

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA
November 1, 2017 9:30 AM**

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by the Chairman, Dr. Grady Coburn at 9:32 am.

ROLL CALL

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

Members absent: Billy Guthrie

Others present: Benjy Rayburn, LDAF, Kevin Wofford, LDAF, Harry Schexnayder, LDAF, Tabitha Gray, LDAF Executive Counsel, Ronald Williams, LDAF, George Shepherd, LDAF, Joe Ingrao, LDAF, Tina Perkins, LDAF, Melissa Evans, LDAF, Michael Heier, Hearing Officer, Kim Pope, LSU AgCenter, Jake Penley, LSU AgCenter, David McGee, and Brent Barbier

PUBLIC COMMENTS

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

APPROVAL OF MINUTES

Motion: Mr. Shields made a motion to approve the proceedings from the July 19, 2017 contingent on corrections discussed. The motion was seconded by Mr. Floyd and passed unanimously.

AMENDMENTS TO AGENDA

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

ADJUDICATORY HEARING

Hearing Officer Michael Heier conducted the hearing. LDAF Executive Counsel Tabitha Gray presented the following cases:

Kyle Spears, Case No. 2059

Mr. Spears was not present. Ms. Gray stated that Mr. Spears 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 of \$1,000.00 with \$500.00 suspended, due within the 30 days.

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

Charles Paris, Case No. 2060

Mr. Paris was not present. Ms. Gray stated that Mr. Paris 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 of \$1,000.00 with \$500.00 suspended, due within the 30 days.

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

Sam Domingue, Case No. 2061

Mr. Domingue was not present. Ms. Gray stated that Mr. Domingue agreed to a stipulation to the charge of three violations of LRS 3:3252(A)(2). Following the penalty matrix, the charge includes a penalty of \$1,500.00 with \$750.00 suspended, due within the 30 days.

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

David McGee, Case No. 2045

The department charged Mr. McGee with one violation of LRS 3:3252(A)(2), making a pesticide application inconsistent with the label.

Mr. McGee was present. Ms. Gray represented the department. Ms. Gray called Mr. Williams, LDAF AES Inspector, as a witness and was sworn in by the hearing officer. Ms. Gray offered exhibits into the record after their identification by Mr. Williams. Mr. Williams answered questions from the Commission and Mr. McGee.

Ms. Gray called Mr. Shepherd, LDAF AES District Manager, as a witness. Mr. Shepherd was sworn in by the hearing officer. Ms. Gray offered exhibits into the record after their identification by Mr. Shepherd. Mr. Shepherd answered questions from the Commission and Mr. McGee.

Mr. McGee was sworn in by the hearing officer. Mr. McGee represented himself. Mr. McGee offered exhibits into the record and gave his testimony. Mr. McGee answered questions from the Commission and Ms. Gray.

Motion: Ms. Buller made a motion of the finding of fact that Mr. McGee committed a violation of LRS 3:3252(A)(2). The motion was seconded by Dr. Coburn and passed unanimously.

Ms. Gray stated the department recommends a \$1,000 penalty for one violation of LRS 3:3252(A)(2) following the approved penalty matrix.

Motion: Dr. Coburn made a motion to assess the penalty of \$1,000 for one violation of LRS 3:3252(A)(2). The motion was seconded by Mr. Landry and passed unanimously.

Brent Barbier, Case No. 2043

The department charged Mr. Barbier with two violations: 3:3252(A)(2), making a pesticide application inconsistent with the label and 3:3252(A)(4), operating in a faulty, careless, or negligent manner.

Mr. Barbier was present and represented himself. Ms. Gray represented the department. Mr. Barbier agreed to a list of uncontested facts and Ms. Gray offered the list into the record. Mr. Wofford read the uncontested facts to the Commission. The uncontested facts have been signed and notarized by Mr. Barbier. Mr. Barbier answered questions from the Commission. Mr. Wofford stated the department recommends a \$3500.00 penalty following the approved penalty matrix for the two violations.

Motion: Mr. Bragg made a motion of the finding of fact that Mr. Barbier committed a violation of LRS 3:3252(A)(2), making a pesticide application inconsistent with the label, and LRS 3:3252(A)(4) operating in a faulty, careless, or negligent manner. The motion was seconded by Mr. Shields and passed unanimously.

Motion: Dr. Coburn made a motion to assess the penalty recommended by the department, \$3,500 for two violations. The motion was seconded by Dr. Meyer and passed unanimously.

DEPARTMENT REPORTS

Mr. Ingrao presented an update on the Proficiency Test report. The department has tested 2,907 people at 73 separate meetings throughout the state. There are still 1,555 individuals that need to be tested, (1,098 in state, and 457 out of state). These individuals will not receive their recertification paperwork until they pass the proficiency test.

Mr. Wofford stated that there are approximately 50 inspectors in the field.

OLD BUSINESS

Mr. Wofford gave an update on the Jeffery Simmons case from the previous ACP meeting.

NEW BUSINESS

Scottie May presented updates on 2,4-D and Dicamba. LDAF required additional training for the 2,4-D and Dicamba in crop use in tolerant crops in 2017. These requirements were implemented through Section 24 (c) registrations. In October EPA approved new labels for Dicamba products for in-crop use in tolerant crops, making the products a federal restricted use pesticide (RUP). The new labels have new requirements, additional record keeping and mandatory training. The 2,4-D and Dicamba products were state RUPs in 2017, so many of the federal changes are already in place in Louisiana. The training requirements for Louisiana are more restrictive, which will continue into 2018, however, the recordkeeping requirements are more restrictive on the federal label.

Arkansas is considering banning Dicamba for in crop-use in April-October. Their Commission will be meeting about this on November 8, 2017.

CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS

Mr. Ingrao presented the Ad Hoc Committee's recommended approval for the following application for the Ag Consultant Exam:

Samuel Edward Fontenot- Ag Weed Control and Ag Field Soil Management.

Motion: Mr. Floyd made a motion to approve the application at the recommendation of the Ad Hoc Committee. The motion was seconded by Mr. Bragg and passed unanimously.

FUTURE MEETING

The next scheduled meeting of the Advisory Commission on Pesticides will be on February 21, 2017 at 9:30am at LDAF.

PUBLIC COMMENT

The Commission members commended Joe Ingrao and Kim Pope for their work on the proficiency testing.

ADJOURN

Motion: Mr. Bragg made a motion to adjourn. This motion was seconded by Mr. Landry and passed unanimously. The meeting adjourned at 11:45pm.