

**LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION MINUTES
OCTOBER 18, 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 9:32 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. Philip Elzer, Louisiana Agricultural Experiment Station; Dr. Edward Twidwell, Louisiana Cooperative Extension Service; Mr. Cecil Jones, Seed Industry Representative; Mr. David Causey, Fertilizer Industry Representative; Mr. Ed O'Neal, Feed Industry Representative; Mr. Andy Brown, Designee for Mr. Jim Harper, Louisiana Farm Bureau Assn; Mr. Gregory Gravois, House Ag Committee Appointee; Mr. Travis Walker, Senate Ag Committee Appointee. All members present. A quorum was declared.

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, LDAF Animal Health Division; Dr. Jonathan Roberts, Director of LDAF Feed Programs; Angelle Pearson, Director of the LDAF Fertilizer Programs; Dr. Greg Olson, Fertilizer Program; Brent Cutrer, Industrial Hemp Program Coordinator; Courtney Foote, Feed Program; Shelby Powers, Industrial Hemp Program; Tina Ficklin, Seed Programs; Amy McInnis, LDAF General Counsel; Lebra Bias, LDAF Attorney; and Alicia Wheeler, Assistant Attorney General.

PUBLIC COMMENT

No public comment.

APPROVAL OF MINUTES

Mr. Gregory Gravois made a motion to approve the minutes from the May 17, 2023 meeting. Mr. David Causey seconded the motion. Motion approved unanimously.

NEXT HEARING DATE

The LDAF staff recommended a tentative date of May 15, 2024 for the next commission meeting. The commission members agreed.

OLD BUSINESS

None

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 at 9:37 am.

SEED PROGRAMS

Stipulated Cases

Case No: 23-SEED-0007 Barenbrug USA, Inc

Barenbrug USA, Inc was charged with nine violations of the Louisiana Seed Law and regulations La. R. S. 3:1431 et seq. for the fiscal period of July 1, 2022 through June 30, 2023, specifically, one violation of La. R.S. 3:1444(2); three violations of LAC 7:301(4)(a); three violations of LAC 7:301(14) and two violations of La. R.S. 3:1436(2)(a).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence; LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Two Thousand, Two Hundred and Fifty Dollars (\$2,250.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Two Thousand, Two Hundred and Fifty Dollars (\$2,250.00) was made by Mr. Cecil Jones and seconded by Dr. Phil Elzer. Motion passed unanimously. No recusals or abstentions.

Case No: 23-SEED-0008 BWI Companies, Inc

BWI Companies, Inc was charged with thirty-six violations of the Louisiana Seed Law and regulations La. R.S. 3:143 et seq. for the fiscal period of July 1, 2022 through June 30, 2023, specifically, two violations of LAC 7:143(A); ten violations of La. R.S. 3:1436(2)(a); two violations of LAC 7:143(B); eight violations of R.S. 3:1444(2); four violations of LAC 7:301(14); four violations of La. R.S. 3:1436(1)(d) and six violations of La. R.S. 3:1444(4).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence; LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Twelve Thousand, Two Hundred and Fifty Dollars (\$12,250.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Twelve Thousand, Two Hundred and Fifty Dollars (\$12,250.00) was made by Dr. Phil Elzer and seconded by Mr. David Causey. Motion passed unanimously. No recusals or abstentions.

Case 23-SEED-0009 Green Garden Products

Green Garden Products was charged with thirty-seven violations of the Louisiana Seed Law and regulations La. R.S. 3:1431 et seq. for the fiscal period of July 1, 2022 through June 30, 2023, specifically, thirty-six violations of La. R.S. 3:1436(5)(c); and one violation of LAC 7:301(4)(a).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Nine Thousand, Seven Hundred and Fifty Dollars (\$9,750.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Nine Thousand, Seven Hundred and Fifty Dollars (\$9,750.00) was made by Mr. Ed O'Neal and seconded by Mr. Gregory Gravois. Motion passed unanimously. No recusals or abstentions.

Case 23-SEED-0010 Big Lots Stores, LLC 1701

Big Lots Stores, LLC 1701 was charged with two violations of the Louisiana Seed Law and regulations La R. S. 3:1431, et seq., specifically, two violations of LAC 7:301(A)(5).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of One Thousand Dollars (\$1,000.00) for the violations, with Five Hundred Dollars (\$500.00) of the penalty suspended for a total penalty of Five Hundred Dollars (\$500.00).

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended reduced penalty of Five Hundred Dollars (\$500.00) was made by Mr. Cecil Jones and seconded by Mr. Travis Walker. Motion passed unanimously. No recusals or abstentions.

