

MINUTES
MEETING OF THE
ADVISORY COMMISSION ON PESTICIDES

SEPTEMBER 13, 2023, 9:30 A.M.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BOULEVARD
BATON ROUGE, LA

CALL TO ORDER

The meeting was called to order by Dr. Grady Coburn at 9:31 a.m.

ROLL CALL

Members present: Dr. Grady Coburn, Billy Guthrie, Jenny Buller, Johnny Landry, Scotty Meador, Roby Shields, and Ryan Waguespack.

Members absent: George Bragg and Dr. Kenneth McMartin.

A quorum was present.

Others present: Dr. Ansel Rankins – LDAF, Harry Schexnayder – LDAF, Tabitha Irvin – LDAF Executive Counsel, Lebra Bias – LDAF Attorney, Jeffrey Wale – Hearing Officer, Joe Ingrao – LDAF, Ashley LaBorde – LDAF, Brian Gueltig – LSU AgCenter, Kayla Toussaint – LDAF, and Jason Starns – LDAF.

AMEND THE AGENDA

Mr. Harry Schexnayder addressed the commission and requested that the commission amend the agenda to include a presentation from Brian Gueltig with the LSU AgCenter to give an update on the LSU AgCenter Pesticide Safety Education Program efforts to put in place a Private Applicator Training Certification Program.

Motion: Mr. Scotty Meador moved to approve amending the agenda to include a presentation by Mr. Gueltig under New Business under the LDAF Report. The motion was seconded by Mr. Billy Guthrie and passed unanimously.

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF THE MINUTES

Motion: Mr. Billy Guthrie moved to approve the minutes from the March 1, 2023 meeting. The motion was seconded by Mr. Johnny Landry and passed unanimously.

INTRODUCTION OF LDAF ATTORNEY

Mr. Harry Schexnayder introduced Ms. Lebra Bias, LDAF attorney and Ms. Tabitha Irvin, LDAF Executive Counsel to the commissioner.

Dr. Grady Coburn stated for the record that Mr. George Bragg joined the meeting at 9:34 a.m.

ADJUDICATORY HEARING

Hearing Officer Mr. Jeffrey Wale conducted the adjudicatory hearings. LDAF Executive Counsel, Ms. Tabitha Irvin, and LDAF Attorney, Ms. Lebra Bias, presented the following matters:

Stipulations:

Jeffrey Wayne Harrell

Case No.: 23-ACP-2505

1872 Highway 587

Oak Grove, LA 71263

The Department charged Mr. Harrell with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7: XXIII.1101(I).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violations and agreed to pay the penalty of \$2,500.00, with \$1,250.00 suspended, within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Roby Shields moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. Scotty Meador and passed unanimously.

Theron Rogers

Case No.: 23-ACP-2506

886 White Rd

Oak Grove, LA 71263

The Department charged Mr. Rogers with two (2) violations: one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC7: XXIII.1101(I); and one violation of La. R.S. 3:3252(A)(2).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violations and agreed to pay the penalty of \$1,000.00, with \$500.00 suspended, within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Johnny Landry moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. George Bragg and passed unanimously.

Jared Conover

Case No.: 23-ACP-2507

1741 Dummyline Road

Winnsboro, LA 71295

The Department charged Mr. Conover with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7: XXIII.1101(I).

Respondent admitted to the violation and agreed to pay the penalty of \$1,000.00, with \$500.00 suspended, within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Billy Guthrie moved to accept the stipulation and penalty as presented. The motion was seconded by Dr. Grady Coburn and passed unanimously.

Timothy Yap

Case No.: 23-ACP-2508

The Department charged Mr. Yap with two (2) violations: one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7: XXIII.1101(I); and one (1) violation of La. R.S. 3:3252(A)(2).

The stipulation was presented by Ms. Bias.

Respondent admitted to violation and agreed to pay the penalty of \$1,000.00, with \$500.00 suspended, within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Johnny Landry moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. George Bragg and passed unanimously.

