York Farm Viability Institute (NYFVI). The NYFVI program is funded at \$1,900,000 annually, with a multi-year contract amount of nearly \$8,900,000 as of the 2017-18 fiscal year. NYFVI is an independent, nonprofit organization led by volunteer farmers that is funded primarily by New York State. By implementing various agricultural research and education programs, NYFVI's mission is to help New York's farmers become more profitable and to improve the long-term economic viability and sustainability of New York farms, the food system, and the communities which they serve.

Food Export USA – Northeast

The Department is a member of Food Export USA–Northeast, a non-profit organization that promotes the export of food and agricultural products from the Northeast region of the United States. More than 491 NYS food suppliers used the Market Access Program (MAP) funding through Food Export USA-Northeast to help offset the cost of exhibiting at some of the larger international tradeshows in 2017. Total export sales exceeded \$55 million. New York State suppliers also took advantage of several Food Export USA–Northeast's organized Focused Trade Missions, traveling to markets in the United Kingdom, the Netherlands, Japan, Korea, Mexico, Canada, Colombia, Vietnam, China, and Brazil.

Farmers Market Nutrition Program

In 2017, Farmers Market Nutrition Program (FMNP) benefits were distributed to 238,000 families through the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Additional benefits were distributed to 125,000 low-income seniors for the purchase of locally grown fresh fruits and vegetables from 950 farmers participating in the FMNP at over 700 farmers' markets and farm stands. The program generated \$5 million in direct sales to participating farms.

Supplemental Nutrition Assistance Program (SNAP)

The Supplemental Nutrition Assistance Program is the core feeding program for low-income, at-risk populations in the United States. The NYS Wireless EBT Program, administered in partnership with the Farmers' Market Federation of New York, has successfully promoted the use of SNAP at farmers' markets and farm stands across New York State through technical assistance, training, and cost sharing activities. In 2016, SNAP sales at over 500 direct marketing venues (farmers' markets, farm stands, green carts, community supported agriculture programs, and mobile markets) exceeded \$3.3 million.

Aid-to-Localities

Local and County Fairs

The Department awarded a second round of funding to county and youth fairs across the State through the Agricultural Fairgrounds Infrastructure Improvement Program. Projects will improve permanent or temporary facilities used to house or promote agriculture on their fairgrounds. The \$96,153 awarded to 52 local fairs will build on the \$5 million allocated in 2016.

Farm-to-School Grant Program

The Farm-to-School Grant Program awarded a total of \$1 million to twelve recipients to implement programming that will increase the volume and variety of locally produced farm products purchased and utilized in school meals programs. 220,000 students in 120 school districts will benefit from this round of funding.

FreshConnect Program

The FreshConnect Program provided grants for not-for-profit organizations to develop and administer programs that provide weekly shares of fresh produce to communities and individuals who otherwise would not have access to such produce. This "food box" program was administered with mentoring assistance from Foodlink, the Regional Food Bank in Rochester, and Grow NYC, a subsidiary of the Council on the Environment in New York City. Six programs received mentoring assistance in 2017.

The Division administered 42 contracts worth approximately \$24 million in local assistance in support of organizations such as the Agribusiness Child Development, NYS Apple Growers Association, NY Wine and Grape Growers Association, NY Farm Viability Institute, and NY Maple Producers.

Vital Brooklyn

As a part of the *Governor's* Vital Brooklyn Initiative, staff began meeting with state elected officials and community advisory committees to discuss the healthy food needs of Central Brooklyn. This engagement will assist in identifying potential programs that may help improve access to fresh and healthy food in parts of the borough as a part of the initiative.

Rural Development

NYSDAM formed a committee to lead the coordination of multiple state agencies to better serve rural NY. This Task Force had its first meeting in November of 2017 and will continue to coordinate through 2018 while building out additional resources to support rural communities in accessing the resources they need to thrive.

Community Gardens

The Community Gardens Task Force convened to provide input in the Community Growers Grant program and discuss issues important to community gardens. The Community Growers Grant program will provide financial support to community garden and urban farm improvement projects across the state.

New & Beginning Farmer

In the 2017 State of the State, the Department was tasked with setting up a one-stop shop to serve new and beginning farmers. To better inform the Department on the needs and priorities of new farmers, staff led a listening tour across the state, visiting 8 locations from Batavia to Suffolk County. Approximately 300 people working in the field of agriculture gathered to provide input.

Association of Ag Educators

Provided \$416,000 to fund the continuation of an existing program developed in the mid-1990s as a mechanism to provide support for secondary agricultural education teachers. Its goal has been strengthening the state's agricultural sector through the preparation of skilled workers and increased agricultural literacy among the state's high school aged youth. In 2017 they held professional development conferences/workshops, mentoring for new agricultural educators, school visits and leadership and education programs.

New York Logger Training Program

Provided \$150,00 in support of the New York Logger Training, Inc. (NYLT) program which will assist loggers and the forest products industry to remain compliant, competitive, and safe through focused training and business assistance. The comprehensive program focuses on careful risk selection, cost containment, effective claim management and vigilant loss prevention to reduce the frequency and severity of injuries.

New York State Association of FFA

The Agriculture Education Incentive Grant Program is providing grants on a non-competitive basis to eligible local school-based agricultural education programs with awards to secure necessary resources for a high-quality agricultural education program. The goal of the Program is to assist NYS school districts with the costs of reinstating a lapsed agriculture education program or beginning a new agriculture education program to establish new FFA chapters in New York State. Eighty-four grant recipients received \$350,000 in awards throughout New York State.

Division of Animal Industry

Staffing

The Division has a permanent staff of 37 employees, including field and central office veterinarians, Animal Health Inspectors, a Director and support staff.

Licenses and Inspections

There are 231 licensed pet dealers in New York, which is a slight increase from the last reported total of 211. Our staff performed 372 pet dealer inspections in 2017 and we also investigated 46 consumer complaints.

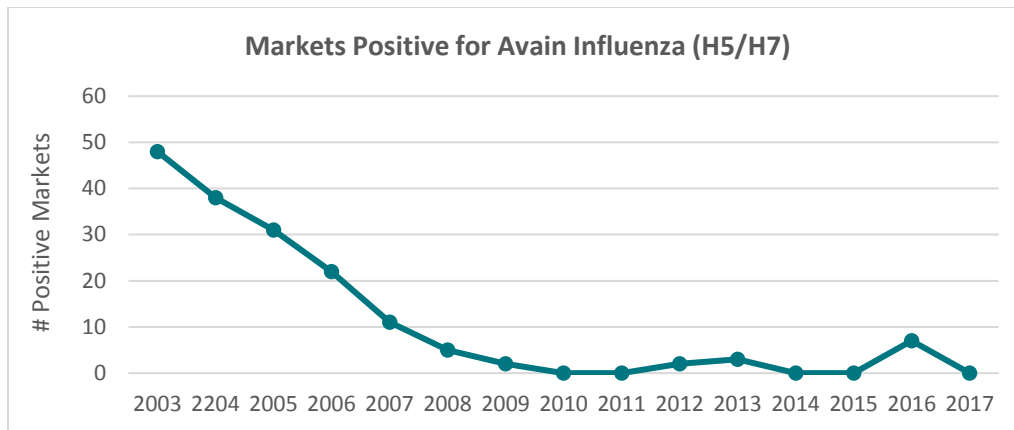
In 2017, the pet dealer law was amended to clarify the definition of exempted entities. Previously, not for profit dog and cat rescue organizations were completely unregulated. There are an estimated 300-500 rescue organizations in New York. As of November 2018, all rescues must register with the Department of Agriculture and Markets. To date, 163 of them have registered, 28 are closing, and 2 have filed as Pet Dealers.

