**MINUTES**

**MEETING OF THE**

**ADVISORY COMMISSION ON PESTICIDES**

**JANUARY 26, 2024, 9:30 A.M.**

**LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY**

**VETERANS’ MEMORIAL AUDITORIUM**

**5825 FLORIDA BOULEVARD**

**BATON ROUGE, LA 70806**

**CALL TO ORDER**

The meeting was called to order by Mr. George Bragg at 9:38 a.m.

**ROLL CALL**

Members present: Dr. Blaine Viator, George Bragg, Jenny Buller, Floyd Fowler, Johnny Landry, Scotty Meador, Roby Shields, and Rebecca Triche.

Members absent: Billy Guthrie.

A quorum was present.

Others present: Dr. Ansel Rankins – LDAF, Alisha Wheeler – Hearing Officer, Lebra Bias – LDAF Attorney,

Tabitha Irvin – LDAF Executive Counsel, Harry Schexnayder – LDAF, Joe Ingrao – LDAF, Ashley LaBorde – LDAF, Brian Gueltig – LSU AgCenter, Richard Costello, and Jason Starns – LDAF.

**PUBLIC COMMENTS**

There were no public comments.

**ELECTION OF OFFICERS**

**Motion:** Dr. Blaine Viator moved to nominate Billy Guthrie as Chairman and George Bragg as Vice-Chairman. The motion was seconded by Ms. Jenny Buller and passed unanimously.

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Johnny Landry moved to approve the minutes from the September 13, 2023 meeting.  The motion was seconded by Mr. Scotty Meador and passed unanimously.

**ADJUDICATORY HEARINGS**

Hearing Officer Ms. Alisha Wheeler conducted the adjudicatory hearings. LDAF Attorney, Ms. Lebra Bias, presented the following matters:

**Stipulations:**

**Charlie Purvis**  Case No.: 24-ACP-2519

321 Steve Ogden Road

Delhi, LA 71232

The Department charged Mr. Purvis with two (2) violations 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 $3,500.00, with $1,750.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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. Johnny Landry and passed unanimously.

**Austin Fontenot**  Case No.: 24-ACP-2522

164 West Lafayette Avenue

Eunice, LA 70535

The Department charged Mr. Fontenot with two (2) violations of La. R.S. 3:3252(A)(18), specifically LAC             7:XXIII.1101(I) and two (2) violations of La. R.S. 3:3252(A)(6), specifically LAC 7:XXIII.2101(A)(1)-(14).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violations and agreed to pay the penalty of $3,750.00, with $1,875.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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. Scotty Meador and passed unanimously.

**Jacob Perry**  Case No.: 24-ACP-2524

196 White Island Drive

Rayville, LA 71269

The Department charged Mr. Perry with one (3) violations of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1101(I) and (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1103(F).

Respondent admitted to the violation and agreed to pay the penalty of $6,000.00, with $3,000.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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. A roll call vote was taken:

Dr. Blaine Viator yes

Mr. George Bragg no

Ms. Jenny Buller yes

Mr. Floyd Fowler yes

Mr. Johnny Landry yes

Mr. Scotty Meador no

Mr. Roby Shields yes

Ms. Rebecca Triche no

The motion passed by a roll call vote of 5 yes – 3 no.

**Steve Scarsella** Case No.: 24-ACP-2527

4541 Verot School Road

Youngsville, LA 70592

The Department charged Mr. Scarsella with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC 7:XXIII.1101(I); one (1) violation of La. R.S.  3:3252(A)(2) and one (1) violation of La. R.S. 3:3252(A)(6), specifically LAC 7:XXIII.2101(A)(1)-(14).

The stipulation was presented by Ms. Bias.

Respondent admitted to violation and agreed to pay the penalty of $1,250.00, with $625.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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 Ms. Jenny Buller and passed unanimously.

**Monty Foret** Case No.: 24-ACP-2529

122 Fullerton Lane

Lafayette, LA 70508

The Department charged Mr. Foret with 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)(6), specifically LAC 7:XXIII.2101(A)(1)-(14).