Sherman Shaw
4631 Horseshoe Lake Road
Monroe, LA 71203

Case No.: 23-ACP-2509

The Department charged Mr. Shaw with one (1) violation of La. R.S. 3:3252(A)(2).

Respondent admitted to the violation and agreed to pay the penalty of \$500.00, with \$250.00 suspended, within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Scotty Meador moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. George Bragg and passed unanimously.

Spencer Trahan
445 Veterans Memorial Drive
Gueydan, LA 70542

Case No.: 23-ACP-2510

The Department charged Mr. Trahan with two (2) violations: one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7: XXIII.1101(I); and one (1) violation of La. R.S. 3:3252(A)(2).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violations and agreed to pay the penalty of \$1,500.00 within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Ms. Jenny Buller moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. Roby Shields and passed unanimously.

Monty Foret
122 Fullerton Lane
Lafayette, LA 70508

Case No.: 23-ACP-2511

The Department charged Mr. Foret with two (2) violations: one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7: XXIII.1101(I); and one (1) violation of La. R.S. 3:3252(A)(2).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violation and agreed to pay the penalty of \$1,000.00 within 30-days after receipt of the commissioner's acceptance. The stipulation was signed by all parties.

Mr. Wale admitted LDAF Exhibits 1 and 2 into the record.

Motion: Mr. Billy Guthrie moved to accept the stipulation and penalty as presented. The motion was seconded by Mr. George Bragg and passed unanimously.

NEW BUSINESS

LDAF Report:

Mr. Schexnayder gave the following updates: Mr. Schexnayder notified the commission that the department has not received any formal complaints regarding drift related to Over the Top Dicamba/2,4-D, though inspectors have noticed possible symptomology on different sensitive crops.

Mr. Schexnayder announced that the Certification and Training Plan submitted to the EPA has been unofficially approved by the Regional Administrator in Region 6. The plan moving forward will require changes to our rules and regulations. Mr. Schexnayder thanked Joe Ingrao for working hard to get the plan in, responding to comments, and making corrections to the EPA. Mr. Schexnayder discussed the rules that will be affected: 1) Certification categories will need to be revised and categories will need to be added related to fumigation and mosquito control. 2) Recertification standards and rules and regulations regarding recertification meetings and what topics are required to be covered will need to be revised. 3) Un-certified applicators that are making applications of restricted use pesticides must be trained annually by the certified applicator supervising the un-certified application of restricted use pesticides and the certified applicator will have to maintain a record of the annual training.

Mr. Schexnayder discussed the reappointment of commission members and stated that he would contact members individually to discuss their intentions of being reappointed.

Mr. Schexnayder introduced Mr. Brian Gueltig, LSU AgCenter. Mr. Gueltig provided a presentation on the computer-based Private Applicator Training Certification Program. Private Applicators will be allowed to go through the computer-based training or pass the Private Applicator Exam to receive their Private Applicator Certification.

Consideration of Ag Consultant Exam Applications: Mr. Joe Ingrao presented to the commission the recommendation of the Ad Hoc Committee of the Advisory Commission on Pesticides to approve Logan Vallee testing in category (3a) Agricultural Weed Control.

Motion: Ms. Jenny Buller moved to accept the recommendation of the Ad Hoc Committee of Advisory Commission on Pesticides to approve the applicant for agricultural consultant certification testing. The motion was seconded by Mr. George Bragg and passed unanimously.

FUTURE MEETING

Mr. Schexnayder addressed the commission regarding the future meeting date. After some discussion Mr. Schexnayder stated that he would email the commission members regarding an available future meeting date.

Dr. Grady Coburn announced that he would not be seeking reappointment to the commission.

PUBLIC COMMENTS

Dr. Ansel Rankins thanked Dr. Coburn for his service on the commission. Dr. Coburn received a round of applause from the commission and staff.

ADJOURNMENT

Motion: Mr. Scotty Meador moved to adjourn the meeting. The motion was seconded by Mr. Johnny Landry and passed unanimously. The meeting adjourned at 10:53 a.m.