2017 Avian Influenza Surveillance

New York has 84 live bird markets located in or near New York City, one in Schenectady, and one near Buffalo for a total of 86 markets.

2017 Surveillance	Live Bird Markets (LBM)	Dealers	Total
Number of inspections – LBMs, poultry dealers	683	53	736
Number of birds tested	20,149	1,983	22,132

Avian Influenza testing was also performed in commercial egg-layer flocks (6), backyard & exhibition flocks (39), raised-for-release upland game bird flocks (2), and egg-type multiplier flocks (5). For these flocks, there were 241 RRT-PCR tests and 1,088 AGID (505 blood and 583 egg) tests conducted during 2017. The total number of birds tested (non-LBM) was 3,476. All results from National Poultry Improvement Plan (NPIP) testing were negative for avian influenza.



Domestic Animal Health Permits (DAHPs) & Livestock Markets

Domestic Animal Health Permits (DAHP) are issued to livestock and poultry dealers. Department laws and regulations require dealers to properly identify animals and record the details of all transactions to allow for tracing to the point of origin and disposition. DAI veterinarians and animal health inspectors conducted 402 DAHP inspections on 322 DAHP holders during 2017.

Our field staff also inspect livestock markets to determine compliance with Department laws and regulations. In general, market inspections are performed quarterly and consist of a facility inspection, evaluation of cleaning and disinfection procedures and an animal identification/recordkeeping inspection. DAI field veterinarians and animal health inspectors performed 104 livestock market inspections on 33 markets.

NYS Cattle Health Assurance Program (NYSCHAP)

NYSCHAP is an integrated disease prevention program whose purpose is to: increase herd health, productivity and profitability, while boosting food safety, public health, and consumer confidence in dairy and beef products.

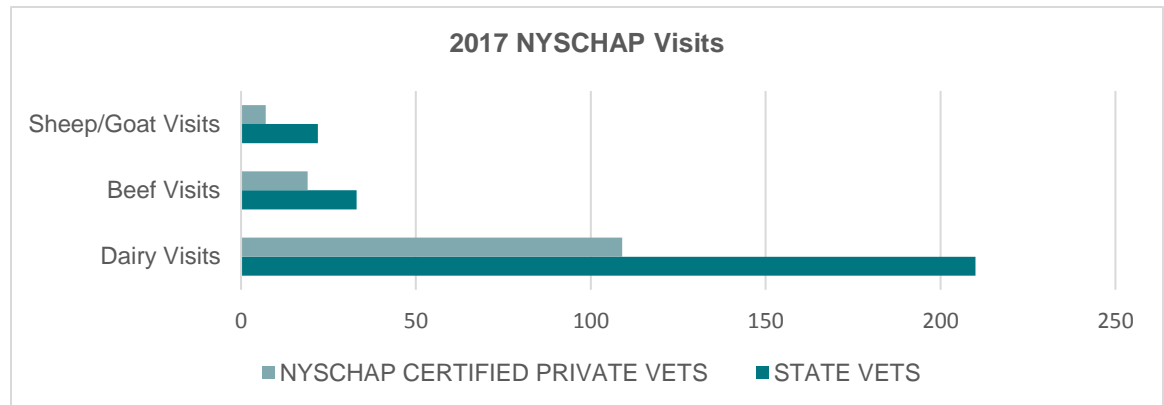
As of December 31, 2017, there were 680 active farms in NYSCHAP (565 dairy farms, 79 beef herds, 26 sheep/goat farms and 4 other farms).

NYSCHAP represents approximately 13% of dairy farms in New York (4,490 licensed dairy herds) and 36% of all dairy cows in New York (625,000 total dairy cows in New York in 2017). In addition:

- Approximately 40% of milk produced in 2016 in New York was from NYSCHAP farms (14,912 million pounds of milk was produced in New York in 2017).
- NYSCHAP farms averaged 70 lbs. of milk/cow/day, overall New York dairies averaged 65 lbs. of milk/cow/day.
- Since its inception in 1998, over 1,650 farms have enrolled in NYSCHAP.
- 57 private veterinarians have completed NYSCHAP certification and 46 of them are actively doing NYSCHAP reviews.
- There were 56 new farm enrollments (19 Dairy; 15 Beef Herds; 22 Sheep & Goat Herds) in the 2017.
- There were 56 farms that exited the program in 2017.
- 400 NYSCHAP visits occurred in 2017.

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- 10 Outreach activities promoting NYSCHAP – presentations were on biosecurity, disease identification, prevention and control, animal care and food safety and drug residue avoidance.



Inspections/Investigations

- 107 Livestock Market Inspections in 35 markets.
- 402 Municipal Shelter Inspections
- 708 Dog Control Officer Inspections
- 391 Domestic Animal Health Permit Inspections
- 12 Foreign animal disease investigations
- 5 quarantined and resolved outbreaks of equine Herpes Myeloencephalitis

Federal/Interstate Activity

DAI was awarded cooperative agreements worth \$646,063 for animal health programs, drug residue prevention, and animal disease traceability efforts

Interstate Movement of Livestock

Central office clerks examine certificates of veterinary inspection (CVI's) for animals imported and exported in and out of the state. In 2017, 55,257 livestock were imported and 11,565 were exported.

Aid-to-Localities/Outreach

FDA Contract for Judicious Antibiotic Use and Drug Residue Avoidance Initiatives:

- Eight regional veterinary continuing education meetings were held around the State, presenting information on the new Veterinary Feed Directive, judicious drug usage on farms, and drug residue avoidance. The approximate attendance for these meetings was 175 veterinarians and veterinary technicians.
- Two meetings were held in the state with speakers from FDA, drug companies, electronic recordkeeping systems companies and feed mills to present information on the new Veterinary Feed Directive regulations in animal agriculture. 75 people attended these meetings from all sectors – veterinary, feed, regulatory, education and farms.

- 16 farmer meetings/webinars were held around the State. The topics included the new Veterinary Feed Directive, judicious antibiotic drug usage, drug residue avoidance, and promoting the NYSCHAP program. These meetings had approximately 700 farmers in attendance.
- Several newsletter articles on judicious drug use in food animals were provided for NY Farm Bureau and other industry organizations.
- 21 outreach meetings were held in 2017. Some meetings were continuing education meetings for veterinary professionals and others were oriented for producers. Approximately 400 attendees came to these meetings. Topics for these meetings included: animal health emergency response, animal welfare and behavior, animal disease traceability, poultry health, dangerous dogs and local law, veterinary feed directives and secure milk supply.
- In accordance with recent amendments to NYS Executive Law, Section 840, the Division of Animal Industry began developing modules for the education of law enforcement and district attorneys on standards of care for livestock. The first completed module, Winter Husbandry of Livestock, was endorsed by the Division of Criminal Justice and reviewed by the ASPCA. The first presentation was given to the Albany County Sheriff's department in November and has since been successfully presented to several counties throughout NYS.

Division of the Food Laboratory

Staffing

In 2017, the Food Laboratory had 31 permanent staff. Senior staff at the Food Laboratory have degrees in the Natural Sciences with majors in biology, chemistry, environmental, microbiology, or other related fields. Additionally, temporary staff scientists work under the supervision and direction of Food Laboratory personnel.

