

THE LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY
OFFICE OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES

REPORT OF COMMENTS RECEIVED AND RESPONSE TO COMMENTS
TO
THE HOUSE AND SENATE COMMITTEES ON AGRICULTURE, FORESTRY,
AQUACULTURE AND RURAL DEVELOPMENT

RE: Report on Public Hearing and Public Comments to Substantive Changes to Proposed Rules
Update to Pesticide Regulations (LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)

A Notice of Intent to amend and adopt the above cited regulations was published in the Louisiana Register at LR 41:12, pages 2693-2696 (December 20, 2015).

The notice of intent stated that all interested persons had through February 4, 2016, to submit written comments on the proposed rules. The name and address of the person designated to receive comments was provided in the notice.

No oral or written comments or submissions were received by the Department.

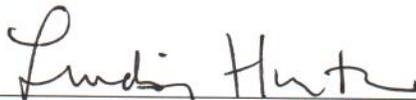
There were no requests for a hearing pursuant to R.S. 49:953(A)(2)(a). The second legislative report required by La. R.S. 49:968(D)(1)(b) was filed February 5, 2016. As a result of comments received after the public comment period ended, the department amend certain portions of the proposed changes to LAC 7:XXIII.1101(C). Specifically, the substantive changes made after the Notice of Intent was published on December 20, 2015 are as follows: DeSoto, Ward 7, LaSalle, St. Martin, Ward 5 and Winn, Ward 7 were all removed from the list of parishes in 7:XXIII.1101(C). Additionally, Wards 1, 3 and 5 were added back into the restriction on Evangeline Parish.

A notice of substantive changes was published in the Louisiana Register at LR 42:492-493. The notice gave all interested parties until April 25, 2016 to submit written comments on the proposed substantive changes. The name and address of the person designated to receive comments was provided in the notice. No oral or written comments or submissions were received by the Department.

A public hearing on the substantive changes to the proposed rule was held on April 25, 2016. The location of the hearing was provided in the notice. One member of the public attended the hearing but did not offer public comments. A copy of the meeting agenda is attached.

No further changes have been made to the proposed rule since the Substantive Changes to Proposed Rule was published in the Louisiana Register on March 20, 2016.

Signed this 29th day of April 2016 at Baton Rouge, Louisiana.



Lindsey K. Hunter
Attorney, LDAF



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

MIKE STRAIN DVM

COMMISSIONER



NOTICE OF MEETING

ADVISORY COMMISSION ON PESTICIDES
PUBLIC HEARING

Louisiana Department of Agriculture & Forestry
Veteran's Memorial Auditorium
5825 Florida Boulevard, Baton Rouge, LA

April 25, 2016, 10:00 AM

AGENDA

I. CALL TO ORDER

II. PURPOSE-To receive public comments on proposed substantive changes to Office of Agricultural and Environmental Sciences—Pesticides rule LAC 7:XXIII.1103 since the Notice of Intent was published in the Louisiana Register Vol. 41, No. 12, December 20, 2015.

III. PUBLIC COMMENT

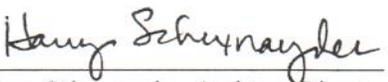
IV. ADJOURN PUBLIC HEARING

The official Notice of Intent can be viewed online at <http://www.doa.la.gov/Pages/osr/reg/regs2015.aspx>.

The notice of the substantive hearing for the advisory rules can be found on page 492 at the link below:

<http://www.doa.la.gov/osr/REG/1603/1603.pdf>

THIS NOTICE CONTAINS A TENTATIVE AGENDA AND MAY BE REVISED PRIOR TO THE MEETING. REVISED NOTICES CAN BE REVIEWED ON THE BOARD OUTSIDE THE VETERANS' MEMORIAL AUDITORIUM IN WHICH THE MEETING IS TO BE HELD. NOTICE IS HEREBY FURTHER PROVIDED THAT THE COMMISSION MAY VOTE TO HOLD AN EXECUTIVE SESSION ON ANY AGENDA OR OTHER DULY APPROVED ITEM THAT IS EXEMPTED FROM DISCUSSION AT AN OPEN MEETING PURSUANT TO L.A.R.S. 42:17. IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT, CONTACT TINA PERKINS AT 225-925-3768 TO ADVISE SPECIAL ASSISTANCE IS NEEDED AND DESCRIBE THE TYPE OF ASSISTANCE NECESSARY.


Harry Schexnayder, Assistant Director

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

Agro-Consumer Services
Suite 5000
(225) 922-1341
Fax: 923-4877

Animal Health & Food Safety
Suite 4000
(225) 925-3962
Fax: 925-4103

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

Management & Finance
Suite 1000
(225) 922-1255
Fax: 925-6012

Soil & Water Conservation
Suite 7000
(225) 922-1269
Fax: 922-2577

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of Agricultural and Environmental Sciences

Public Hearing—Substantive Changes to Proposed Rule—Pesticides (LAC 7:XXIII.1103)

The department published a Notice of Intent to update its pesticide regulations, specifically LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103 in the December 20, 2015 edition of the *Louisiana Register* (LR 41:2693-2696). As a result of comments received after the public comment period ended, the department proposes to amend certain portions of the proposed changes to LAC 7:XXIII.1103.C. Specifically, the substantive changes made after the Notice of Intent was published on December 20, 2015 are as follows: DeSoto, Ward 7, LaSalle, St. Martin, Ward 5 and Winn, Ward 7 were all removed from the list of parishes in LAC 7:XXIII.1103.C. Additionally, Wards 1, 3 and 5 were added back into the restriction on Evangeline Parish. If the wards are not added back into the regulation, the entirety of Evangeline Parish would fall under the restriction. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 7

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 11. Regulations Governing Application of Pesticides

§1103. Restrictions on Application of Certain Pesticides

A. - A.3. ...

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in §1103.C, D and E.

