



**LOUISIANA DEPARTMENT of
AGRICULTURE & FORESTRY**

MIKE STRAIN, DVM *Commissioner*

LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION

**OCTOBER 16, 2024
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. Courtney Foote.

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. Andy Brown, Designee for Mr. Richard Fontenot, Louisiana Farm Bureau Assn; Mr. Gregory Gravois, House Ag Committee Appointee; Mr. Travis Walker, Senate Ag Committee Appointee. All members were 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 Office of Agricultural & Environmental Sciences; Michelle Ribera, Assistant Commissioner, LDAF Office of Animal Health and Food Safety; Dr. Jonathan Roberts, Director of LDAF Feed Programs Division; Angelle Pearson, Director of the LDAF Fertilizer Programs; Dr. Greg Olson, Fertilizer Program; Michael Lowe, Seed Program Coordinator; Brent Cutrer, Industrial Hemp Program Coordinator; Courtney Foote, Feed Program; Shelby Powers, Industrial Hemp Program; Amy McInnis, LDAF General Counsel; Angela Jackson, LDAF AES Attorney; and Terrel Kent, Assistant Attorney General.

5825 Florida Blvd., Baton Rouge, Louisiana 70806 | Telephone: (225) 922-1234 Fax: (225) 922-1253 LDAF.LA.GOV

**Agricultural &
Environmental
Sciences**
Suite 3000
(225) 925-3770
Fax: 925-3760

**Agro-Consumer
Services**
Suite 5000
(225) 925-3780
Fax: 923-4877

**Animal Health
& Food Safety**
Suite 4000
(225) 925-3962
Fax: 923-4900

Forestry
Suite 6000
(225) 925-4500
Fax: 922-1356

**Management
& Finance**
Suite 1000
(225) 952-8143

**Soil & Water
Conservation**
Suite 7000
(225) 922-1269

PUBLIC COMMENT

No public comment.

APPROVAL OF MINUTES

Dr. Philip Elzer made a motion to approve the minutes from the October 18, 2023 meeting. Mr. David Causey seconded the motion. Motion approved unanimously.

NEXT HEARING DATE

The LDAF staff recommended a tentative date of May 21, 2025 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. Terrel Kent, Assistant Attorney General with the Louisiana Department of Justice, at 9:37 a.m.

SEED PROGRAM

Stipulated Cases

Case No: 24-SD-0001 Dollar General Louisiana, LLC

Dollar General Louisiana LLC was charged with seventy (70) violations of the Louisiana Seed Law and regulations, specifically La. R. S. 3:1437(A) *et seq.* During the time period of February 26, 2024 through April 3, 2024, the respondent was found offering seed for sale of one pound or more in weight at seventy (70) of its stores without registering as a Seed Dealer in Louisiana.

Ms. Angela Jackson entered exhibits LDAF 1 and LDAF 2 into evidence; LDAF 1: charge letter sent via certified mail with signed receipt of service, and LDAF 2: signed, initialed, dated and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Thirty-Five Thousand Dollars (\$35,000.00) 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 Thirty-Five Thousand Dollars (\$35,000.00) was made by Mr. Greg Gravois and seconded by Mr. Andy Brown. Motion passed unanimously. No opposition, recusals or abstentions.

Case No: 24-SD-0002 Pennington Seed, Inc

Pennington Seed, Inc was charged with sixty-four (64) violations of the Louisiana Seed Law and Regulations, specifically LAC 7:X111 301(A)(4)(a) *et seq.* During the period of April 25, 2024 through

May 21, 2024, the respondent was found offering sixty-four products for sale that were labeled in a false or misleading manner.

Ms. Angela Jackson entered exhibits LDAF 1 and LDAF 2 into evidence; LDAF 1: amended charge letter sent via certified mail with signed receipt of service, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Seed Programs Staff recommended a penalty of Thirty-Two Thousand Dollars (\$32,000.00) 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 Thirty-Two Thousand Dollars (\$32,000.00) was made by Mr. Cecil Jones and seconded by Mr. Travis Walker. Motion passed unanimously. No opposition, recusals or abstentions.

FERTILIZER PROGRAM

Stipulated Cases

Case 24-FERT-0001 Access Business Group, LLC

Access Business Group, LLC was charged with four (4) violations of the Louisiana Fertilizer Law and regulations, specifically La. R.S. 3:1417(A)(8) et seq and more specifically La. R.S. 3:1413(c)(2)(a)(b) et seq, failing to timely file quarterly tonnage reports or pay inspection fees within the grace period for the first, second, third and fourth quarters of the fiscal year July 1, 2023 through June 30, 2024.

Ms. Angela Jackson entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with USPS tracking receipt and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Agricultural Chemistry Fertilizer Programs Staff recommended a penalty of Four Hundred Dollars (\$400.00) 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 Four Hundred Dollars (\$400.00) was made by Dr. Philip Elzer and seconded by Mr. David Causey. Motion passed unanimously. No opposition, recusals or abstentions.

Case 24-FERT-0002 Eion

Eion was charged with four (4) violations of the Louisiana Fertilizer Law and regulations, specifically La. R.S. 3:1417(A)(8) et seq. and more specifically La. R.S. 3:1413(c)(2)(a)(b) et seq., failing to timely file quarterly tonnage reports or pay inspection fees within the grace period for the first, second, third and fourth quarters of the fiscal year July 1, 2023 through June 30, 2024.

Ms. Angela Jackson entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with USPS tracking receipt, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Agricultural Chemistry Fertilizer Programs Staff recommended a penalty of Four Hundred Dollars (\$400.00) 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 Four Hundred Dollars (\$400.00) was made by Mr. David Causey and seconded by Mr. Travis Walker. Motion passed unanimously. No opposition, recusals or abstentions.

