

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA
July 10, 2018 -- 9:30 AM**

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by the Chairman, Dr. Grady Coburn, at 9:30 a.m.

ROLL CALL

Members present: Dr. Grady Coburn, Dr. Gary Ross, George Bragg, Dr. Sharon Meyer, Jenny Buller, Scotty Meador, Keith Majure, Johnny Landry, Roby Shields, and Billy Guthrie.

Members absent: Martin Floyd.

Others present: Benjy Rayburn, LDAF; Kevin Wofford, LDAF; Harry Schexnayder, LDAF; Amy McInnis, LDAF Counsel; Joe Ingrao, LDAF; Kelly Moore, LDAF; Julianne Nauta, LDAF; Michael Heier, Hearing Officer; and Kim Pope, LSU AgCenter.

PUBLIC COMMENTS

Dr. Coburn opened the floor for public comments. There were none.

APPROVAL OF THE MINUTES

Motion: Mr. Landry made a motion to approve the minutes of the February 21, 2018 meeting, as distributed. The motion was seconded by Mr. Shields and passed unanimously.

AMENDMENTS TO AGENDA

Dr. Coburn asked if there were any recommendations for amendments to the agenda. There were none.

ADJUDICATORY HEARING

Hearing Officer Michael Heier conducted the hearing. Ms. McInnis presented the following cases:

Jacob Perry, Case No. 2110

Mr. Perry was not present. Ms. McInnis stated that Mr. Perry requested a continuance; and, the Department had no objections. The continuance was granted.

Charles Paris, Case No. 2106

Mr. Paris was not present. The Department has charged Mr. Paris with three (3) violations of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$3,000.00. The stipulation was signed by all parties.

Mr. Heier stated that LDAF's Exhibits 1 and 2 had been admitted into the record.

Motion: Mr. Shields made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Majure and passed unanimously.

Duston Bailey, Case No. 2107

Mr. Bailey was not present. The Department has charged Mr. Bailey with two (2) violations of LRS 3:3252(A)(18), and the regulation LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$5,000.00, with \$2,500 suspended. Mr. Bailey further agrees that if, within a six-month period from the date of the stipulation, he is found guilty of violating any of the Louisiana pesticide laws and regulations, his entire penalty shall become immediately due.

Penalty clarification and general drift questions were raised by the Commission, to which Mr. Wofford responded.

Mr. Heier stated that LDAF's Exhibits 1 and 2 had been admitted into the record.

Motion: Mr. Guthrie made a motion to accept the stipulation of the parties as presented. The motion was seconded by Dr. Meyer and passed unanimously.

Robert Lane, Jr., Case No. 2108

Mr. Lane was not present. The Department has charged Mr. Lane with two (2) violations of LRS 3:3252(A)(18). Following the penalty matrix, the charges included a penalty of \$3,500.00, with \$1,750.00 suspended, due within 30 days. The stipulation was signed by all parties.

Mr. Heier stated that LDAF's Exhibits 1 and 2 had been admitted into the record.

Commission members had questions, mostly regarding the complaint process. Ms. McInnis, Mr. Wofford and Mr. Schexnayder responded.

Motion: Mr. Landry made a motion to accept the stipulation of the parties as presented. The motion was seconded by Mr. Bragg and passed unanimously.

Nicholas Richard, Case No. 2109

Mr. Richard was not present. The Department charged Mr. Richard with one (1) violation of LRS 3:3252(A)(18). Following the penalty matrix, the charge included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Mr. Heier stated that LDAF's Exhibits 1 and 2 had been admitted into the record.

Motion: Mr. Bragg made a motion to accept the stipulation of the parties as presented. The motion was seconded by Ms. Buller and passed unanimously.

DEPARTMENT REPORTS

Update on Ag Consultant Affidavit Form: Mr. Ingrao presented a new Affidavit for Agricultural Consultant Application, for review and approval. Mr. Schexnayder noted corrections needed on the heading of the form, reflecting the Advisory Commission’s name, address, phone and fax numbers.

Dr. Coburn suggested listing the four (4) major categories in the box labeled “Job Duties of Applicant While Under Your Employment,” with checkboxes next to each category for “Satisfactory” and “Unsatisfactory” notation. The checkboxes enabled the employer to be more specific in their work performance ratings.

Mr. Ingrao also presented a revised *Agricultural Consultant Application for Committee Approval* form, which laid out the requirements for certification testing as an Agricultural Consultant.

Dicamba Update: Mr. Wofford gave an update on Dicamba. To date, there are 33 official Dicamba complaints in the State, in Catahoula, Madison, Franklin, East Carroll and Morehouse Parishes. The symptomology was all on beans, from nine (9) applications. BASF comprised the bulk of the complaints, with their product *Engenia*. There was one complaint on the Monsanto product, *XtendiMax*. There was also one complaint in Caddo Parish, of it getting on cotton, but that was small.

All 33 complaints were from producers. There have been no homeowner complaints.

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS

Proposed Rule Changes: Ms. Moore reviewed proposed rule changes to Title 7, Agriculture and Animals, Part XXIII. Pesticides. The first proposed rule change was to §711. Certification of Commercial Applicators, A. – A.2.e.i. . . . ii. removing the words “containing Tributyltin (TBT)”.

The second proposed rule change was to §715 Certification of Agricultural Consultants, part D., deleting the word “division” and replacing it with “Division or at any district office of the department.”

CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS

Mr. Ingrao presented the findings of the Ad Hoc Committee, regarding review of Barrett Courville's application for the Ag Consultant Exam. The Committee recommended approval of Mr. Courville's application for testing in the categories of Agricultural Entomology, Agricultural Plant Pathology, Agricultural Weed Control, and Agricultural Field Soil Management.

Motion: Mr. Guthrie made a motion to accept the Committee's recommendation to approve Mr. Courville's application, in the Ag Consultant categories of Agricultural Entomology, Agricultural Plant Pathology, Agricultural Weed Control, and Agricultural Field Soil Management. The motion was seconded by Ms. Buller and passed unanimously.

FUTURE MEETING

The next meeting of the Advisory Commission on Pesticides was scheduled for Wednesday, October 3, 2018, at 9:30 a.m., at the Department of Agriculture and Forestry, Veterans' Memorial Auditorium.

PUBLIC COMMENT

Dr. Coburn opened the floor for public comments. There were none made.

ADJOURN

Motion: Mr. Bragg made a motion to adjourn. This motion was seconded by Ms. Buller and passed unanimously. The meeting adjourned at 10:34 a.m.