

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)

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Baton Rouge, LA 70804-9095 (225)342-5015 FAX 342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

EMERGENCY RULE (ER); NOTICE OF INTENT (NOI); RULE; POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) MAY , 20 16 *Louisiana Register* the document indicated above.

Advisory Commission on Pesticides
Office/Board/Commission promulgating this document

Department of Agriculture and Forestry
Department under which office/board/commission is classified

Mike Strain DVM, Commissioner of Agriculture & Forestry
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Lindsey Hunter (225) 922-1250 (225) 922-1253
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

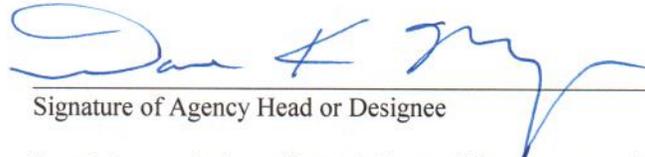
LHunter@daf.state.la.us
E-mail address of contact person

Provide a short descriptive listing for this document to be used in the *Louisiana Register's* **TABLE OF CONTENTS/INDEX** (note: this description should match the fiscal statement title, if sending a Notice of Intent:

*Name of electronic document/file:

N/A

Advisory Commission Pesticides: Update to Pesticide Regulations (LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)


Signature of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, **AND** if the rule text in the ER is identical to the rule text in the NOI, check here:

Dane Morgan, Assistant Commissioner of Management and Finance
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year 2012-2013 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

<u>160</u>	<u>2307</u>	<u>4950</u>	_____	_____
AGENCY	ORGANIZATION	OBJECT	SUB-OBJECT	REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year 2012-2013 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

Louisiana Department of Agriculture and Forestry
Office of Management and Finance
5825 Florida Blvd., Suite 1000
Baton Rouge, LA 70806


Signature of Agency Head or Designee - Phone # (225) 952-8142

Dane Morgan, Assistant Commissioner of Management and Finance
Print Name and Title of Agency Head or Designee

Lines/Other Charges	Typesetting \$	TOTAL \$
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ACT OF ADOPTION OF REGULATIONS

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

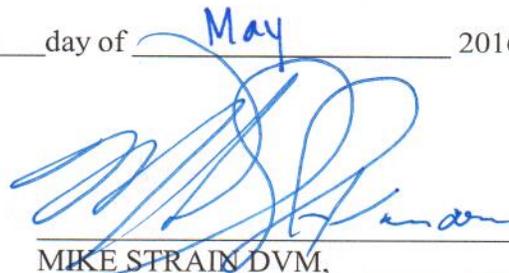
RE: Update to Pesticide Regulations (LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)

I, Mike Strain, DVM, Commissioner of Agriculture and Forestry, have proposed to adopt the above cited rules and regulations. The steps required by the Administrative Procedure Act, La. R.S. 49:950, *et. seq.*, for promulgation of these rules and regulations have been substantially complied with, except for the final steps of formal adoption and publication in the State Register.

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 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. A public hearing on the substantive changes to the proposed rule was held on April 25, 2016. 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. More than 90 days but less than one year has elapsed since the publishing of the notice of intent.

Therefore, I, in my official capacity as commissioner of agriculture and forestry, hereby adopt these rules and regulations, which become effective when published in the State Register.

Signed this 10th day of May 2016 at Baton Rouge, Louisiana.



MIKE STRAIN DVM,
COMMISSIONER OF AGRICULTURE AND FORESTRY

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

1603#074

POTPOURRI

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

1603#022

~~RULE~~

~~Notices of Intent~~

~~RULE~~

~~NOTICE OF INTENT~~

Department of Agriculture Forestry
Office of Agricultural and Environmental Sciences

Pesticides
(LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry ("department"), through the Office of Agricultural and Environmental Sciences, ~~intends to~~ amend ^{et} LAC 7:XXIII.103, 307, 309, 727, 1101 and 1103. ^{has} The ~~proposed~~ Rule ~~changes~~ ^{add} a definition for the term 'drift' and a regulation that prohibits drift. The ~~proposed~~ rules add a procedure for requests for the adoption, amendment or repeal of a Rule. The ~~proposed~~ rules add a procedure for declaratory orders and rulings relating to rules. Under the ~~proposed~~ rules, restrictions on the application of certain herbicide classes during specific months and in specific areas of Louisiana ~~are proposed to be~~ ^{has been} changed. In addition, the restriction on cash sales of methyl parathion ~~is proposed to be~~ ^{has been} deleted.

Title 7.

AGRICULTURE AND ANIMALS

Part XXIII. Pesticides

Chapter 1. Authority, Pesticide Declarations, Definitions

§103. Definitions

A. ...

B. The following words and terms are defined for the purposes of this Part

* * *

Division—the Division of Pesticide and Environmental Programs in the Office of Agricultural and Environmental Sciences of the department.

Drift—the physical movement of pesticides either in particulate, liquid or vapor form beyond the target area where the pesticide was applied.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3202 and 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:171 (April 1983), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 27:2085 (December 2001), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 35:626 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3466 (December 2011), by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 38:3103 (December 2012), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides LR 42:

Chapter 3. Advisory Commission on Pesticides

§307. Requests for Adoption, Amendment or Repeal of a Rule

A. Any interested person may, pursuant to R.S. 49:953(C), request the commissioner adopt, amend, or repeal a rule ("rule change") that the commissioner has the authority to make.