Case 24-FERT-0003 Interoceanic Corporation

Interoceanic Corporation was charged with three (3) violations of the Louisiana Fertilizer Law and regulations, specifically La. R.S. 3:1417(A)(8) et seq. and more specifically La. R.S. 3:1413(c)(2)(a)(b) et seq., failing to timely file quarterly tonnage reports or pay inspection fees within the grace period for the first, third and fourth quarters of the fiscal year July 1, 2023 through June 30, 2024.

Ms. Angela Jackson entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with signed receipt of service and USPS tracking receipt, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Agricultural Chemistry Fertilizer Programs Staff recommended a penalty of Three Hundred Dollars (\$300.00) 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 Hundred Dollars (\$300.00) was made by Dr. Philip Elzer and seconded by Dr. Edward Twidwell. Motion passed unanimously. No opposition, recusals or abstentions.

FEED PROGRAM

Stipulated Case

Case 24-FEED-01 Marina Blue, LLC

Marina Blue, LLC was charged with four (4) violations of the Louisiana Commercial Feed Law and regulations, specifically La R.S. 3:1397(6), et seq., more specifically La. R.S. 3:1401(C)(4), failing to timely file quarterly tonnage reports for the first, second, third and fourth quarters of the fiscal year July 1, 2023 through June 30, 2024.

LDAF General Counsel, Ms. Amy McInnis, entered exhibits LDAF 1 and LDAF 2 into evidence LDAF 1: charge letter sent via certified mail with USPS tracking receipt, and LDAF 2: signed, initialed, dated, and accepted stipulation agreement between the LDAF and Respondent. Ms. Terrel Kent, hearing officer, accepted the evidence as presented.

The Agricultural Chemistry Feed Programs Staff recommended a penalty of Four Hundred Dollars (\$400.00) 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 Four Hundred Dollars (\$400.00) was made by Mr. Andy Brown and seconded by Mr. David Causey. Motion passed unanimously. No opposition, recusals or abstentions.

NOTE: Counsel had erroneously stated that the agreed-upon penalty was \$800.00, not \$400.00. Immediately after the Commission voted to accept the stipulation and agreed-upon penalty, counsel corrected the record to reflect \$400.00. Out of an abundance of caution, a motion to amend the original motion to correct the penalty amount was made by Andy Brown, seconded by David Causey and passed unanimously, without opposition, recusals, or abstentions.

The Adjudicatory Hearing was adjourned at 10:10 a.m.

NEW BUSINESS

PROGRAM UPDATES

Lester Cannon announced the tentative date for the fall meeting as October 22, 2025. Further, Lester introduced staff changes and Commission appointments as follows: Mr. Michael Lowe as the Seed Administrative Program Coordinator. He also notified the commission members that Ed O'Neal resigned from his board position as the LAIA Feed Industry representative.

Fall cases 2023 – all stipulated and penalties were paid in full and cases closed.

Seed and Industrial Hemp Programs Division

Seed Program – Michael Lowe gave an update of seed laboratory sampling and testing data and analysts continuing education training for FY 2024. An onsite AOSCA audit of the LDAF Seed Certification program ensuring our compliance with MOU shared with the Federal Seed branch was conducted on October 1, 2024. No deficiencies were identified.

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 Division

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

Fertilizer/Lime Program – Ms. Angelle Pearson gave an update on the Fertilizer/Lime Programs.

AHFS Feed Programs Division

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

TITLE 7 COMMERCIAL FEED REGULATION REVISIONS

Dr. Jonathan Roberts recommended revisions to the Commercial Feed regulations set forth in LAC 7:Part XVII, based on recent legislative changes. These changes are required by Acts 101 and 699 of the 2024 Regular Session and reflects new statutory language for commercial feed and raw milk. LDAF recommends the exemption of regulating raw milk since it is unprocessed and not intermixed with other regulated materials. By exempting raw milk as a commodity, it would allow people to buy and/or sell raw milk, be exempt under our regulations but would still be controlled by LDAF regulatory authority in the event of an outbreak. Other proposed changes to commercial feed rules include updates to existing language to be consistent with interstate regulations; adoption by incorporation of the AAFCO Model Rules Under the Model Bill (where not in conflict with LDAF existing regulations); changes to definitions; and elimination of the existing fee matrix elimination in favor of a flat rate fee for label registration.

Motion to adopt revisions to Title 7 Commercial Feed Regulations was made by Mr. Cecil Jones; seconded by Dr. Philip Elzer. Motion passed unanimously. No opposition, recusals or abstentions.

OPEN MEETINGS/AMERICANS WITH DISABILITIES REGULATION REVISIONS

LDAF General Counsel, Ms. Amy McInnis, presented proposed rules regarding open meetings/Americans with Disabilities Act. Act 393 of the 2023 Regular Session requires boards and commissions to promulgate setting forth a procedure by which individuals with ADA-recognized disabilities may request to participate by remote means in public meetings via telephone conference or Zoom meetings. The proposed rule would set forth that procedure. The commission has rulemaking authority and therefore the proposed rule requires commission approval. A resolution approving the proposed rule and authorizing LDAF to proceed with the promulgation process was presented for the commission's approval.

Motion to adopt the resolution was made by Dr. Philip Elzer; seconded by Mr. Gregory Gravois. Motion passed unanimously. No opposition, recusals or abstentions.

PUBLIC COMMENT

No public comment.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Andrew Brown and seconded by Mr. David Causey. Motion passed unanimously. Meeting adjourned at 11:05 a.m.

APPROVED: 
LOUISIANA AGRICULTURAL CHEMISTRY AND SEED COMMISSION