Licenses and Accreditations

The Food Laboratory holds the ISO/IEC 17025:2005 accreditation and additional criteria established by the AOAC-I ALACC. In 2017, the Food Laboratory performed testing on 61 chemistry proficiency samples (771 analyses with 98% acceptable results) and 41 microbiological proficiency samples (59 analyses with 100% acceptable results). Both are necessary to maintain the laboratory's ISO accreditation status through the American Association for Laboratory Accreditation.

Analytical Tests & Outcomes

In 2017, the Food Laboratory received 19,773 samples and performed approximately 451,437 analytical tests on various food, feed and fertilizers to determine compliance with regulatory 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. Approximately 93 percent were found to be properly labeled and/or free of contamination or adulteration. A total of 231 recalls were triggered by laboratory test results.

In accordance with the laboratory's USDA cooperative agreement under the Pesticide Data Program (PDP), the laboratory received 1,868 samples, which resulted in the

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analysis of 392,280 analytes to detect for pesticide residues. From those, 195 violations for pesticide residue were detected by the Food Laboratory. This nationwide program is in its 27th year and has 10 participating States, including New York. In 2017, four New York samples were tested for pesticides as consumer complaints and none of them were found violative.

The Food Laboratory also performed analytical testing on samples received from various external sources. These included samples involved in foodborne illness investigations (requested by DOH or FDA), samples from other State departments, and samples from neighboring states such as Vermont and Massachusetts who are unable to perform particular analyses, including PFOA/PFOS testing in milk.

In accordance with the National Conference of Interstate Milk Shipments (NCIMS) Split Sample Program, the Food Laboratory prepared 108 proficiency samples for all of the dairy laboratories that are certified by the Department's Milk Control and Dairy Services Division (MCDS). In addition, seven states contracted with the Food Laboratory to have 32 proficiency samples prepared and shipped to certified dairy laboratories within their respective States.

Additionally, the laboratory also provided 228 sets of antibiotic residue samples to the same laboratories.

Source of sample	Number of Samples Received	Number of Samples Reported	Number of Tests
Total	19,860	19,773	451,738
Collected through PDP program	1,882	1,868	392,280
Collected by Food Safety Inspection (FSI) staff	2,594	2,594	
Collected by MCDS staff	14,970	14,828	
Collected by Plant Industry (PI) staff	187	140	
Collected by Others**	197	179	59,489*

*Number represents number of testing for division of FSI, MCDS, PI and Others.

**Others: Other New York State Departments or State/Federal Agencies

	Number of Samples Received (excluding PDP)	Number of Tests Performed (excluding PDP)	Number of Violations
Total	17,978	59,489	1,198
Microbiology	13,607	28,605	558
Chemistry	4,371	30,884	640

* Microbiology testing includes: total aerobic plate counts, total coliforms, *Escherichia coli*, *E. coli* O157:H7 and other enterohemorrhagic *E. coli*, *Salmonella enterica*, *Listeria monocytogenes*, *Campylobacter coli*, *C. jejuni* and *C. lari*, *Shigella* spp. *Staphylococcus aureus*, heat stable enterotoxin, yeasts, molds, presence of antimicrobials in dairy products and verification of pasteurization.

* Chemistry testing includes: standards of identity and nutritional labeling, adulteration, the presence of undeclared and potentially harmful allergens, preservatives and artificial colors, specific chemical hazards such as heavy metals, aflatoxins, antibiotic residues, and the identification of impurities and foreign material.

	Number of Samples Tested for Division of Plant Industry	Number of Violations
Total	140*	32
Fertilizer	115	32
Lime	3	10

* Number of samples includes 22 Industrial hemp samples were tested for THC as part of the Industrial Hemp Research initiative

Aid-to-Localities/Outreach

In 2017, the Food Laboratory through the Rapid Response Team (RRT) and Food Emergency Response Network (FERN) played an integral role in investigating several local and multi-State outbreaks of foodborne disease, including *L. monocytogenes* and *Salmonella* species, in coordination with local and State Department of Health (DOH) offices.

Food Laboratory was involved in public health investigation of a 19-month-old child showing symptoms of lead poisoning. Later, NYDOH investigation determined that the entire family (parents and 4-year-old sibling) were exposed and showed high levels of lead in their blood as well. Various items were considered as source of exposure and the county health department started contacting who could help on analyzing them. Because of the Food Laboratory’s expertise in testing spices for toxic elements, a sample of turmeric that the family had purchased in India was sent to the laboratory. Lead testing determined that turmeric spice was the contaminated food that poisoned the family.

The Food Laboratory conducted toxic metal testing in collaboration with the DOH research project, and it supported local food safety education by providing six laboratory tours, one training seminar to a local university, and several introductory sessions in practical microbiology for a local school student.

Additionally, we are hosting a student 2 hours a week via their STEM (Science, Technology, Engineering, and Math) program, supporting students in pursuit of their educational goals. She will be presenting the results of her lab work to the STEM program before the end of the school year in May.

Federal/Interstate Activity

The Food Laboratory managed cooperative agreements with the USDA Agricultural Marketing Service (AMS) to support the PDP and also with the FDA to maintain the laboratory’s ISO accreditation and the State’s RRT programs.

The Food Laboratory staff participated in three National Partnership for Food Protection workgroups and lead efforts to implement significant components of the Food Safety Modernization Act (FSMA).

On May 22-26, 2017, the Food Laboratory hosted a FDA Food Emergency Response Network training on rapid detection of foodborne pathogens in contaminated food. The laboratory hosted FDA trainers and students from different states.

In an effort to improve collaboration and integration of sample collection and the analysis of data between state and federal governments, the Food Laboratory was selected to spearhead the FDA Mutual Reliance Pilot. The goal of the pilot is to establish a process for data acceptance from State laboratories by the FDA. Under this pilot, a ground cumin from India was included in an Import Alert after FDA accepted the New York sample and laboratory methodology. The violative cumin had one of the highest level of lead ever found by the Food Laboratory (1,000 fold more lead than the action level of 1 ppm) and the import alert issued will prevent further entry and distribution of such a product in New York and the United States.

Continued Research

In 2017, the Food Laboratory uploaded whole genome sequencing data from 136 *Salmonella* and *L. monocytogenes* isolates to FDA's GenomeTrakr network. From those, 13 provided information of *L. monocytogenes* found in food and four were involved in food outbreak investigations.

The Food Laboratory developed and validated methods to test the THC content in industrial hemp in support of the State Industrial Hemp Research Program. Twenty-two samples were tested in 2017.

As a leader in food laboratory analytical testing and method development, the Food Laboratory participated in working groups and committees in the following associations: The Association of Official Analytical Communities International, The International Association of Food Protection, Association of Public Health Laboratories, Association of Food and Drug Officials, The American Association of Feed Control Officials, and The American Association of Plant Control Officials. Food Laboratory staff were invited to present their research at one regional and one national conference in 2017.

Division of Food Safety and Inspection

Staffing

One hundred forty permanent staff, 91 of the 140 positions are field based, with the remaining staff assigned to offices in Albany, Buffalo, Rochester, Syracuse, New Windsor, Hauppauge, and Brooklyn.

Field staff are required to complete extensive basis training prior to conducting manufactured food inspections, and advanced training for inspection of specialized food processors such as Juice HACCP (Hazard Analysis and Critical Control Points), Seafood HACCP, low-acid canned food, acidified foods, preventive controls, and produce safety.

Licenses

The Division licenses food processors, retail stores, warehouses, small animal slaughterhouses, food salvagers, animal rendering services, and pet and animal food dealers.

