

**LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION**  
**MEETING MINUTES**  
**October 22, 2020**  
**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 9:38 a.m. by Mr. Todd Parker, Confidential Assistant to Commissioner Mike Strain, DVM.

**ROLL CALL**

The roll was called by Mrs. Tina Ficklin.

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

Others Present: Lester Cannon, Director of LDAF Seed Programs Division; Dr. Ted Gauthier Interim Director of LDAF Agricultural Chemistry Programs Division; David Johnston, LDAF Seed Programs Coordinator; Dr. Angela Guidry, LDAF Industrial Hemp Program Coordinator; Angelle Pearson, Director of Fertilizer and Lime Program; Tina Ficklin, LDAF Seed Programs; Amanda LaGroue, LDAF Attorney.

**PUBLIC COMMENT**

No public comment.

**APPROVAL OF PROCEEDINGS**

**Motion** to approve the proceedings from the September 25, 2019 Agricultural Chemistry and Seed Commission meeting as presented was made by Dr. Philip Elzer and seconded by Mr. Ron Harrell. Motion approved unanimously.

**OLD BUSINESS**

Mr. Cannon updated the Commission members on the Seed Programs Division, including the resolution of adjudicatory cases that were accepted at the September 25, 2019 meeting and an update on the Seed Programs regulatory issues for fiscal year 2020.

David Johnston, LDAF Seed Program Coordinator, gave update on annual report for Seed Programs for FY 2020. He gave a review of the Seed annual report, including samples received and number of tests performed on those samples. Also discussed were seed compliance issues and the unsolicited foreign seed findings.

Dr. Angela Guidry, LDAF Industrial Hemp Program Coordinator, gave an update on the program, identifying challenges for the first year including disease, seed quality issues and weather related failures. Application challenges were mainly due to the inability to obtain a federal background check in a timely manner.

Angelle Pearson gave an update on the Agricultural Chemistry Feed, Fertilizer and Lime Programs, including sample collection and regulatory compliance. She informed the Commission of the laboratory's accreditation progress. She stated by means of an FDA grant obtained through the Feed program, the Ag Chemistry Feed Program has reached the final stage and has been able to achieve the ISO 17025 laboratory accreditation.

## **NEW BUSINESS**

### **Request to re-certify Cocodrie variety rice**

Lester Cannon presented a letter from Rauser Farm, Inc requesting the re-certification of the 2019 Cocodrie rice crop due to the limited production from LSU foundation seed for this older variety. There was no availability of foundation or registered Cocodrie seed in other rice producing states.

**Motion** to approve the request to re-certify 2019 Cocodrie rice crop as certified seed was made by Mr. Ron Harrell, seconded by Mr. Gregory Gravois. Motion passed unanimously.

### **Industrial Hemp Law Amendments Update:**

Lester Cannon gave an overview of the law changes resulting from the past legislative session. Noting the current updated law, with 2020 amendments, is posted on the LDAF website. Highlights of the law changes are as follows:

#### **Amendments to the Louisiana Industrial Hemp Regulations**

##### 1303. Definitions –

Define several new terms, delete any terms no longer utilized in the regulations, and to provide a more accurate definition for terms currently defined in the sections and to harmonize the definitions of terms with the recent amendments to the industrial hemp law.

##### 1305. Licensing –

Allow for the effective date of license to be from the date of issuance to December 31st expiration. Renewal applications due annually by November 30<sup>th</sup>. Prohibit unlicensed persons, including 1099 employees, from growing, cultivating, handling storing processing or transporting industrial hemp in Louisiana.

##### 1307. Seed Producer License –

Repeal the requirement to name the intended variety name, origin and seed certifying agency of industrial hemp seed for each planting at the point of application. It is more accurately captured on the Seed Acquisition form.

##### 1309. Grower License –

Repeal the requirement to name the intended variety name and origin of industrial hemp seed for each planting at the point of application. It is more accurately captured on the Seed Acquisition form.

1311. Processor License –

Allow a processor licensee authority to process, handle or transport industrial hemp plant parts for processing. (This language was found to be missing from this section so this amendment harmonizes this with other license types.)

1315. Criminal Background Check –

Harmonize reference with Louisiana State Police between law and regulations.

