

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
ESTABLISHMENT OF FEE REPORT  
MANDATED BY 74 O.S. § 3117**

**MANDATED LANGUAGE**

*Prior to the establishment or increase of a fee, the agency, constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, interstate commission or an institutional governing board within The Oklahoma State System of Higher Education shall notify, in writing, the Governor, the Speaker of the House of Representatives, the Administrative Rule Review Committee and the President Pro Tempore of the Senate of the intended action. The notice shall include justification for the fee or fee increase and all supportive documentation.*

**RULE:**

OAC 35:2-3-2.1  
OAC 35:2-3-2.2  
OAC 35:2-3-2.3  
OAC 35:2-3-2.4  
OAC 35:2-3-2.6  
OAC 35:2-3-2.8

**REPORT PREPARED BY AGENCY:**

December 27, 2007

**AGENCY INTENT/SUMMARY/JUSTIFICATION:**

The purpose of the amendment is to add new fees to reflect a change in a disease eradication program, to change fees in order to reflect changes in the costs of performing certain tests, and to remove outdated. The proposed changes reflect the analytical process and are established in order to recover the cost of performing the analysis, including but not limited to, reagent cost, preventative maintenance of instrumentation, disposal of generated hazardous waste, labor, and administrative expenditures.

**AUTHORITY FOR THE NEW RULES AND FEES:**

Oklahoma State Board of Agriculture, Food, and Forestry;  
Oklahoma Statutes Title 2, Sections 2-4 and 14-83(B).

**THE FOLLOWING SUPPORTIVE DOCUMENTATION IS ATTACHED:**

- ❖ Summary of Significant Changes to the Laboratory Fee Schedule
- ❖ Justification of Fee
- ❖ Fee Comparison List

- ❖ Draft of the Proposed Rule
- ❖ Rule Impact Statement

***Summary of Significant Changes to the Laboratory Fee Schedule:***

- ❖ 35:2-3-2.1 Schedule of animal health testing fees
  - o Increase of one specific fee, (b) Pseudorabies,, to reflect the increasing cost of reagents and the disposal of waste.
  - o Addition of another fee (c) Brucellosis, only for the potential loss of Federal USDA funds. No fee will be charged to the individual so long as Federal USDA funds remain available.
- ❖ 35:2-3-2.2 Schedule of feed and fertilizer testing fees
  - o Change in one specific fee (d) Elemental analysis testing fees by atomic absorption (AA) or inductively coupled plasma (ICP) spectrometry to eliminate discount for more than one element due to increasing cost of reagents and disposal of associated waste.
- ❖ 35:2-3-2.3 Schedule of meat chemistry testing fees
  - o Elimination of tests that are no longer performed and clarification of individual parameters.
- ❖ 35:2-3-2.4 Schedule of dairy, food, water and microbiological testing fees
  - o Clarification of section fees.
  - o Increase in several fees due to the increased cost of reagents and disposal of associated wastes.
  - o Addition of fees for testing requested by customers.
- ❖ 35:2-3-2.6 Schedule of water and sediment inorganic testing fees
  - o Increase of several specific fees to reflect the increasing cost of reagents and disposal of associated wastes.
- ❖ 35:2-3-2.8 Oklahoma Bureau of Standards testing fees
  - o Addition of new fees to allow for expanding capabilities.

***Justification of Fee***

Numerous factors have contributed to the need to request the increase in the associated fees, including, but not limited to:

1. Increases in the cost of labor associated with the testing,
  2. Increases in time associated with performing quality control measures to ensure valid analytical results,
  3. The cost of supplies and reagents to perform the testing,
- and
4. The cost of disposal of the waste generated from the testing.

Examples:

- Dairy, food, water, and microbiology test fees  
Cost of reagents necessary to make culture media have increased an average of 20% in the last twelve months.  
Cost of disposal of microbiological plates has increased 15% in the past year.
- Water and sediment inorganic testing  
Cost of reagents necessary to perform tests, including, but not limited to solvents and acids, have increased over 20% in past two years.  
Cost of preventative maintenance on instrumentation required to perform analyses has increased 18% in last year.

**OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, & FORESTRY  
LABORATORY SERVICES DIVISION**

**Fee Comparison Table for Water and Sediment Inorganic Testing**

Test	ODEQ Fee	Oklahoma Fee	Proposed Change
BOD 5-day	\$ 40.00	\$ 35.00	\$ 37.00
BOD 20-day	\$ 57.00	\$ 45.00	\$ 47.00
Chloride	\$ 20.00	\$ 15.00	\$ 20.00
Nitrogen-ammonia	\$ 23.00	\$ 15.00	\$ 20.00
Total dissolved solids	\$ 29.00	\$ 15.00	\$ 22.00