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Licenses	Number Issued Annually
20-C Food processing establishments	10,818
Article 28 Retail food store	1,326
Article 28 Food warehouse	902
Slaughterhouse	140
Food Salvager	23
Refrigerated warehouse	40
Inedible meat disposal plant and vehicles	10
Inedible meat transportation service and vehicles	14
Pet food brands registration	553
Feed tonnage	545
Feed facility registration	764
Commercial feed license	120
Home Processor Registrations	631

Inspections and Samples

Division food inspectors perform inspections at over 32,000 regulated food establishments on a routine basis. Inspectors performed 35,497 on-site inspections in 2017 and 76% of those inspections were found to be in substantial compliance.

Food inspectors collect routine and for-cause food samples at regulated food establishments. Inspectors submitted 2,594 food samples to the Food Laboratory in 2017 with 14% of those samples found to be in violation.

Food inspectors executed over 2,300 food seizures (adulterated or misbranded food items) resulting in over 345,000 lbs. of food seized and over 259,000 lbs. of adulterated foods destroyed.

Food inspectors investigate all consumer complaints regarding regulated food establishments. Inspectors conducted 2,441 consumer complaint investigations in 2017.

Farm products inspectors conduct produce USDA grading inspections on behalf of USDA. Farm products inspectors inspected over 150 million pounds of produce, issuing over 4,700 certificates in 2017.

Food Safety and Inspection Division	
Food Safety Inspections	35,497
FDA Contract Inspections (Revenue Generated)	203 (\$217,970)
BSE Inspections	0
Compliance rate (% passing inspections)	79%
Consumer Complaint Investigations	2,441
Food Seizures	2,312
Food Seized (lbs)	345,025
Number of Food Samples	2,082
No of samples that were violative/rate (%)	293 (14%)
Number of Feed Samples	537
No of samples that were violative/rate (%)	50 (10%)
Number of Food Recalls	232
Number of Hearings Requested	87
Number of Injunctions Requested	65
Number of Penalties Issued (Revenue Generated)	3,315 (\$1,513,710)

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Licensing Revenue (Human Food)	\$5,019,400
# Licenses Processed	13,995
Licensing/Registration Revenue (Animal Food)	\$1,519,725
# Licenses/Registrations Processed	1,579
Total FSI Revenue	\$8,052,835
Farm Products Unit	
Terminal Market. Inspection Certificates (lbs. graded and Revenue Generated)	3,048 (69M lbs, \$517,599)
Shipping Point Inspection Certificates (lbs. graded and Revenue Generated)	1,817 (92M lbs, \$164,042)
Pesticide Data Program Sampling (USDA PDP)	\$271,670
Country of Origin Labeling Audits (USDA COOL)	\$198,200
Good Agricultural Practices Audits (USDA GAP)	241 (\$153,889)
Poultry Voluntary Residence Grading (945,123 cs eggs graded)	\$136,968.33
Poultry Grading (1,244,037 ducks graded)	\$17,337.78
Poultry Shell Egg Surveillance (90,404 cs eggs inspected)	\$43,076
Quality Control Contract	\$.00
Shipping Point Contract Inspections	\$.00
State Institution Inspection	\$12,818.00
NYS Branding law	\$7,100
Total Farm Products Revenue	\$1,522,700.11

Aid-to-Localities/Outreach

In 2017:

- 13 educational presentations were provided to food industry groups and local regulatory agencies
- 576 industry compliance sessions were provided to food establishment operators. These educational sessions are intended to assist food establishments that are struggling to comply with regulatory inspections.
- FSI hosted meetings with industry groups, craft beverage producers, maple syrup producers and the Food Industry Alliance. The meetings were held to discuss emerging regulatory challenges.
- Staff met with Cornell Cooperative Extension, Cornell Institute for Food Safety, the Manufactured Foods Regulatory Program Alliance and the Produce Safety Alliance. The primary focus of the meeting was education and outreach for agricultural food industries in New York.
- Guidance for “Kombucha” manufacturers was developed in 2017 and provided to the industry and industry support associations. Kombucha is a fermented tea, which if produced lacking certain controls, can be a very unstable product. With the assistance of Dr. Brian Nummer at Utah State University, we were able to develop the guidance documentation to aid manufacturers in producing a uniform, safe product.
- New York State Department of Agriculture and Markets, Division of Food Safety and Inspection introduced a law allowing for the production of certain flavored maple syrups including, bourbon barrel aged, cinnamon, vanilla, etc. These flavorings may be added to maple syrup and must be clearly identified on the product label. The syrup would no longer be allowed to identify as Grade A.
- Produce Safety outreach during the year included attendance at multiple Produce Safety Alliance trainings (PSA); On Farm Readiness Reviews (OFRR) - non-regulatory visit to farms to assist with Produce Safety readiness; distribution

of Produce Safety/New York State introduction documentation and widespread media advertisement of resources available.

- The Division of Food Safety and Inspection's Notice of Inspection was modified in 2017 to implement a letter grade, "A", "B", or "C", which corresponds to the results of their most recent sanitary inspection.
 - A - No critical deficiencies were found. (Food safety program in place is working.)
 - B - Although critical deficiencies were found, they were corrected at time of inspection. (Room for continuous improvement.)
 - C - Critical deficiencies were found but were not or could not be corrected. (Need for immediate corrective action.)

Federal/Interstate Activity

- The Division conducts manufactured foods inspections for FDA under a contract agreement. It conducted 203 inspections under the 2017-2018 contract.
- The Manufactured Foods Regulatory Program Standards (MFRPS) is a quality management system intended to create nationwide consistency between State and FDA inspection programs. FDA provides the Department with funding annually to support conformance with standards established by FDA and States.
- The Rapid Response Team program is intended to improve State and federal response to all hazardous food emergencies. FDA provides the Department with funding annually to support staff, training, and program development.
- New York State adoption of the Food Safety Modernization Act, Produce Safety and Preventive Controls for Human Food Rules occurred in the summer of 2017. Which will enable the Department to complete food and produce safety inspections under this new regulatory regime.
- The Produce Safety program is intended to establish an on-farm produce inspection unit within the Division of Food Safety and Inspection. 2017-2018 implementation activities include hiring of staff, adoption of the FDA Produce Safety Rule and outreach and training. FDA provided the Department with grant funding to support this program in the 2017-2018 year.
- The Farm Products Unit conducted USDA grading, sampling and auditing programs. This work is done under 5 different USDA cooperative agreements.

Programs

The Division employs a progressive enforcement program to encourage compliance with food safety laws and regulations. Enforcement tools include food seizure, warning letters, civil penalties, education sessions, license revocation, and injunctive actions. The Department pursued 87 license revocation hearings and 65 injunction actions in 2017.

Division of Land and Water

Staffing

The Division has 16 permanent and 8 temporary staff. The primary title series is the Environmental Analyst (Agriculture) with grades ranging from SG 18 to SG 27. Approximately half of the staff are field-based; with the remaining staff in Albany or Rochester.

Programs

The Division administers programs to prevent or reduce water pollution and soil erosion in partnership with the NYS State Soil and Water Conservation Committee (State Committee).

Staff were available to assist 58 Soil and Water Conservation Districts (Conservation Districts) in a wide array of operations, programs, and project areas in 2017. Division field based staff, work very closely with Conservation District staff (excess of 300 FTE's) and their Directors, to prioritize decisions for the advancement of conservation programming. Staff in the Albany Office have primarily focused on providing operational and technical support through the development of training modules, training events, direct research, and thorough administrative support to increasingly complex operational issues. Monthly reports are provided regionally to articulate program deadlines, funding opportunities, State Committee policies and significant achievements.