Respondent admitted to the violation and agreed to pay the penalty of $1,250.00, with $625.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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. Floyd Fowler. A roll call vote was taken:

Dr. Blaine Viator yes

Mr. George Bragg yes

Ms. Jenny Buller yes

Mr. Floyd Fowler yes

Mr. Johnny Landry yes

Mr. Scotty Meador yes

Mr. Roby Shields yes

Ms. Rebecca Triche no

The motion passed by a roll call vote of 7 yes – 1 no.

**Harry Fruge**   Case No.: 24-ACP-2531

998 Large Road

Mansura, LA 71350

The Department charged Mr. Fruge 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.

Ms. Wheeler 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. George Bragg and passed unanimously.

**Jake Messer**   Case No.: 24-ACP-2532

3792 Woodard Road

Kountze, TX 77625

The Department charged Mr. Messer with one (1) violation of La. R.S. 3:3252(A)(18), specifically LAC

7: XXIII.1101(I); one (1) violation of La. R.S. 3:3243(A), and one (1) violation of La. R.S. 3:3243(E).

The stipulation was presented by Ms. Bias.

Respondent admitted to the violation and agreed to pay the penalty of $1,250.00, with $625.00 suspended, within 30-days after receipt of the commissioner’s acceptance. The stipulation was signed by all parties.

Ms. Wheeler 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 Ms. Jenny Buller and passed unanimously.

**Justin Frederick**   Case No.: 24-ACP-2536

1053 Thibodeaux Road

Breaux Bridge, LA 70517

The Department charged Mr. Frederick 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 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.

Ms. Wheeler 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.

**Tommy Haring**   Case No.: 24-ACP-2537

110 Otwell Lane

Winnsboro, LA 71295

The Department charged Mr. Haring with one (1) violation of La. R.S. 3:3252(A)(2) and one (1) violation of La. R.S. 3:3252(A)(6), specifically LAC 7:XXIII.2101(A)(1)-(14).

The stipulation was presented by Ms. Bias.

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

Ms. Wheeler 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.

**NEW BUSINESS**

**LDAF Report:**

Mr. Schexnayder welcomed the new ACP Commission members and thanked all commission members for their service.

Mr. Schexnayder updated the commission on the Endangered Species Act and how the EPA is regulating pesticides and the use of pesticides based upon the Endangered Species Act.

Mr. Schexnayder announced that the Certification and Training Plan submitted to the EPA has been approved. The commission will be required to change some rules to comply with the federal rules. Some categories will need to be modified or added. Training and continuing education will be required to be added to the regulations regarding recertification requirements.

Mr. Schexnayder announced to the commission that he would be retiring from LDAF in the Spring.

**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 James Noah Harper testing in category (1a) Agricultural Entomology, (2a) Agricultural Plant Pathology, (3a) Agricultural Weed Control, and (4a) Agriculture Field Soil Management.

**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. Roby Shields and passed unanimously.

 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 (1a) Agricultural Entomology and (4a) Agriculture Field Soil Management.

**Motion:** Mr. Scotty Meador 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 Dr. Blaine Viator and passed unanimously.

Mr. Joe Ingrao presented to the commission the recommendation of the Ad Hoc Committee of the Advisory Commission on Pesticides to deny Matthew Indest testing in category (1a) Agricultural Entomology, (2a) Agricultural Plant Pathology, (3a) Agricultural Weed Control, (4a) Agriculture Field Soil Management and (4b) Agricultural Soil, Water & Tissue Analysis pending additional documentation from the applicant.

**Motion:** Ms. Rebecca Triche moved to accept the recommendation of the Ad Hoc Committee of Advisory Commission on Pesticides to deny the applicant for agricultural consultant certification testing pending additional documentation from the applicant. The motion was seconded by Mr. Roby Shields and passed unanimously.

**FUTURE MEETING**

Mr. Schexnayder addressed the commission regarding the future meeting date. After some discussion Mr. Schexnayder stated that the next meeting would be tentatively scheduled for August 14, 2024.

**PUBLIC COMMENTS**

Mr. Brian Gueltig – LSU AG Center commented about the Endangered Species labeling on pesticides and EPA labeling requirements for pesticides regarding Endangered Species and how labeling could be color coded or labeled letting people know about the Endangered Species restrictions.

**ADJOURNMENT**

**Motion:** Ms. Jenny Buller moved to adjourn the meeting. The motion was seconded by Mr. Johnny Landry and passed unanimously. The meeting adjourned at 11:07 a.m.