

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA
July 29, 2020 - 9:30 AM**

MINUTES

CALL TO ORDER

The meeting was called to order by the Chairman, Dr. Grady Coburn, at 9:33 a.m.

ROLL CALL

Members present: Dr. Grady Coburn, Dr. Kenneth McMartin, Jenny Buller, Scotty Meador, Roby Shields, and Billy Guthrie.

Members absent: George Bragg, Ryan Waguespack, and Johnny Landry.

Others present: Kevin Wofford, LDAF; Harry Schexnayder, LDAF; Amanda LaGroue, LDAF Counsel; Joe Ingrao, LDAF; Shelly Graham, LDAF; Alicia Wheeler, Hearing Officer; Benjy Rayburn, LDAF; and Kim Pope Brown, LSU AgCenter.

PUBLIC COMMENTS

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

APPROVAL OF THE MINUTES

Motion: Mr. Meador made a motion to approve the minutes of the February 19, 2020 meeting. The motion was seconded by Ms. Buller and passed unanimously.

AMENDMENTS TO AGENDA

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

ADJUDICATORY HEARING

Ms. Alycia Wheeler, Hearing Officer, conducted the Adjudicatory Hearing. Ms. LaGroue presented the following cases:

Dustin Deblieux, Case No. 2133

Mr. Deblieux was not present. The Department charged Mr. Deblieux with one (1) violation of LRS 3:3252(A)(18), specifically LAC 7:XXIII, 1101(I) and one (1) violation of LRS 3:3252(A)(16). Following the penalty matrix, the charges included a penalty of \$1,500.00 due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Dustin Anderson Case No. 2288

Mr. Anderson was not present. The Department charged Mr. Anderson with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). 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.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Adam Plunkett, Case No. 2289

Mr. Plunkett was not present. The Department charged Mr. Plunkett with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Barry Boyette, Case No. 2290

Mr. Boyette was not present. The Department charged Mr. Boyette with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Benjamin Harrington, Case No. 2291

Mr. Harrington was not present. The Department charged Mr. Harrington with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

Mr. Meador abstained from voting.

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

Bobby Quebedeaux, Case No. 2292

Mr. Quebedeaux was not present. The Department charged Mr. Quebedeaux with three (3) violations of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1111(F). Following the penalty matrix, the charges included a penalty of \$3,000.00, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Kevin Banks, Case No. 2293

Mr. Banks was not present. The Department charged Mr. Banks with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Bradley Ferrell, Case No. 2294

Mr. Ferrell was not present. The Department charged Mr. Ferrell with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

John Marien, Case No. 2295

Mr. Marien was not present. The Department charged Mr. Marien with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,500.00, with \$750.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF's exhibits into the record.

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

Keith Whitmore, Case No. 2296

Mr. Whitmore was not present. The Department charged Mr. Whitmore with one (1) violation of LRS 3:3252(A)(18), specifically, LAC 7:XXIII,1101(I). Following the penalty matrix, the charges included a penalty of \$1,500.00, with \$750.00 suspended, due within 30 days. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF’s exhibits into the record.

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

Jared LaJaunie, Case No. 2297

Mr. LaJaunie was not present. The Department charged Mr. LaJaunie with one (1) violation of LRS 3:3226(A)(2), one (1) violation of LRS 3:3226(A)(7), and one (1) violation of LRS 3:3252(A)(1). Following the penalty matrix, the charges included a penalty of \$3,000.00, due within 30 days. The charges also included a penalty stating: Within sixty (60) days after receipt of notice of the Commissioner’s acceptance of this stipulation, Respondent shall submit in writing to the Agency Stop Order Number 2751204398762305, located at Respondent’s Place of Business, for written approval by the Agency. Within thirty (30) days after receipt of the written approval of the disposal plan from the Agency, Respondent shall dispose of the pesticide containers encompassed under Agency Stop Order Number 2751204398762305, pursuant to the approved disposal plan. The stipulation was signed by all parties.

Ms. Wheeler admitted LDAF’s exhibits into the record.

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

DEPARTMENT REPORTS

Program Update - Kevin Wofford

The Department had to make adjustments due to limited staff and employees working remotely during the COVID-19 pandemic, but has still been able to perform over 2,500 inspections this year. So far this year, the Department received 135 pesticide complaints and 5 Dicamba complaints.

Pesticide Collection Program – An event was scheduled for April of this year, but had to be cancelled due to COVID-19. The Department is planning to reschedule for October but having trouble finding a facility that will be open to the public.

OLD BUSINESS

Ag Consultant Rules Language – Kevin Wofford

Notice of intent was published July 20, 2020. The final rule will be published November 20, 2020.

NEW BUSINESS

Mr. Wofford discussed concerns from the industry regarding a rule that states if a private applicator fails a test, that private applicator has to wait 10-days before testing again and they are not allowed to take the test more than 3-times in a 12-month period. Louisiana is currently the only state with these testing limitations in place.

The Commission discussed the fees associated with the exams.

Dr. Coburn expressed concern regarding changing this rule related to Agricultural Consultants without discussing with the association.

Ms. Pope gave an update on options from the LSU AgCenter to aid the applicators in education prior to the exam, but they are still hearing concerns regarding the testing limitations.

Motion: Dr. McMartin made a motion that the Commission recommends to allow the Department to wave the time limit an individual has to take the certified applicator exam and the interval between exams. The motion was seconded by Mr. Shields. Dr. Coburn opposed the motion. The motion passed with the remaining members voting in favor.

CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS

Mr. Ingrao presented the findings of the Ad Hoc committee for the following applicant:

APPLICANT	CATEGORIES	COMMITTEE RECOMMENDATION	COMMISSION DECISION
Donald Hayden Coco	1a and 4a	Approve	Approved

Motion: Mr. Meador made a motion to accept all recommendations of the Ad Hoc Committee, and approve the application for Donald Hayden Coco. The motion was seconded by Mr. Guthrie and passed unanimously.

FUTURE MEETING

The next meeting of the Advisory Commission on Pesticides was scheduled for Tuesday, October 6, 2020 at 9:30 a.m. in the Veterans’ Memorial Auditorium, Baton Rouge, Louisiana.

PUBLIC COMMENT

There were no public comments.

ADJOURN

Motion: Mr. Shields made a motion to adjourn the meeting. This motion was seconded by Dr. McMartin and passed unanimously. The meeting adjourned at 10:55 a.m.