In 2017, the State Committee expanded its partnership with the Department of Agriculture and Markets by taking on an active role in collaborating with the New York State Grown and Certified Program. Our Conservation Education Outreach Coordinator serves as a liaison between the Conservation Districts and the staff of the NY Grown and Certified Program as an advocate for the Districts, the AEM program, and to provide grassroots input to the NY Grown team. We also work to ensure commodity organizations understand the AEM program requirement, some who have not had much exposure to the AEM program.

In addition to furthering the mission of the State Committee, the division's other primary responsibility is to protect and preserve farmland and farming practices in agricultural production consistent with the statute and regulations established within Agriculture and Markets Law (AML).

The Agricultural and Farmland Protection Unit administers AML Article 25-AA (Agricultural Districts) and AML Article 25-AAA (Agricultural Protection and Development) as to maintain viable agricultural lands, working landscapes, farm operations and the production of crops, livestock, and livestock products. Advancement of working landscape concepts and the irreplaceable land base associated with agriculture production is a significant charge of the Division. Additionally, the Division is a statutory party under Article VII and Article X of the Public Service Law, for the mitigation of agricultural impacts resulting from the construction of major gas pipeline(s), industrial wind turbines, solar photovoltaic energy generation, and electric power line facilities.

Each agricultural district is reviewed every eight years. The current 182 districts provide agricultural district benefits to 25,500 farms. In 2017, 18 agriculture reviews were completed and 36 counties provided annual inclusions to 77 agricultural districts.

During 2017, the Agricultural and Farmland Protection Unit processed numerous formal and informal responses to requests for review of local laws and ordinances. It conducted 23 formal investigations, two sound agricultural practice investigations, two agriculture and nature investigations, issued two administrative orders and processed 56 Notice of Intents to minimize impacts to farm operations.

Presently over 60,000 acres of agricultural lands facing significant development pressure have now been protected perpetually through conservation easements.

The unit also reviews a range of construction projects such as natural gas pipelines, electric transmission lines, natural gas well drilling, highway projects, commercial solar facilities and industrial wind farms for potential impact on agricultural resources. These projects encompass 240 miles of gas pipeline, 206 miles of electrical transmission lines, 3500 acres of solar energy, and 1059 wind turbines.

Environmental Protection Fund (EPF) Programs

The division administers several EPF grants.

Farmland Protection Implementation

- Announced: \$1.0 million RFA to cover transaction costs for donated agricultural conservation easements that permanently protect viable agricultural land.
- Announced: \$5.0 million RFA to purchase option agreements on viable agricultural land as a pre-cursor to perpetual agricultural conservation easements.

Farmland Protection Planning

Awards totaling \$100,000 for the development of farmland protection plans have been provided to four municipalities: Amherst, North Collins, Grand Island and Java. The application process for this grant opportunity was also updated and reissued for 2018.

Land Trust Grants Awards

Awards totaling \$249,000 were provided to seven land trusts to conduct farmland access outreach, update viable agricultural land inventories and to develop a collaborative screening process to help connect farmers to farmland.

Agricultural Environmental Management (AEM)

The SFY 2017-18 AEM Base Funding Program provided \$2.39 million in reimbursement of Conservation District technical assistance to farmers in its 12th year. Conservation Districts introduced 563 new farms into AEM, conducted 329 environmental assessments, developed 244 farm plans, implemented 258 conservation practices, and conducted 670 AEM evaluations. Cumulatively across the state, this represents nearly 60,000 hours of technical assistance to put conservation on the land.

Climate Resistant Farming

In June 2017, \$1.5 million was awarded for Round 2 of the Climate Resilient Farming (CRF) Program. Projects were funded on 26 farms with the goal of reducing the impact on climate change (mitigation) and helping farms to be more resilient to the impacts of

climate change (adaptation). Funding was awarded in three tracks: Manure Storage Cover and Flare; Water Management; and Soil Health.

Agriculture Non-Point Source Pollution Prevention (AgNPS)

In July 2017, grants were awarded to 26 of the State's Conservation Districts under Round 23 of the AgNPS Program, providing \$15.5 Million in state funds to 106 farms. State Committee staff are managing approximately 175 active contracts, representing \$53.5 million currently being invested in agricultural conservation efforts.

State Aid to Districts Program

In March-April 2017, \$9 million was awarded to all 58 Conservation Districts under the annual State Aid to Districts Program. Through the statutory formula, up to \$60,000 was awarded per District for Part A, \$6,000 was awarded per District for Part B Projects, and up to \$92,000 was awarded through Part C Performance Measures. This is historically the largest amount of State Aid ever provided to Conservation Districts.

CAFO Manure Storage Program (Funded through the \$2.5 Billion Water Infrastructure Act of 2017-2018)

In September 2017, the CAFO Waste Storage and Transfer System Program Round 1 Request for Proposals was released by the Division of Land and Water Resources of the Department of Agriculture and Markets. This program will make available \$50 million for manure storage and transfer systems on regulated Concentrated Animal Feeding Operations. \$20 Million in awards was announced in 2017, subsequent awards will follow in 2018 and 2019.

Additional Highlights

- New Federal and State CAFO General permits announced by DEC. Staff have considerable technical input into these permits.
- A FAQ was developed regarding manure storages to educate the non-farming public about why farmers store manure, the benefits of stored manure, and the regulations by which farmers are required to follow to be environmentally compliant.

Licensing and Inspections

The division does not issue licenses.

Federal / Interstate Activity

The Soil and Water Conservation Services Unit cooperates with, and assists Federal and State agencies to advance ongoing local Conservation District activities in project implementation, land-use planning, natural resource management, and public health and safety. The responsibilities of the Division are predominantly carried out under authority of the New York State Soil and Water Conservation Districts Law through direct staff assistance to the NYS Soil and Water Conservation Committee.

Division of Milk Control and Dairy Services (MCDS)

Staffing

51 permanent staff, 38 of whom are in the Dairy Products Specialist title series (which ends at a SG-23). Most of the staff are field-based; 13 are assigned to the Albany headquarters.

Staff also oversee and evaluate 88 Certified Milk Inspectors (CMI's) who provide direct oversight to New York's 4,624 dairy farms.

Licenses

The division licenses milk plant operators, producer cooperatives, milk distributors, haulers, and brokers.

Licenses	Number Issued and Active
Milk Dealers (haulers, brokers, bargaining cooperatives)	431
Plant Operators	93
Operating Cooperatives	15
Frozen Dessert Handler	148
Frozen Dessert Manufacturer	171
Part 2 Processing Permits	370
Milk Receivers	3,759
Bacteria Licenses	893
Processing Plant Superintendents	354
Certified Milk Inspectors	88
Equipment Installers	243
Processor Permits	247
Import Milk Permits	106

Inspections and Samples

As per the Pasteurized Milk Ordinance (PMO) each fluid plant, manufacturing plant, and wholesale frozen dessert plant must be inspected every 90 days. MCDS staff performed 7,125 on-site inspections in 2017:

- 4,081 milk plant sanitary and pasteurizer inspections
- 1,326 milk receiver inspections and bulk vehicle inspections

As per the Pasteurized Milk Ordinance (PMO) every milk and dairy product must be sampled every month. MCDS staff sampled 18,518 products in 2017. Of those, 12,828 were sampled for regulatory analyses with public health significance and were submitted to the State Food Laboratory. Another 5,690 were sampled for standards of identity and economic fraud.

