

**ADVISORY COMMISSION ON PESTICIDES
VETERANS' MEMORIAL AUDITORIUM
5825 FLORIDA BLVD.
BATON ROUGE, LOUISIANA
February 21, 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, Scotty Meador, Martin Floyd, and Keith Majure.

Members absent: Jenny Buller, Billy Guthrie, Dr. Sharon Meyer, Johnny Landry, and Roby Shields.

Others present: Benjy Rayburn, LDAF; Kevin Wofford, LDAF; Harry Schexnayder, LDAF; Amy McInnis, LDAF Counsel; Joe Ingrao, LDAF; Tina Perkins, LDAF; Kelly Moore, LDAF; Melissa Evans, LDAF; Ronnie Mulberry, LDAF; Harry Vorhoff, Hearing Officer; Kim Pope, LSU AgCenter; and Thomas Darling, Counsel for Gregory Neal Lewis.

PUBLIC COMMENTS

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

APPROVAL OF THE MINUTES

Motion: Mr. Floyd made a motion to approve the minutes of the November 1, 2017 meeting, as distributed. The motion was seconded by Mr. Bragg and passed unanimously.

AMENDMENTS TO AGENDA

Dr. Coburn asked Mr. Schexnayder if there were any recommendations for amendments to the agenda. Mr. Schexnayder proposed to include the Agricultural Consultant application for Mr. Gary Lynn Williams. It was placed after the Adjudicatory Hearing.

ADJUDICATORY HEARING

Hearing Officer Harry Vorhoff conducted the hearing. Ms. McInnis presented the following cases:

Gregory Neal Lewis, Case No. 2058

Mr. Lewis was not present. He was represented by counsel, Thomas Darling, who appeared but did not make a statement. Ms. McInnis stated that a stipulation had been reached to the charge of one violation of LRS 3:3252(A)(2). Following the penalty matrix, the charge included a penalty of \$1,000.00, with \$500.00 suspended, due within 30 days.

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

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

Eugene Wright, Case No. 2080

Mr. Wright was not present. Ms. McInnis stated that Mr. Wright had signed a written stipulation to the charges of two violations of LRS 3:3252(A)(2). Following the penalty matrix, the charges included a penalty of \$3,500.00, with \$1,750.00 suspended, due within 30 days.

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

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

CONSIDERATION OF AG CONSULTANT EXAM APPLICATIONS

Mr. Ingrao presented the findings of the Ad Hoc Committee, regarding review of the application for the Ag Consultant Exam of Gary Lynn Williams. The Committee did not recommend approval of Mr. Williams for testing in the category of 1A-Agricultural Entomology. Mr. Williams may reapply, after obtaining the additional credit hours required.

Motion: Mr. Floyd made a motion to accept the Committee's recommendation not to approve Mr. Williams for testing in the Ag Consultant category of 1A-Agricultural Entomology. The motion was seconded by Mr. Meador and passed unanimously.

DEPARTMENT REPORTS

New Herbicide Technology Update - Mr. Wofford presented an update on new herbicide technology. These new herbicide chemicals have been listed as section 24(c), requiring additional LDAF-approved training provided by the manufacturer. To date, LDAF has approximately 400 applicators that have been through this course. The rule states that applicators are required to go through this training to be able to apply, purchase, and sell 24(c) herbicide chemicals. After the training course is completed, the person receives a certificate. LDAF then adds that new herbicide training to their certification card, so a salesperson/dealer knows they have been through the course and are approved to purchase.

Mr. Wofford stated that a section 24(c) for Capreno and Laudis were renewed last week, allowing those two products to be used as an aerial application over corn crops.

Proficiency Test Update - Mr. Ingrao gave an update on the Proficiency testing. There are approximately 1,100 applicators that still need to take the test. Certifications will not be renewed without taking the Proficiency test.

Mr. Wofford stated the Department has contacted applicators multiple times, to ensure they understood. Testing is available at any District office.

Mr. Ingrao also noted that the Department is now using the computer-based testing system and does approximately 20-30 exams a month.

WPS Status – Mr. Mulberry summarized EPA revisions and updates, regarding WPS. Highlights included that workers would be trained once a year. This training will be on the new material, some of which Ms. Pope stated is already available. She has been training on the new requirements and has posted training dates and information on the LSU AgCenter website. Mr. Ingrao noted that he also attached the information on the LDAF website for Commercial applicators, following the end of their testing dates.

Training provided by the LSU AgCenter includes the new requirements and has been EPA-approved. For this reason, Ms. Pope stated, someone who is already WPS certified must go through the new training to be recertified. Mr. Mulberry stated that worker and handler training is no longer tracked on green cards. These are documented on a form, to be kept by the WPA trainers and should be made available upon inspection.

Mr. Mulberry also discussed requirements for central location postings, respirators and required fit-tests, and decontamination supplies.

OLD BUSINESS

There was no old business to be discussed.

NEW BUSINESS

Dr. Coburn proposed a more detailed Ag Consultant application verification and qualification process. He discussed a notarized statement from employers, verifying their experience.

Mr. Schexnayder suggested modifying the Affidavit used in the Structural Pest Control licensing process, for Agricultural Consultants. Employers would check off areas of training/experience, then sign and notarize the form. It was agreed that this form should become an integral part of the Ag Consultant Application, itself, and that such a form would be drafted and presented to the Commission at their next meeting.

Mr. Ross provided a discussion of the practice of reducing fines upon parties agreeing to a stipulation. A discussion ensued, with Mr. Schexnayder and Mr. Wofford responding.

FUTURE MEETING

The next scheduled meeting of the Advisory Commission on Pesticides was originally scheduled for July 11, 2018, but has been changed to July 10, 2018, at 9:30 a.m., at LDAF.

PUBLIC COMMENT

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

ADJOURN

Motion: Mr. Floyd made a motion to adjourn. This motion was seconded by Mr. Meador and passed unanimously. The meeting adjourned at 10:54 a.m.

DRAFT