

LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION
MEETING MINUTES
April 24, 2019
9:30 a.m.

Louisiana Department of Agriculture & Forestry Building
LDAF Veterans Memorial Auditorium
5825 Florida Boulevard
Baton Rouge, LA 70806

CALL TO ORDER

The meeting was called to order at 9:37 a.m. by Mr. Fred Bass, Confidential Assistant to Commissioner Dr. Mike Strain.

ROLL CALL

The roll was called by Mrs. Tina Ficklin.

The following commission members and/or designees were present: Mr. Fred Bass, Designee for Commissioner Dr. Mike Strain; Dr. Philip Elzer, Louisiana Agricultural Experiment Station; Dr. Eric Webster, Louisiana Cooperative Extension Service;; Mr. David Causey, Fertilizer Industry, LAIA; Mr. Ed O'Neal, Feed Industry, LAIA; Mr. Gregory Gravois, House Ag Committee Appointee, Mr. Travis Walker, Senate Ag Committee Appointee, and Mr. Ron Harrell, Designee for Mr. Ronnie Anderson, Louisiana Farm Bureau Assn. Dr. Brooks Blanche, Seed Industry LAIA was absent. A majority of members and/or designees were present. A quorum was declared.

Others Present: Benjy Rayburn, Assistant Commissioner of LDAF Agricultural and Environmental Sciences; Lester Cannon, Director of Seed Programs Division; Mark Leblanc, Director of Agricultural Chemistry Programs Division; Angelle Pearson, Assistant Director of Agricultural Chemistry Programs Division; Dr. Jonathan Roberts, Feed Director/Assistant Director of Agricultural Chemistry Programs; David Johnston, LDAF Seed Programs ; Tina Ficklin, LDAF Seed Programs ; John Walther, Assistant Commissioner of LDAF Office of Animal Health and Food Safety; Amanda LaGroue, LDAF AES Counsel and Ms. Alicia Wheeler, Assistant Attorney General.

PUBLIC COMMENT

No public comment.

Mr. Cannon introduced new commission members, Mr. Gregory Gravois and Mr. Travis Walker, newly appointed commission member by appointment by both legislative Ag committees; Mr. Ron Harrell permanent designee for Farm Bureau.

APPROVAL OF PROCEEDINGS

Motion to approve the proceedings as written from the October 31, 2018 Louisiana Agricultural Chemistry and Seed Commission meeting was made by Mr. Ed O'Neal and seconded by Dr. Philip Elzer. Motion approved unanimously.

ESTABLISH DATE FOR NEXT COMMISSION MEETING

LDAF staff recommended a tentative date of October 23, 2019 for the next commission meeting.

OLD BUSINESS

Mr. Cannon updated the Commission on the Seed Programs Division, including an update on lab data for the past fiscal year; the resolution and closure of adjudicatory cases that were accepted as provisional status at the October 2018 meeting; the amendment to the Sweet Potato Standards proposed at the October 2018 meeting. Mr. Cannon stated there were no negative comments on that amendment; therefore, the regulation is on track for adoption.

Dr. Mark Leblanc gave an update on Agricultural Chemistry Fertilizer and Lime Programs, including an update on lab data, and the issue of contamination of herbicides found in fertilizer products, generally isolated in one manufacture's product.

Dr. Jonathan Roberts gave an update on the Agricultural Chemistry Feed Program. He informed the Commission of the laboratory's accreditation progress, the staff's efforts to modernize the sampling process to reach more companies, the status of the Animal Feed FDA grant and the ISO accreditation process and status. He provided an update on lab samples including increased samples as result of targeted investigative complaints.

NEW BUSINESS

Request to Recertify Cheniere Rice Seed

Rice industry stakeholders requested approval to re-certify several seed lots of certified cheniere rice seed as a result of a shortage of registered seed.

Motion: Mr. Gregory Gravois made a motion to authorize the proposed recertification of Cheniere rice as requested. Mr. Travis Walker seconded the motion. Motion passed unanimously.

Industrial Hemp Program

Mr. Cannon explained to the commission members that the Agriculture Improvement Act of 2018 (2018 Farm Bill, Section 10113) directs the U.S. Department of Agriculture (USDA) to issue regulations and guidance to implement a program for the commercial production of industrial hemp in the United States.

He further explained that if House Bill 491 becomes law, regulation of the Industrial Hemp Program would fall under the authority of the LDAF's Agricultural Chemistry and Seed Commission and further and be administered through the Seed Programs Division.

ADJUDICATORY HEARING

Mr. Fred Bass turned over the meeting to hearing officer, Ms. Alicia Wheeler, Assistant Attorney General.

Seed Programs Division Cases

Seed Programs Division Case Number 18-42 Academy, Ltd 171.

Academy, Ltd 171 was charged with three violations of the Louisiana Seed Law R.S. 3:1440 for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's laboratory analysis.

LDAF legal counsel, Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letter sent via certified mail with signed receipts. LDAF 2: signed, witnessed and notarized stipulation between the LDAF and Respondent. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of One Thousand, Five Hundred (\$1500.00) for the violations, with one-half of penalty suspended for a probationary period of one year, contingent upon payment of the penalty within 30 days.

Motion to accept the stipulation letter as the findings of facts and conclusions of law, and to accept the recommended total penalty of Seven Hundred Fifty Dollars (\$750.00) was made by Mr. David Causey and seconded by Dr. Philip Elzer. Motion passed unanimously.

Seed Programs Division Case Number 19-01 – Tractor Supply Company #2258

Tractor Supply Company #2258 was charged with five violations of the Louisiana Seed Law R.S. 3:1440 for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's laboratory analysis.

LDAF legal counsel, Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letter sent via certified mail with signed receipts. LDAF 2: signed, witnessed and notarized stipulation between the LDAF and Respondent. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Two Thousand, Five Hundred Dollars (\$2500.00) for the violations, with one-half of penalty suspended for a probationary period of one year, contingent upon payment of the penalty within 30 days.

Motion to accept the stipulation letter as the findings of facts and conclusions of law, and to accept the recommended total penalty of One thousand, Two Hundred Fifty Dollars (\$1250.00) was made by Mr. Gregory Gravois and seconded by Mr. David Causey. Motion passed unanimously.

Seed Programs Division Case Number 19-02 Tractor Supply Company # 1268

Tractor Supply Company # 1268 was charged with one violation of the Louisiana Seed Law R.S. 3:1440 for violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's laboratory analysis.

LDAF legal counsel, Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letter sent via certified mail with signed receipts. LDAF 2: signed, witnessed and notarized stipulation between the LDAF and Respondent. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Five Hundred Dollars (\$500.00) for the violations, with one-half of penalty suspended for a probationary period of one year, contingent upon payment of the penalty within 30 days.

Motion to accept the stipulation letter as the findings of facts and conclusions of law, and to accept the recommended total penalty of Two Hundred Fifty Dollars (\$250.00) was made by Dr. Eric Webster and seconded by Mr. Travis Walker. Motion passed unanimously.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. David Causey and seconded by Mr. Ed O'Neal. The motion passed unanimously.