Chemical Name	Common Name
1. 4-amino-3, 5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	---
3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA
5. 2,4-dichlorophenoxy acetic acid (all salts, all formulations)	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3, 6-dichlorobenzoic acid (all salts, all formulations)	Dicamba
8. 2-methyl-4-chlorophenoxyacetic acid	2, 4-MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	---
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic

C. The pesticides listed in §1103.B shall not be applied by commercial applicators between April 1 and September 15 in the following parishes, unless a waiver has been granted pursuant to §1107:

1. Avoyelles;
2. Bossier;
3. Caddo;

4. Caldwell;
5. Catahoula;
6. Concordia;
7. East Carroll;
8. Evangeline, Wards 1, 3 and 5;
9. Franklin;
10. Grant;
11. Madison;
12. Morehouse;
13. Natchitoches;
14. Ouachita;
15. Pointe Coupee;
16. Rapides;
17. Red River;
18. Richland;
19. St. Landry;
20. Tensas;
21. West Carroll.

D. The pesticides listed in §1103.B shall not be applied by commercial applicators between March 1 and June 15 in the area between the Mississippi River and Highway 61 in the parishes of St. James and St. John the Baptist.

E. The pesticides listed in §1103.B shall not be applied by commercial applicators in the parish of Plaquemines.

F. No commercial applicator may make application of the products listed in §1103.B and the following pesticides when the wind speed is at 10 miles per hour or above:

1. 3¹4¹-Dichloropropionanilide—Propanil;
2. 1:1-Dimethyl-4, 41-Bipyridinium (cation)—Paraquat;
3. Isopropylamine salt of glyphosate—Glyphosate and other salts of glyphosate;
4. Glufosinate-ammonium.

G. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), LR 11:219 (March 1985), LR 11:942 (October 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:953 (September 1992), LR 19:1119 (September 1993), LR 21:668 (July 1995), LR 24:281 (February 1998), LR 24:2076 (November 1998), LR 26:1428 (July 2000), LR 26:1966 (September 2000), LR 27:279 (March 2001), LR 27:1672 (October 2001), LR 33:1855 (September 2007), LR 35:628 (April 2009), LR 36:1980 (September 2010), LR 37:269 (January 2011), LR 37:809 (March 2011), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3478 (December 2011), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 38:1556 (July 2012), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 42:

Public Comments

Interested persons may submit written comments to Kevin Wofford, Director of Pesticide Programs, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806. He is responsible for responding to

inquiries regarding these substantive amendments to the proposed Rule. The deadline for receipt of all written comments is 10 a.m. on Monday, April 25, 2016.

Public Hearing

In accordance with the provisions of the Administrative Procedure Act, specifically at R.S. 49:968(H)(2), the department gives notice of a public hearing to receive additional comments and testimony on these substantive amendments to the proposed Rule. The hearing will be held at 10 a.m. on Monday, April 25, 2016 in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806. At that time, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing.

Mike Strain, DVM
Commissioner

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Department of Children and Family Services Division of Programs

Social Services Block Grant Intended Use Report

The Department of Children and Family Services (DCFS) announces opportunities for public review of the state's pre-expenditure report on intended uses of social services block grant (SSBG) funds for the state fiscal year (SFY) beginning July 1, 2016, and ending June 30, 2017. The proposed SFY 2016-2017 SSBG intended use report has been developed in compliance with the requirements of section 2004 of the Social Security Act (SSA), as amended and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The DCFS, as the designated state department, will continue to administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DCFS, Child Welfare Section (CWS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of SFY 2016-2017 SSBG expenditures for adoption, child protection, family services, and foster care/residential care services.

Louisiana, through DCFS/CWS, will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the intended use report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 2016-2017 are:

- A. adoption (pre-placement to termination of parental rights);
- B. child protective services including assessment, evaluation, social work intervention, shelter care, counseling and referrals for child abuse/neglect reports;
- C. family services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups);
- D. foster care/residential care services (foster, residential care, and treatment on a 24-hour basis).

Definitions for the proposed services are set forth in the intended use report.

Persons eligible for SSBG funded services include:

- A. persons WRI, who are in need of adoption services, child protection, family services, and foster care/residential services;
- B. individuals WRI who are recipients of Title IV-E adoption assistance;
- C. recipients of supplemental security income (SSI) and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients;
- D. low-income persons (income eligible) whose gross monthly income is not more than 125 percent of the poverty level. A family of four with gross monthly income of not more than \$2025 would qualify as income eligible for services;
- E. persons receiving title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as eligible groups.

Post expenditure reports for the SSBG program for SFY 2014-2015 are included in the SSBG intended use report for SFY 2016-2017. Free copies are available by telephone request to (225) 342-341-7319 or by writing to the Administrator, Child Welfare Section, P.O. Box 3318, Baton Rouge, LA 70821.

The report is available for public review online at: <http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=131>, then select the 2014-2015 SSBG link. Inquiries and comments on the plan may be submitted in writing to the DCFS, Attention Administrator, P.O. Box 3318, Baton Rouge, LA 70821. The deadline for receipt of written comments is May 4, 2016 at 4 p.m.

All interested persons will have the opportunity to provide comments and/or recommendations on the plan, orally or in writing, at a public hearing scheduled for May 4, 2016 at 10 a.m. in Room 1-129 of the Iberville Building located at 627 North Fourth Street, Baton Rouge. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (voice and TDD).

Marketa Garner Walters
Secretary

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