As per the Pasteurized Milk Ordinance (PMO) every dairy farm in New York State is inspected at least twice a year by a milk inspector certified by the Department. In 2017, these certified milk inspectors (CMIs) conducted 15,000 dairy farm inspections, reviewing sanitary conditions of farms, health of cows, and health of the farm employees. The Department conducted 664 evaluations of CMI proficiency in 2017.

Milk testing laboratories: MCDS Laboratory Evaluation Officers conduct full on-site evaluations once every two years in 99 milk testing laboratories. Each lab is also inspected every six months to ensure the accuracy of sample testing.

By regulation, any person who installs equipment on a dairy farm or in a milk plant must register with the Department. They are responsible for technical installations and meeting applicable construction and fabrication requirements of the Pasteurized Milk Ordinance and dairy material and design requirements, such as 3-A Sanitary Standards.

Aid-to-Localities

The division does not administer aid-to-localities grants.

Federal/Interstate Activity

The division administers the Pasteurized Milk Ordinance (PMO) through a cooperative agreement with FDA and National Conference on Interstate Milk Shipments (NCIMS).

MCDS staff is continuously engaged in dairy regulatory policy in the United States. NCIMS is the controlling authority for Grade A dairy products, dairy farm regulations, dairy plant regulations, technical dairy processing equipment and approved processes nationally.

New York participated in a several other regulatory discussions with groups including Interstate Milk Shippers Program, Dairy Practices Council, FDA Northeast Dairy Equipment Review Committee, National Association of Dairy Regulatory Officials, 3-A Sanitary Dairy Equipment Standards, and the National Mastitis Council. The division's presence at meetings is vital to ensure the changes proposed meet and address New York's interests and initiatives. The impact of dairy on the New York economy makes participation in the NCIMS mandatory to the Department's mission to strengthen the dairy industry.

Programs

The Milk Producer Security Fund provides an option for dealers to provide required security by depositing a fee to a fund administered by the Department. In 2017-18 this fund secured the milk purchases of 50 licensed dealers. The fund balance as of March 31, 2018 was \$10.2 million.

Western New York Milk Marketing Order (WNYMMO)

The WNYMMO is responsible for setting the producer prices and value of milk marketed in the western third of New York State that is not otherwise covered by the Federal Milk Market Order. This order was initiated at the request of dairy producers to ensure the orderly marketing of milk in this area by requiring that all producers be paid uniformly for their milk, regardless of the value of the product produced.

Dairy Promotion Order

The NYS Dairy Promotion Order collects 10 cents per hundredweight of milk produced in New York State from producers in order to fund marketing and research projects approved by a board of New York dairy producers. This assessment is a one-to-one offset from dairy producers' 15 cent per hundredweight obligation to the federal milk

marketing order. During the last year, over \$15.3 million was collected to fund these marketing and research programs.

Projects funded by the Order include:

- Preparation of minimally astringent whey protein-based beverages
- Lactose Oxidase – Novel lactose-driven activation of the Lactoperoxidase system for improved dairy product shelf-life.
- Distribution of spores and vegetative bacteria between the skim and cream phases in milk: causes, effects of centrifugal separation, and possible implications for milk processing
- Transfer of technology for the NEDFRC
- Enhanced Conversion of Lactose to Galacto-oligosaccharides (GOS)
- Functionalization of whey protein by high-pressure, reactive extrusion
- Novel diagnostics for dairy: Evaluating the ElastoSens as indicator of incoming milk quality and product shelf life for cheese and fermented dairy producers.
- Refermented: Upcycling dairy by-products into a new category of value-added consumer beverages.
- Identification of farm/feeding sources of autoxidation based off flavors in fluid milk.
- Milk Quality Improvement Program
- Control of *Clostridium tyrobutyricum* a reemerging concern in hard cheese production
- Development of a predictive tool to aid in production of extended shelf life fluid milk products with procedures that control outgrowth of psychrotolerant aerobic spore-forming bacteria
- Development and assessment of new tools for raw milk and finished product testing: preparing NY dairy industry for the future
- Development and deployment of a rapid response team that responds to on-farm milk quality issues that affect processing or finished product quality
- Building research capacity in dairy foods processing: dairy fermentations

Statistics

MCDS staff process about 4,500 monthly statistical reports annually to tabulate information on the health and activity of New York's dairy industry. From this information, the Division published an annual statistical bulletin. These reports are used by the USDA's National Agricultural Statistics Service to ensure that its data is complete and accurate. Additionally, this information is used to generate other statistical reports, on demand, as requested by agricultural economists and government decision makers to ensure that economic development, regulatory, and public policies are having their desired outcome. There is no other source of reliable information on this largest segment of the agricultural economy of the State.

Education and Outreach

- Provide an annual weeklong training for new Certified Milk Inspectors (CMI's) at Cornell and annual outreach to over 80 CMI's in five locations across New York.
- Presented seven Processing Plant Superintendent seminars to over 350 permitted facilities.
- In conjunction with Cornell University Dept. of Food Science and Extension:

- Assisted as co-instructors for experienced staff and participants for new inspectors in the over 20 dairy-specific sanitation and processing courses.
- Conducted three hands-on pasteurization training courses.
- Educated dairy laboratory staff in 5 regional seminars covering approximately 100 industry laboratories and over 100 laboratory employees.
- The Division conducted 7 Office Conferences to discuss compliance and enforcement corrective action plans.
- Revoked one processing permit and entered into a stipulation with another firm after an administrative hearing for permit revocation.
- Division is leading an investigation into web based businesses illegally selling raw milk, raw milk products and other foods into NYS. The investigation is in collaboration with USDA, FDA, NYS-DOH and NYC-DOH.

Division of Plant Industry

Staffing

Forty-two permanent staff, 36 of whom are in the Horticulture Inspector title series (which ends at a GS-25). Three positions are office support and three are senior staff with specialized advanced skills and education in horticulture, plant pathology, entomology and seed technology. The division also has the authority to hire up to 46 seasonal employees (Assistant Horticultural Inspector 1's and 2's depending on budget and workload. These seasonal positions work on survey and eradication programs.)

Licenses

The Division issues three licenses: Article 9A Agricultural Lime Brand License, Article 10 Fertilizer Distributor License, Article 10 A Soil and Plant Inoculant License. The Division also issues three registrations: Article 10 Ammonium Nitrate Retailer Registration, Article 14 Plant Dealer Registration, and Plant Grower Registration.

License type	Number of licenses as of 12/31/17	Number of licenses issued or renewed during 2017
Nursery Dealer	6,002	4,538
Nursery Grower	2,862	364
Commercial Fertilizer	637	0*
Lime Registration	208	0*
Soil & Plant Inoculant	696	14
Ammonium Nitrate registration	12	12

** Commercial fertilizer and lime registration renewals occur in even years*

Inspection and Survey

Permanent inspectors with specialized training and experience conduct inspections of regulated establishments and sample and inspect commodities. Survey work is often completed by seasonal employees in the Assistant Horticultural Inspector title under the

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supervision of permanent inspectors. The use of seasonal employees extends the reach of the division’s surveys and allows the division to complete its work during the growing season.