Removes the requirement that the background checks be submitted in sealed envelopes with the application packet since the reports may come as an electronic record directly from State Police or FBI.

Reassigns the language restricting non-compliant applicant from becoming a DRP on another license for a period of three years from section 1323 to section 1315.

1317. Application, Licensing and Testing Fees

Changes title of section

Allow a \$250 non-refundable license application fee due at time of application submittal to recover administration expenses.

Amend to reduce the license fee to \$250 for all license types.

Total cost of applicant to LDAF remains \$500 but it is now split between the application fee and the license fee.

1319. Requirements for Seed Producers and Growers

Require a completed Harvest/Destruction report within 15 days of intended date to create a tighter window for staff scheduling.

Repeal the requirement for the grower licensee from filing a quarterly planting report for greenhouse or indoor growing structures.

Require a seed producer licensee to file quarterly planting reports for each greenhouse or indoor structure and submit a planting report within 15 days of the first day of planting in an outdoor field.

1321. Seed Acquisition and Approval –

Repeals the requirement to provide a variety list. Must first have sufficient data for this requirement.

Require a certificate of analysis showing the industrial hemp from which the seed was harvested had a THC concentration of not more than the federally defined THC level for hemp.

Require a seed purity and germination analysis report, as well as a seed analysis label in compliance with RS 3:1436, for the industrial hemp seed being requested for approval.

These requirements are currently defined in the Seed Law, adding the language to the hemp regulations as well.

1323. Land Use Restrictions -

Repealed language from section 1323 and reinserting the statement to section 1315.

1325. Restrictions on Sale or Transfer -

Housekeeping changes to language as defined.

1327. Prohibitions -

Allow changes to application via submission of the site modification request form.

Harmonize state and federal regulations regarding the prohibition of commingling different varieties of industrial hemp plants in a single plot.

1329. Production Reports –

Changes to allow for more accurate data collection.

### 1335. THC Sampling and Testing

Allows LDAF to enter into an agreement with any public post-secondary education institution for the purpose of testing for THC concentration levels in the case LDAF is unable to handle with sample load.

**Motion** to allow the Commission, in an advisory capacity, to recommend the Commissioner to adopt the Industrial Hemp Regulations in their entirety as presented was made by Dr. Philip Elzer and seconded by Mr. Gregory Gravois. Motion passed unanimously.

**Motion** to amend the agenda to allow a public comment period at this time in the meeting was made by Mr. Gregory Gravois and seconded by Mr. Brooks Blanche. Motion passed unanimously.

### **PUBLIC COMMENT**

James Anderson, AA Farms, LLC, addressed the commission regarding a possible avenue for licensees with non-compliant crops, to sell a hot crop as a non-consumable product.

Lester Cannon explained that our law is in compliance with the federal law therefore, Louisiana is unable to change it. It will have to be addressed at the federal level.

Angela Deal is concerned about the 15-day harvest window causing an unnecessary burden on the licensees.

Dr. Angela Guidry explained that the 15-day from sampling to harvest requirement is a federal level and cannot be changed on a local level. However, the 15-day notification period proposed in amendment for section 1319 discussed earlier, is simply a matter of helping our staff narrow the window for scheduling. If for any reason you will not meet that proposed date, tell us when you contact you to schedule the sample collection that you are not ready. As long as this is done BEFORE we collect the sample, we can reschedule the sample collection.

Veronica Dominach, Natural Releaf – Golden D Farm is concerned with the \$250 THC sample testing fee or include the cannabinoid panel in the sample information.

Lester Cannon deferred the question to Interim Director Ted Gauthier and staff at the Ag Chemistry laboratory for internal discussion.

Matthew Indest, MOI Consulting, LLC is concerned with industrial hemp genetic testing. He would like to see the Industrial Hemp Program invest in data for crops, possibly certified crops, to produce stable varieties that will produce well in Louisiana's environment. Also, reporting requirements for destruction of crops.

Lester Cannon stated it is the intent of Louisiana's Industrial Hemp Program to require certified varieties. However, that is a process that will take several years to develop.

Dr. Angela Guidry address the proper documentation for failed crops vs routine cultural practice of culling plants, is not required.

Dr. Phil Elzer offered an update on LSU's work on hemp genetics.

