

**LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION**  
**OFFICIAL MINUTES**  
**May 17, 2023**  
**9:30 AM**

**Louisiana Department of Agriculture & Forestry Building**  
**LDAF Veterans Memorial Auditorium**  
**5825 Florida Boulevard**  
**Baton Rouge, LA 70806**

**CALL TO ORDER**

The meeting was called to order at 9:31 a.m. by Mr. Todd Parker, Confidential Assistant to Commissioner Mike Strain, DVM.

**ROLL CALL**

The roll was called by Mrs. Tina Ficklin.

The following commission members and/or designees were present: Mr. Todd Parker, Designee for Commissioner Mike Strain; Dr. Edward Twidwell, Louisiana Cooperative Extension Service; Mr. Cecil Jones, Seed Industry Representative; Mr. David Causey, Fertilizer Industry Representative; Mr. Ron Harrell, Designee for Mr. Jim Harper, Louisiana Farm Bureau Assn; Mr. Gregory Gravois, House Ag Committee Appointee; and Mr. Travis Walker, Senate Ag Committee Appointee. Mr. Ed O'Neal, Feed Industry Representative, was not present. A quorum was declared by Ms. Tina Ficklin.

Others Present: Lester Cannon, Director of LDAF Seed Programs Division; Dr. Ted Gauthier, Director of LDAF Agricultural Chemistry Programs Division; Dr. Ansel Rankins Sr, Assistant Commissioner LDAF Agricultural & Environmental Sciences; Michelle Ribera, Assistant Commissioner of LDAF Animal Health Division; David Johnston, LDAF Seed Programs Coordinator; Brent Cutrer, Industrial Hemp Program Coordinator; Dr. Jonathan Roberts, Director of LDAF Feed Program; Angelle Pearson, Director of LDAF Fertilizer and Lime Programs; Dr. Greg Olson, Ag Chemistry Program; Courtney Foote, Feed Program; Erica Morse, Industrial Hemp Program; Amy McInnis, LDAF General Counsel; Paeton Burkett, LDAF Attorney AES Programs; and Alicia Wheeler, Assistant Attorney General.

**PUBLIC COMMENT**

No public comment.

**APPROVAL OF MINUTES**

Dr. Philip Elzer made a motion to approve the minutes from the October 27, 2022 meeting. Mr. David Causey seconded the motion. Motion approved unanimously.

## **ADJUDICATORY HEARING**

Mr. Todd Parker turned the meeting over to the hearing officer, Ms. Alicia Wheeler, Assistant Attorney General with the Louisiana Department of Justice.

### **SEED PROGRAM INDUSTRIAL HEMP Stipulated Case**

#### **Case No: IH 22-02 Crystal Grayson**

Crystal Grayson was charged with one (1) violation of the Louisiana Industrial Hemp Law (La. R.S. 3:1461, et seq) and Industrial Hemp Regulations, for failing to obtain prior approval of a greenhouse-type structure where industrial hemp was being cultivated, handled or stored, which is a violation of La R.S. 3:1470, specifically, LAC 7:XIII.1325(C). Respondent admits to the factual allegations set forth above, admits to the violation(s) as charged and agrees to accept and pay a penalty.

LDAF recommended a penalty of Five Hundred Dollars (\$500.00) for the violation, with Two Hundred and Fifty Dollars (\$250.00) of the penalty suspended for a total penalty of Two Hundred and Fifty Dollars (\$250.00). The respondent agrees to accept the stipulation and pay the penalty within 30 days of the Commissioner's acceptance.

Ms. Paeton Burkett entered exhibits LDAF 1, LDAF 2 and LDAF 3 into evidence. LDAF 1: charge letter with signed receipt of service, LDAF 2: hearing continuance letter with proof of service and LDAF 3: signed, witnessed and notarized stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

**Motion** to accept the stipulation as the finding of facts and conclusions of law, and to accept the recommended penalty of Two Hundred Fifty Dollars (\$250.00) was made by Mr. Todd Parker and seconded by Mr. Gregory Gravois. Motion passed unanimously. No recusals or abstentions.

The Adjudicatory Hearing was adjourned.

## **NEW BUSINESS**

### **FEED PROGRAM**

Ms. Amy McInnis, LDAF General Counsel, introduced the Postive Feed label matter to the Commission for discussion and guidance for the All-In-One product containing two guaranteed analyses shown on the feed label.

Mr. Gary English and Mr. Kegan English with Postive Feed addressed the Commission regarding appropriateness of two guaranteed analyses on a single label for the All-In-One specialty product. To be as transparent as possible to the consumer, Mr. Gary English and Postive Feed, Ltd felt the two guaranteed analyses were necessary since the product contained two forms of food; one portion is a Dehydrated Molasses Mix (cooked) and the other is a Loose Mineral & Protein mix that is distributed throughout and combined in a single food tub via a specialized process known as vein technology. According to Mr. Gary English, they have been labeling this exact way since the product's patent was approved in 1997 and until recently there had been no issue. He asked the Commission to allow the two analyses for the All-In-One specialty product.

Dr. Jonathan Roberts, LDAF Feed Director, made the determination that two separate labels on the same product container did not meet the requirements outlined in the Louisiana Revised Statutes and are considered misleading. He explained that Commercial Feed Law requires that percentages listed in the guaranteed analysis represent percentages of the total weight of the package or container.

Dr. Roberts also stated that the percentages listed would not be accurate for the total weight of the product as the tubs are marketed as a 30% protein product. However, the 30% guarantee is diluted when other components are added. The Feed Law would have to be amended to allow for an exception to the labeling requirement.

Ms. Amy McInnis stated the Feed Law, as currently written, would not require an exception to be granted for adding multiple labels on the same product, because the law does not explicitly state 'one' label.

**Motion:** Mr. Travis Walker made a motion that the Department and Postive Feed work together to agree upon a label that is both compliant with Louisiana Feed Law and Regulations, as well as maintaining consumer transparency and protection. Seconded by Mr. Ron Harrell. Motion passed unanimously.

### **PROGRAM UPDATES**

Lester Cannon announced to the Commission that Ms. Paeton Burkett is vacating her position and commended her for a job well done while in her capacity as LDAF Counsel for AES Programs.

#### **Seed and Industrial Hemp Programs Division**

*Seed Program* – David Johnston gave an update of seed laboratory sampling and testing data and the lab's participation in a referee study of various seed crop kinds.

*Industrial Hemp Program* – Brent Cutrer gave an update of current calendar year Industrial Hemp data including the announcement of the newly formed Industrial Hemp Promotion Research & Advisory Board.

#### **Agricultural Chemistry Programs Divisions**

*Agricultural Chemistry* – Dr. Ted Gauthier gave an update on current Agricultural Chemistry laboratory progress.

*Fertilizer/Lime Program* – Ms. Angelle Pearson gave an overview of the Fertilizer/Lime Programs.

*Feed Program* – Dr. Jonathan Roberts provided an update on the Feed Program.

### **PUBLIC COMMENT**

No public comment.

Mr. Todd Parker recognized Mr. Ron Harrell's retirement from Louisiana Farm Bureau and subsequently his post representing LFB on the La Agricultural Chemistry & Seed Commission and thanked him for his dedicated support over the past years.

### **ADJOURNMENT**

**Motion** to adjourn the meeting was made by Dr. Philip Elzer and seconded by Mr. David Causey. Motion passed unanimously. Meeting adjourned at 10:42am.

APPROVED:   
Louisiana Agricultural Chemistry & Seed Commission