

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA**

March 8, 2017 - 9:30 AM

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by Chairman Dr. Grady Coburn at 9:30 am.

ROLL CALL

Members present: George Bragg, Martin Floyd, Dr. Grady Coburn, Dr. Gary Ross, Billy Guthrie, Dr. Sharon Meyer, Jenny Buller, Scotty Meador and Roby Shields

Members absent: Keith Majure

Others present: Harry Schexnayder, LDAF, Kelly Moore, Lindsey Hunter, LDAF General Counsel, Diane Didier, LDAF, Scotty May, LDAF, Joe Ingrao, LDAF, Todd Parker, LDAF Michael Heier, State General Counsel Hearing Officer

PUBLIC COMMENTS

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

However, at this point in the meeting, Mr. Dane Morgan, LDAF Management & Finance, presented the LA State budget to the Commission and how it would affect LDAF and AES budgets.

APPROVAL OF MINUTES

Motion: Mr. Floyd made a motion to approve the proceedings from the October 31, 2016 ACP meeting. The motion was seconded by Mr. Landry and passed unanimously.

AMENDMENTS TO AGENDA

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

ADJUDICATORY HEARING

Hearing Officer, Mr. Michael Heier conducted the hearing. Ms. Hunter presented the following cases;

Mr. Heier asked if there were any stipulations.

Ms. Lindsey Hunter, attorney for LDAF, stated the department had reached stipulations for all three cases.

Jeffrey Simmons, Case No. 2033. Ms. Hunter stated that Mr. Simmons was charged with one violation of LRS 3:3252(A)(2). Mr. Simmons had agreed to the charge and would pay a \$5,000.00 penalty due within 30 days. The maximum penalty was recommended because this was Mr. Simmons 8th violation within the last three years.

Discussion occurred in regards to revocation of Mr. Simmons license due to his repeated violations of the Pesticide Law.

Mr. Guthrie motioned that if Mr. Simmons had one more offense within the year, Mr. Simmons license would be suspended. After further discussion concerning stipulations and license suspensions, Mr. Guthrie withdrew his motion.

Motion: Chairman Coburn made a motion to accept the stipulation as presented and that the department inform Mr. Simmons if he has another violation within the next 12 months could result in the revocation of his certification and license. The motion was seconded by Mr. Guthrie and passed unanimously.

Amonelath Xanamane, Case No. 2032. Ms. Hunter stated that Ms. Xanamane agreed to a stipulation to the charge of one violation of LRS 3:3252(A)(2). Following the penalty matrix, the charge includes a penalty \$1,000.00 with \$750.00 suspended for a total of \$250.00 due within the 30 days.

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

Mr. Heier accepted the stipulation in the record..

Curt Cormier, Case No. 2031. Ms. Hunter stated that Mr. Cormier agreed to the charge of one violation of LRS 3:3386(A). Following the penalty matrix, the charge includes a penalty \$1,000.00 with \$850.00 suspended for a total of \$150.00 due within the 30 days.

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

Mr. Heier turned over the meeting to the Commission.

DEPARTMENT REPORTS

Mr. Schexnayder introduced Mr. Joe Ingrao as the LDAF/AES Program Coordinator, Pesticide Applicator Certification & Training to the Commission.

Mr. Ingrao presented the Proficiency Test report to the Commission. He stated that there were approximately 1,038 proficiency tests given with less than a 1% failure rate.

Mr. Ingrao stated that he and Ms. Kimberly Pope, LSU AgCenter, are administering the proficiency testing reviews and tests.

Discussion followed in regards to the proficiency testing. Mostly the testing has been a positive experience for commercial and structural applicators from across the state.

Mr. Hunter stated that the Emergency Rules pertaining to proficiency testing includes an end date of December 31, 2017.

OLD BUSINESS

Chairman Coburn asked if there were any items for discussion. Chairman Coburn asked about the Agricultural Consultant Exam Applications and the follow through and completion to make sure all applicants are notified of approval and scheduled for examination. Mr. Ingrao stated that he needed to contact previous applicants.

NEW BUSINESS

a. Proposed Rule Changes - Mr. Schexnayder presented the following proposed rule changes to the Commission.