Inspections Performed in 2017	
REGULATED ENTITY INSPECTIONS	
Nursery Dealer – annual inspection	3,175
Nursery Grower – annual inspection	2,862
Commercial fertilizer	482
Lime	258
Soil & plant inoculant	100
COMMODITY INSPECTIONS	
Seeds (turf, ag, flower, vegetable)	644
	56 in violation
SURVEY INSPECTIONS	
Visual inspection of federal target pests	3,905,258 plants inspected at 1,799 sites
Pheromone trapping of federal target pests	3,597 specimens collected
Stone fruit trees for PPV	135,995 samples
OTHER INSPECTIONS	
Certificates for Export (phytosanitary certification for plants to be sold outside NYS)	891

Aid-to-Localities

The Division administered nine research contracts with Cornell and one with the New York State Turfgrass Association.

Federal/Interstate Activity

The Division manages 11 cooperative agreements with the USDA. These include both plant-pest surveys, as well as control activities such as containment or eradication. Federal funding for these activities in FFY 2017-18 totaled \$5,132,632 for Farm Bill Surveys, Asian Long-horned Beetle, and many more.

Division staff holds several leadership roles in the Eastern and National Plant Boards. Staff also participates in the Systems Approach to Nursery Certification Pilot, which puts into place an audit-based registration approach where regulated entities identify critical control points and best practices that help to avoid pest problems in the plant production facility rather than relying on “snapshot in time” inspections. Participation in these organizations and programs insures that we are regulating NYS businesses in efficient, effective and cutting-edge ways.

Programs

Apiary/Pollinator Protection

In 2016, the New York State Pollinator Protection Plan was released by the Department of Agriculture and Markets and the Department of Environmental Conservation. The division maintains an apiary inspection program, which certified approximately 44,800 honey bee colonies for 53 beekeepers to travel to out-of-State locations in 2017. Apiary inspectors monitored closely for American Foulbrood disease. The division also continued its efforts to monitor honey bee health through participation in the National Honey Bee survey for the eighth year on 24 beekeepers. The Division staff have also been involved in the NYS Honey Bee tech team which evaluates the health of Apiary operations and makes management recommendations to improve Apiary operations. This effort as well as managed Pollinator Research is funded through EPF funds managed through the Division.

Industrial Hemp

The Industrial Hemp Agricultural Research Pilot Program experienced rapid expansion in 2017. The program received 106 research partner applications and 21 processor registrations. A number of new procedures were instated, including a sampling protocol, standardized lab analysis, program guidance for CBD and non-CBD applications, and a streamlined application process.

Seed Lab

The New York State Seed Testing Laboratory opened in Albany on January 3, 2017. The lab received 473 service samples and 622 regulatory samples for 2017. A temporary worker was hired to assist with sample receiving and data entry. A technician was hired to begin training on seed analysis. Lab remodeling was completed and additional equipment and supplies were purchased as needed.

Apple Shipments

Each apple shipment is subject to a visual inspection, cutting of apples, and an accompanying certificate. More than 51,000 boxes and 52 bins of fresh apples were shipped to participating states in the program with no issues to report.

Plant Regulatory and Quarantine Programs

- Asian Longhorned Beetle: On May 17, 2017, through a cooperative effort, Asian Longhorned Beetle was declared eradicated from the Eastern Queens portion of the New York City quarantined area. This area follows eradication success in Manhattan, Staten Island and Islip, Long Island. Two areas remain; Brooklyn/Western Queens and Central Long Island.
- Plum Pox Virus: No plum pox virus positive trees were found in the 2017 survey. As part of the eradication survey, program staff surveyed 1,000 commercial stone fruit blocks totaling 837 acres in 4 counties for a total of 108,710 leaf samples collected. All samples tested negative.
- Golden Nematode: NYSDAM in cooperation with the USDA continues to make progress toward the goal to de-regulate 90% of the currently regulated acreage. To date over 1,100,673 acres have been removed from the GN quarantine, with a reduction of 193,782 acres in 2017. 1,718 pieces of farm and construction

- equipment were sanitized to prevent the spread of GN through the movement of soil. In 12 New York counties, a total of 4,040 samples from 132 fields comprised of 919.21 acres were sampled and all were found to be negative for signs of GN.
- Emerald Ash Borer: A total of 1,111 inspections of nurseries and 1,530 nursery dealers were inspected for ash nursery stock. Additionally, 188 inspections were conducted of establishments under a compliance agreement.
 - Velvet Longhorned Beetle: Black intercept panel traps indicated that the Velvet Longhorned Beetle population is larger than originally suspected. There will be continued detection and trapping activities in the future.
 - Hemlock Woolly Adelgid: In April of 2017, NYSDAM responded to a report of infested hemlock seedlings from Tennessee. Hemlock plants were placed under a quarantine order and two samples were verified positive for HWA. Following the incident, inspectors conducted 23 homeowner inspections.
 - Spotted Lanternfly: There was a positive identification for a dead spotted lanternfly found at a pharmaceutical facility in Hobart, NY. No live insects were found in 2017. NYSDAM plans to address prevention, detection, and control of the pest if found in the future.
 - Oak Wilt: The division issued 33 compliance agreements and limited permits in Suffolk county to establishments shipping oak nursery stock out of the Suffolk county protective zone. Field surveys and inspections of sales records were completed.
 - Phytophthora ramorum Nursery Survey: A survey was conducted of 3 nurseries that were determined high-risk. All nurseries surveyed had negative results.
 - Division staff are working cooperatively with USDA-APHIS to develop a survey and suppression plan for control of European Cherry Fruit Fly (ECFF). ECFF is an invasive insect that has been introduced into Niagara county from Ontario Canada.

Education and Outreach

Although the division is a regulatory entity, we continue to work with our regulated community to help them understand the issues that require compliance with our regulations. The Invasive Species statute is a good example of how outreach and education yields regulatory results. The Department has focused on outreach and education of the nursery industry on regulations addressing prohibited and regulated invasive plants. This regulation has been in place for three years and the rate of compliance is in the 88-92% range. This is solid data that proves that an outreach and education approach to regulations can yield results, including a high rate of compliance.

Bureau of Weights & Measures

Description

The Bureau of Weights and Measures is responsible for assuring measurement accuracy and uniformity in commerce throughout New York State in accordance with Article 16 of the Agriculture and Markets Law. The Bureau works in cooperation with municipal offices of weights and measures throughout the State to assure accuracy in all commercial transactions based on weight or measure and to assure the quality of

petroleum products offered for sale. These activities assure equity so that consumers get what they pay for and businesses enjoy a marketplace based on fair competition.

Staffing

The Division has 20 permanent staff including 13 Weights and Measures Specialists, two Metrologists, a Division Director and support staff.

Aid-to-Localities

The Division does not administer aid-to-localities grants.

Local Government

The Bureau supervises the 60 municipal weights and measures programs to promote uniform enforcement of the provisions of Article 16 and exercises concurrent authority with them. The Bureau evaluates each municipal program on an ongoing basis, provides feedback/assistance to municipal programs, and provides training to municipal officials.

Hours of training provided:	2,606
Number of inspectors trained:	123
Number of municipalities trained:	57

Federal/Interstate Activity

NYS Department of Environmental Conservation (DEC): On December 21, 2017, the Bureau supplied the DEC with the annual report of petroleum quality analysis relating to the Clean Air Act.

National Workgroup on Taxi Meters and Transportation Network Measurement Systems: The Bureau has been very active working on specifications and tolerances for taxi meters and transportation network systems.

NYSERDA/DHSES: The Fuel-NY program involves frequent communication and collaboration with NYSERDA and DHSES.