### **ADJUDICATORY HEARING**

Mr. Todd Parker turned over the meeting to the hearing officer, Ms. Alicia Wheeler, Assistant Attorney General with the Louisiana Department of Justice.

## **Seed Program Division Cases**

### **Stipulated Cases**

#### **Case SD 20-01 Louisiana Hemp Company, LLC**

Louisiana Hemp Company, LLC. was charged with six violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of One Thousand, Five Hundred Dollars (\$1500.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of One Thousand, Five Hundred Dollars (\$1500.00) was made by Mr. Ron Harrell and seconded by Mr. Gregory Gravois. Motion passed unanimously.

#### **Case SD 20-02 Barenbrug USA, Inc**

Barenbrug USA, Inc was charged with fifteen violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Three Thousand, One Hundred and Twenty-Five Dollars (\$3125.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of Three Thousand, One Hundred and Twenty-Five Dollars (\$3125.00) was made by Mr. Todd Parker and seconded by Mr. David Causey. Motion passed unanimously.

#### **Case SD 20-03 BWI Companies, Inc**

BWI Companies, Inc was charged with forty-six violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Eight Thousand, One Hundred, Twenty-Five Dollars (\$8125.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of Eight Thousand, One Hundred, Twenty-Five Dollars (\$8125.00) was made by Mr. Gregory Gravois and seconded by Mr. Brooks Blanche. Motion passed unanimously.

**Case SD 20-04 DLF Pickseed USA, Inc**

DLF Pickseed USA, Inc was charged with eighteen violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Two Thousand, Eight Hundred, Seventy-Five Dollars (\$2875.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of Two Thousand, Eight Hundred, Seventy-Five Dollars (\$2875.00) was made by Dr. Philip Elzer and seconded by Mr. Todd Parker. Motion passed unanimously.

**Case SD 20-05 Mossy Oak Biologic**

Mossy Oak Biologic was charged with five violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Seven Hundred and Fifty Dollars (\$750.00) for the violations, with one-half of the penalty suspended for a probationary period of one year, contingent on payment of the penalty within 30 days.

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

**Case SD 20-06 Pennington Seed, Inc**

Pennington Seed, Inc was charged with twenty violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Three Thousand, One Hundred, Twenty-Five Dollars (\$3125.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of Three Thousand, One Hundred, Twenty-Five Dollars (\$3125.00) was made by Mr. Todd Parker and seconded by Mr. Travis Walker. Motion passed unanimously.

**Case SD 20-07 Plantation Products, LLC**

Plantation Products, LLC was charged with forty-five violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for various violations resulting from seed products labeled by this company found to contain labeling tolerance issues as confirmed by LDAF's Laboratory analysis.

Ms. Amanda LaGroue entered exhibits LDAF 1 and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Six Thousand, Two Hundred and Fifty Dollars (\$6250.00) for the violations, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended total penalty of Six Thousand, Two Hundred and Fifty Dollars (\$6250.00) was made by Mr. Ron Harrell and seconded by Mr. Gregory Gravois. Motion passed unanimously.

**Case SD 20-10 through SD 20-72 Dollar General Stores**

Dollar General Stores was charged with sixty-three violations of the Louisiana Seed Law R.S. 3:1431, *et seq* for violations resulting from seed products, in one pound or more in weight were being offered for sale by this company. A subsequent review of the LDAF's records indicated that this company was not registered as a seed dealer in Louisiana at the time of inspection.

Ms. Amanda LaGroue entered exhibits LDAF 1 in globo and LDAF 2 into evidence as the findings of facts and conclusions of law. LDAF 1: charge letters sent via certified mail with signed receipts and seed notice of violations. LDAF 2: signed, witnessed and notarized stipulations between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Thirty-One Thousand, Five Hundred Dollars (\$31500.00) for the violations, with one-half of the penalty suspended for a probationary period of one year, contingent on payment of the penalty within 30 days.

**Motion** to accept the stipulation letter as the findings, facts and conclusions of law, and to accept the recommended reduced penalty of Fifteen Thousand, Seven Hundred and Fifty Dollars (\$15750.00) was made by Mr. Travis Walker and seconded by Mr. David Causey. Motion passed unanimously.

**PUBLIC COMMENTS**

No public comments

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Dr. Philip Elzer and seconded by Dr. Eric Webster. Motion passed unanimously.