Case 23-SEED-0011 J & J Bagging

J & J Bagging was charged with twenty-nine violations of the Louisiana Seed Law and regulations La. R.S. 3:1431 et seq. for the fiscal period of July 1, 2022 through June 30, 2023, specifically, four violations of La. R.S. 3:1444(4); ten violations of LAC 7:143(A); two violations of LAC 7:301(4)(c); six violations of La. R.S. 3:1444(2); five violations of LAC 7:301(14) and two violations of La. R.S. 3:1436(2)(a).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Twelve Thousand, Two Hundred and Fifty Dollars (\$12,250.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Twelve Thousand, Two Hundred and Fifty Dollars (\$12,250.00) was made by Mr. David Causey and seconded by Mr. Ed O'Neal. Motion passed unanimously. No recusals or abstentions.

Case 23-SEED-0012 Pennington Seed, Inc

Pennington Seed, Inc was charged with eight violations of the Louisiana Seed Law and regulations of La. R.S. 3:1431 for the fiscal period of July 1, 2022 through June 30, 2023, specifically, six violations of LAC 7:143(A); one violation of La. R.S. 3:1436(1)(d) and one violation of La. R.S. 3:1444(2).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Three Thousand, Five Hundred Dollars (\$3,500.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Three Thousand, Five Hundred Dollars (\$3,500.00) was made by Dr. Phil Elzer and seconded by Mr. David Causey. Motion passed unanimously. No recusals or abstentions.

Case 23-SEED-0013 Bayer Cropscience, LP

Bayer Cropscience, LP was charged with one hundred eighty-five violations of the Louisiana Seed Law and regulations La. R.S. 3:1431 during the fiscal period of July 1, 2022 through June 30, 2023, specifically, one hundred eighty-five violations of LAC 7:143(A).

Ms. Lebra Bias entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt and seed notices of violation, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Alicia Wheeler, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Ninety-Two Thousand, Five Hundred Dollars (\$92,500.00) for the violations.

Motion to accept the stipulation agreement as the findings of facts and conclusions of law, and to accept the recommended penalty of Ninety-Two Thousand, Five Hundred Dollars (\$92,500.00) was made by Mr. Gregory Gravois and seconded by Mr. Cecil Jones. Motion passed unanimously. No recusals or abstentions.

The Adjudicatory Hearing was adjourned at 10:10 am.

NEW BUSINESS

SEED PROGRAMS

Seed Labeling Requirements letter

Lester Cannon, Director of Seed Programs, shared a letter that was sent to all Louisiana Seed Dealers reminding them of the requirement that the seed label is required to accompany the seed lot to its final destination. Current agricultural practices often require the repackaging of seed from the original labeled container into bulk or other containers as a means of distribution to the final destination. As a result of that process, many times the seed label is lost and does not get attached to or accompany the repackaged seed shipment.

LDAF provided the guidance, specifically for seed that has been removed from the original labeled container, repackaged after seed treatment or seed enhancement, or placed in bulk seed tenders, seed

spreaders or other bulk shipping containers for distribution, as a means for seed dealers to remain compliant with the Louisiana seed labeling requirement.

PROGRAM UPDATES

Lester Cannon announced to the Commission recent staff changes and Commission appointments as follows: Ms. Lebra Bias, as the new LDAF AES attorney, Ms. Shelby Powers as the new Industrial Hemp Administrative Coordinator, Mr. Andy Brown, as new Commission designee for Mr. Jim Harper, LA Farm Bureau Association. He also notified the commission members that David Johnston retired from his position as LDAF Seed Administrative Program Coordinator.

Seed and Industrial Hemp Programs Division

Seed Program – Lester Cannon gave an update of seed laboratory sampling and testing data as well as the lab's participation in the USDA/LDAF Cooperative Agreement Federal Seed Act Enforcement program. He informed them that the Seed Program staff will make the regulatory sample germination test data for cotton, corn and soybeans available on the LDAF website.

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

Agricultural Chemistry Programs Divisions

Agricultural Chemistry – Dr. Ted Gauthier gave an update on the Agricultural Chemistry Laboratory.

Fertilizer/Lime Program – Ms. Angelle Pearson and Dr. Greg Olson gave an overview of the Fertilizer/Lime Programs.

Animal Health and Feed Services

Feed Program – Dr. Jonathan Roberts provided an update on the Feed Program including updated information on the Postive labeling discussion from the May 17, 2023 meeting.

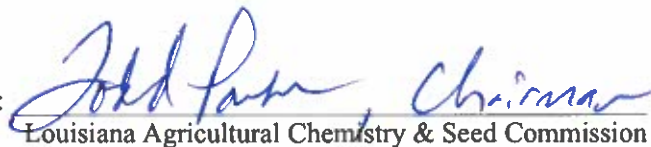
PUBLIC COMMENT

No public comment.

ADJOURNMENT

Motion to adjourn the meeting was made by Dr. Philip Elzer and seconded by Mr. David Causey. Motion passed unanimously. Meeting adjourned at 10:47am.

APPROVED:


Louisiana Agricultural Chemistry & Seed Commission

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