§709. Certification of Private Applicators

B. Examinations for certification for private applicators of pesticides will be given during office hours upon request of the applicant, in Baton Rouge, at the division, at any district office of the department, or at any location approved by the director, ~~or at the office of the county agent in any parish of the state.~~

§711. Certification of Commercial Applicators

B. Categories are established on the basis of the location where the application of pesticides will be made, and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

2. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators.

e. Aquatic Pest Control (category 5). ~~This category is subdivided into two subcategories:~~

i. Subcategory 5a includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category 8 (Subparagraph B.2.h);

~~ii. Subcategory 5b includes commercial applicators using, or supervising the use of, any restricted use pesticide containing Tributyltin (TBT) in paints to be applied to vessel hulls and other marine structures to inhibit the growth of aquatic organisms such as barnacles and algae.~~

§2101. Owner-Operators, Non-Fee Commercial Applicators, Private Applicators and Commercial Applicators

A. Any person applying pesticides for a fee, private applicators described in §709, and commercial applicators described in §711, with the single exception of applicators listed in §711.B.2.g Category 7, shall accurately maintain, for a period of two years, records of pesticide applications on a record keeping form or record keeping format approved by the director. Records described herein must be maintained, within three days of the application, at the physical address of the employer or the physical address on the owner/operator license. A copy of these records shall be provided to any employee of department upon request at a reasonable time during normal working hours. The following information shall be included on that form:

1. owner/operator name, address, and license number;
2. certified applicator, name, address, and certification number;
3. customer name and address;
4. product/brand name;
5. EPA registration number;
6. restricted/general use pesticide;
7. application date;
8. crop/type of application;
9. location of application;
10. size of area treated (acres, square feet, or minutes of spraying);
11. rate of application;
12. total amount of product (concentrate) applied;
13. applicator;
14. certification number of applicator (if applicable).

Mr. Scotty May gave a report on the new herbicide technology - Dicamba and 2,4-D Resistant Crops. The product labels for dicamba and 2,4-D are Engenia, Enlist Duo, and Extendimax with VaporGrip under the stipulation that the manufacturers provide additional training under a Section 24C SLN.

Mr. May also discussed several pesticides that are labeled in Louisiana under Section 18 Emergency Exemptions.

Mr. May gave a report on the Feral Hog toxicant "Kaput". The toxicant has been approved for use in Louisiana under a Section 24C SLN requiring the manufacturers to provide additional training before use of the Kaput in Louisiana.

Mr. Schexnayder discussed that the department plans to bring to the Louisiana Legislature a statute change for Agricultural Consultants in the Pesticide Law §3246 (D) (3) the proposed legislation change from four to three college credits in each discipline before taking the exam.

Motion: Mr. Guthrie made a motion that the Commission approves the proposed statute and rule changes. The motion was seconded by Mr. Landry and passed unanimously

Mr. Schexnayder introduced Ms. Kelly Moore as the Assistant Director of the Structural Pest Control Commission in the Pesticide and Environmental Programs Division.

CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS

Mr. Ingrao presented the applications and the recommendations of the Ag Consultant Exam Ad Hoc Committee for the following:

Richard Costello: Approved for Agricultural Plant Pathology, and Agricultural Field Soil Management.

Jarod Parker- Approved for Agricultural Entomology, Agricultural Weed Control, Agricultural Plant Pathology, and Agricultural Field Soil Management.

Jacob Hopkins: Denied due to missing college credits in the required discipline areas to test in Agricultural Entomology and Agricultural Weed Control.

Motion: Mr. Floyd made a motion to accept the Ag Consultant Exam Ad Hoc Committee's recommendations. The motion was seconded by Mr. Shields and passed unanimously.

FUTURE MEETING

The next scheduled meeting will be on July 19, 2017 at 9:30 am.

PUBLIC COMMENT

Chairman Coburn opened the floor for public comments. There were no public comments.

ADJOURN

Motion: Mr. Floyd made a motion to adjourn. This motion was seconded by Ms. Meador and passed unanimously. The meeting adjourned at 11:04 am.

