

8. farm products; and
9. any other contaminated articles.

B. When contaminated articles listed in §159.A hereof are cleaned to the satisfaction of the inspector, no certificate or limited permit will be required except for cotton bagging or other containers of cotton and cotton processing machinery.

C. Cotton processing equipment originating in a regulated area outside of Louisiana must be dismantled and cleaned in an approved manner to the satisfaction of an inspector, or fumigated before a permit will be issued for its movement into a pest-free area.

D. Mechanical cotton pickers and used picking sacks must be accompanied by an official fumigation certificate and sealed by the appropriate official of the state of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

### **§161. Cultural and Other Requirements in Regulated Areas**

#### **A. Destruction of Cotton Plants**

1. Immediately after harvesting a commercial crop, and not later than December 31 in any year, all cotton plants and parts thereof shall be plowed under and thoroughly covered to expedite decay of this material, provided that the state entomologist may approve other methods of destruction under conditions as shown in this Section.

2. The state entomologist may approve close grazing of cotton fields, in lieu of plowing, under conditions stipulated in the dealer-carrier agreement. Application for approval for close grazing in lieu of plowing must be made, in writing, to the department no later than November 1 in any given year.

3. The state entomologist may issue a special permit to allow shredding of cotton stalks with a conventional rotary shredder prior to December 31, in lieu of plowing, for fields which have been planted to leguminous cover crops prior to harvest of the cotton crop. Application for this permit must be made to the state entomologist prior to November 1 in any given year.

#### **B. Handling of Seed Cotton and Cottonseed**

1. No seed cotton shall be held over on any farm, or at any cotton gin, warehouse or any other place for any purpose whatsoever after January 31 in any year.

2. Seed cotton moving from farm to gin shall be covered in such a manner as to prevent spillage.

3. Cottonseed may be returned without treatment from an approved gin to the farm of origin within a regulated area.

4. Cottonseed may move to farms other than the farm of origin within the regulated area provided it is gained at an approved gin and delinted at an approved delinting plant.

5. Cottonseed may be moved outside a regulated area only after approved treatment under an inspector's supervision, except when moved to designated oil mills for processing.

#### **C. Gin Trash Disposal**

1. In addition to other normal gin sanitation measures, gin trash must be disposed of daily to avoid harboring the pink bollworm.

2. Gins shall provide a reasonable means for inspection of gin trash disposal procedures.

3. All gins in a regulated area must be thoroughly cleaned by February 10 in any given year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

### **§163. Dealer-Carrier Agreement**

A. As a condition for the issuance of certificates or limited permits for intrastate movement of regulated articles by persons engaged in purchasing, assembling, ginning, processing, transporting or storing such regulated articles, such persons must have a dealer-carrier agreement with the department. Holders of dealer-carrier permits must agree to:

1. maintain an accurate record of receipts and sales, shipments or services and such record shall be available at all times for examination by an inspector; and

2. carry out any and all conditions, treatments, precautions and sanitary measures which may be required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

## **Subchapter E. Repeal of Prior Rules and Regulations**

### **§165. Repeal of Prior Rules and Regulations**

A. All prior rules and regulations adopted and approved in accordance with R.S. 3:1651 through 1805 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

## **Subchapter F. Emerald Ash Borer Quarantine**

### **§167. Emerald Ash Borer Quarantine**

A. The department issues the following quarantine because the state entomologist has determined that the insect emerald ash borer ("EAB"), *Agrilus planipennis*, has been

found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. the entire parishes of Bossier, Claiborne and Webster;

2. a declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved out of any area of this state that is listed in this Section as a quarantined area for EAB, except as provided in this Section.

D. The following articles are hosts of EAB and are deemed to be regulated articles for purposes of this Subsection:

1. the emerald ash borer in all of its life stages; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*;

2. any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions.

1. The regulated articles being moved are accompanied by a certificate or limited permit issued by LDAF and attached in accordance with the EAB federal requirements.

2. The regulated articles being moved are not accompanied by a certificate or limited permit but are being moved by the United States Department of Agriculture for experimental or scientific purposes.

3. The regulated articles being moved are not accompanied by a certificate or limited permit but originated outside of any EAB quarantined area and are moved interstate through the quarantined area under the following conditions:

a. the points of origin and destination are indicated on a waybill accompanying the regulated article; and

b. the regulated article, if moved through the quarantined area, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

c. the regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved

by an inspector as not posing a risk of infestation by emerald ash borer; and

d. the article has not been combined or commingled with other articles so as to lose its individual identity.

F. Persons or businesses engaged in growing, handling, or moving regulated articles intrastate may enter into a compliance agreement with LDAF if such persons or businesses review with an LDAF inspector each provision of the compliance agreement. Any person or business who enters into a compliance agreement with LDAF must agree to comply with the provisions of this Part and any conditions imposed under this Part.

1. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the person who has entered into the compliance agreement has not complied with this Part or any conditions imposed under this Part. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to LDAF within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants LDAF to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by LDAF. As soon as practicable, LDAF will grant or deny the appeal, in writing, stating the reasons for the decision.

G. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652 and 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015).

## Chapter 3. Boll Weevil

### §301. Maintenance Inspection Fee

A. In accordance with R.S. 3:1655(D), the state entomologist is authorized to assess fees to defray the costs of inspections or the issuance of certificates or permits for the shipment of agricultural products, commodities, packaging, or equipment. There is hereby established a fee for the inspection and certification of cotton for the presence of the boll weevil to ensure the marketability of cotton in commerce and maintain Louisiana's boll weevil-free status. The fee shall be \$6 per acre for each acre of cotton planted in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1604.1, 1652, and 1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, amended LR 40:1517 (August 2014).