Certifications

Metrology Laboratory	Certificate of Traceability from the National Institute of Standards and Technology (NIST)
	Certificate of Accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP)
Type Evaluation	Certified by the National Conference on Weights and Measures (NCWM)

Programs

Special Details: The Bureau tests and certifies large-capacity vehicle scales, terminal rack meters, and liquefied petroleum gas truck meters on a fee basis. The Bureau limits its device testing to those devices that are generally not tested by municipalities because they cannot justify the cost of the special equipment, training or facilities.

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	# Tested	Revenue
Large-Capacity Vehicle Scales	132	\$14,400
Terminal Rack Meters	76	\$18,440
Liquefied Petroleum Gas Truck Meters	1,004	\$94,500
Total	1,212	\$127,390

Police Axle-Weigh Scales: The Bureau maintains a testing facility at its Western New York regional office for testing axle-weigh scales used by various police departments throughout the State to enforce roadway weight limits.

Police Agencies	Vehicles Tested	Revenue
48	1,250	\$17,550

Metrology Laboratory: The Bureau provides measurement services through its Metrology Laboratory, which is accredited by NIST and the National Voluntary Laboratory Accreditation Program (NVLAP). The Laboratory provides services that are traceable to national standards for mass, length, volume and time.

Customer	# Tests	Revenue
Municipal W&Ms	57	\$17,186
Private Industry	195	\$28,148
Total	252	\$45,334

Type Evaluation: The Bureau maintains one of five national laboratories in the country that evaluate new weighing and/or measuring devices to determine if they are “Legal for Trade.”

Type of Evaluation	# Evaluations	Revenue
By the NYS Lab	16	\$10,437
Other Lab	78	\$7,872
Total	94	\$18,309

Petroleum Quality: The Bureau administers the Petroleum Quality Program to assure the quality of petroleum products dispensed in the State. Regulated products are

sampled at both the retail and terminal levels. Municipal officials collect the samples at the retail stations and Department specialists collect samples at wholesale terminals.

Product	Samples Taken	# Significant Octane/Cetane Failures ¹	# Other Failures of Significance ²
Gasoline	12,810	108 (0.8%)	29 (0.2%)
Diesel	2,016	0 (0.0%)	42 (2.1%)

¹ Octane (> -1.0), Cetane (> -2.0), ² Ethanol (for (E10) > 11.0%, for (E0) > 1.0%), Vapor Pressure from 9/16 to 5/31 (>ASTM 4814 +0.35 psi), Diesel flash point (4/1 to 11/30, 1D min. 82 °F 2D min. 107 °F, 12/1 to 3/31, 1D and 2D min. 82 °F)

Weighmaster Licenses: The Weighmaster License program is intended to provide a higher level of accountability in bulk transactions where the buyer is typically not present. By law, these transactions include bulk sales of coal, coke, feed for domestic animals, fertilizer, lime, and household goods (e.g. when hiring a moving company) but are also common in contract bulk sales.

# Issued	Revenue
3,088	\$46,395

Fuel-NY: To prepare for future emergencies and severe weather events, certain critical gas stations in the downstate area are required to have both a transfer switch and a plan for back-up power.

Approximate # of Stations Required to Comply	# Stations in Compliance December 2017
950	732

Milk Tank Poundage Charts: Municipal W&Ms test bulk milk tanks on farms and send the data to the Bureau’s central office. The test data is used to create a tank poundage chart that is used by both the farmer and processor to determine the amount of milk sold.

Division of the New York State Fair

Staffing

The Division has 35 permanent staff located full-time at the State Fairgrounds in Syracuse.

Programs

The Great New York State Fair

The annual State Fair, held from the end of August through Labor Day, preserves and enhances the agricultural legacy of the State of New York and promotes current and futuristic agricultural awareness. The first State Fair was held in 1841. In 1889, Syracuse was chosen as its permanent location. The State Fair hosts statewide competitions in the breeding and showing of horses and livestock and the production of quality wine, vegetables, fruit, honey, maple syrup, flowers, forage, and grain. Likewise, the Fair also hosts competitions for the youth of New York State that include: horses, livestock, horticulture, robotics, dogs, sports, talent, and general economics. In total, the Fair averages 38,000 entries into the various competitions during the 12 days of the Fair where over 2,000 youth and 9,500 head of livestock will call the Fairgrounds home.

The annual Fair contributes extensively to the economy of the Syracuse area. The Fair adds in excess of an estimated \$100 million in revenue to the local economy every year. During Fair-time, all hotels and motels in the area are booked to capacity.

Year-Round Events

The Fairgrounds are used extensively the remaining 50 weeks of the year by almost one million attendees, participating in any of the 150-plus shows that the Fairgrounds host. The Fairgrounds consist of 375 acres with approximately 200 acres in the exhibition area. There are approximately 100 structures with 21 major exhibit buildings, livestock barns and stables, 5,000 seat Coliseum, two open amphitheaters and parking for 20,000 cars.

The main facilities that are used during the non-Fair season are the Center of Progress Building, the Horticulture Building, the International Building, the Exhibit Center, Chevy Court and the Coliseum, and related horse barns. The non-Fair shows include national and regional horse shows, trade shows, boat shows, home shows, car shows, concerts, antique shows, company parties and picnics, the Syracuse Nationals Auto Show, weddings, and other events. The Coliseum hosts national, regional, and local horse shows April through October.

Since 2015, the Governor has invested \$132.6 million to transform the Fairgrounds. Projects to date include:

- A newly designed front gate was constructed with LED lighting that is reminiscent of the original carriage entrance. The new Main Gate is now a prominent fixture to represent the Fairgrounds and provide better functionality for an entry and exit point.
- An expanded Midway with new electric was installed. The Midway was squared off and paved with wider walkways to ease Fairgoer congestion.
- A new, fully equipped RV park, for the first time gives every customer water, sewer and electric. The new park includes 313 RV hook-ups. Sales for the RV Park were available online for the first time this year and were very successful, selling out the weekend before the Fair opened.
- Managed by DOT, the Fair is paving its largest parking lot to create more spaces, improve traffic flow and access to the adjacent interstate highway, install new drainage features to prevent flooding, and create a new exit from the west end of the Orange lot to I-690 West.

- A new 136,000 square foot exposition center for year-round events. This facility will be the largest Expo Center north of New York City between Boston and Cleveland, uniquely situated to attract events not previously accommodated by existing regional facilities, such as large car shows, major equestrian competitions, motocross races and other large-scale traveling events not currently visiting the region. The Expo Center is expected to be completed in August 2018.
- The New York State Police Exhibit has moved to a new home near the Horticulture Building. The area, which includes two buildings, has been renovated to include a new, steel tower Troopers will use for their daily demonstrations of building rappelling techniques. Inside the log cabin, fairgoers can use a simulator that demonstrates the dangers of texting while driving and a forensic crime scene area, as well as a Wall of Honor to fallen Troopers and a place to sign up for the Trooper exam. The other building houses an exhibit celebrating the Troopers' Centennial. State Police Canines have a new, air conditioned place to rest between shows, and all the exciting demonstrations that fairgoers enjoy will return.
- In the Indian Village, a new Turtle Mound will become the home of the traditional dances that take place three times daily. The mound has been built to resemble a turtle, an animal sacred to the Iroquois. The village also received new roofs on its buildings and other renovations.
- Other improvements for the transformation were made including landscaping, an all-new vendor area, paved roads, greenspace, benches and picnic seating, misting stations, uniform signage, LED screens at the Main Gate and gates two and three, and a new plaza entrance as you enter the Main Gate. A median down a major road, Hiawatha, was created with lighting and landscaping to help traffic flow.