B. A request for a rule change shall be in writing, be signed by the person making the request, and shall contain the following information:

1. A statement of whether the requested rule change involves the adoption, amendment, or repeal of a rule, or any combination thereof.

2. A citation to the existing rule for which an amendment or repeal is being requested or a statement that the rule will be a new rule, if proposed for adoption.

3. A draft of the proposed wording of the requested rule change or a statement detailing the content of the requested rule change.

4. A statement of why the request is being made.

5. A simple, concise and direct statement of the material facts that the requesting party believes support the requested rule change.

6. A statement of who would benefit from the requested rule change and how they would be benefited if not already included in any of the previously required statements.

7. If known, the specific citation to any statute(s) that specifically relates to the content of the requested rule change.

8. The name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request.

9. A request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. The written request for a rule change shall be addressed to the Director of the Advisory Commission on Pesticides and shall be mailed or hand delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a rule change shall be presented to the commissioner for due consideration.

1. The commissioner or an officer of the department statutorily authorized to make the rule change may make a decision regarding the requested rule change without the necessity of meeting with the requesting party in person.

a. A decision will be made within 30 days of receipt of the written request unless referred to the commission as provided in Paragraph 2 of this Subsection or unless taken under consideration.

b. The requesting party shall be notified in writing or by electronic means of the commissioner's decision.

2. The commissioner may direct that the request for a rule change be presented to the commission for review and

recommendation. In such case, the request shall be presented to the commission at its next regularly scheduled meeting. If the next regularly scheduled meeting is more than thirty days from the date the request for a rule change was received by the department, the chairman of the commission may call a special meeting for the purpose of hearing the request. The proposed rule change shall be reviewed by the agency's staff which may participate in any discussion and make any recommendations to the commission that the staff deems proper.

a. Notice of the meeting and the placement of the request on the agenda shall be provided to the person submitting the request at least 10 days prior to the meeting.

b. Failure of the requesting party to attend the meeting for purposes of discussing the proposed rule change may be cause for the request to be denied.

c. The commission may take the matter under consideration or defer action pending further information. If the matter is taken under consideration or action is deferred, then it will be taken up again at the next regularly scheduled meeting of the agency.

d. The commission shall make a recommendation to the commissioner on the request for a rule change. The person requesting the rule change shall be notified in writing or by electronic means of the commissioner's decision.

E. The agency, in its review of the requested rule change, shall be exercising its rulemaking powers under the Administrative Procedure Act (R.S. 49:950, *et seq.*) and its decision shall be a discretionary exercise of its rulemaking powers and shall not be a "decision" or "order" as defined in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3467 (December 2011), amended LR 42:

§309. Procedure for Declaratory Orders and Rulings

A. This rule provides for the filing and prompt disposition of petitions or requests for declaratory orders and rulings as to the applicability of any statutory provision or as to the applicability or validity of any rule or order of the agency, as required by R.S.49:962 and 49:963(D) of the Administrative Procedure Act.

B. No technical form of making a request is required but a request for a declaratory order or ruling shall be made in writing, shall be signed by the person making the request, and shall contain the following information:

1. A citation to the specific statutory provision, rule or order that will be the subject of the declaratory order or ruling.

2. A simple, concise, and direct statement of the material facts that the requesting party believes the agency should be aware of in making a determination.

3. A concise statement of why the declaratory order or ruling is being requested.

4. A short, simple and direct statement of how the requesting party would like the agency to rule.

5. A short, simple, and direct statement of the statute, cases, opinions, or other legal authority that the requesting party believes support the requested declaratory order or ruling.

6. A list of all persons that the requesting party may call to testify and a list of all documents that may be submitted as evidence, if the agency decides to hear testimony and take evidence.

7. The name, address, telephone number, and, if available, a fax number and e-mail address of the person making the request. This information shall be either printed on any letterhead or provided in the written request in legible form.

8. A request that does not comply with the Paragraphs in this Subsection shall be returned to the requesting party with an attached statement explaining why the request is incomplete.

C. A written request for a declaratory order or ruling shall be addressed to the Director of the Advisory Commission on Pesticides and shall be mailed or delivered to 5825 Florida Boulevard, Suite 3003, Baton Rouge, LA 70806.

D. The request for a declaratory order or shall be referred by the commissioner to the commission for review and recommendation. The commission shall consider the request as follows:

1. The request for a declaratory order shall be presented to the commission at its next regularly scheduled meeting that is more than 30 days after the request is received unless the department's staff determines that the matter can be fairly heard at a meeting that is scheduled to be held less than 30 days after the request is received.

2. Notice of the meeting and the placement of the request on the agenda shall be provided at least 10 days prior to the meeting to the person submitting the requesting party.

3. Failure of the requesting party to attend the meeting for purposes of presenting the matter to the agency may be cause for the request to be denied.

4. The requesting party and the department may both call witnesses and present documentary evidence in regard to the matter. The administrative proceeding shall be conducted in accordance with the Administrative Procedure Act. The administrative proceeding shall be recorded and the decision of the agency shall be based on the record and evidence presented.

5. The commission may take the matter under consideration or defer action pending further information.

6. The commission shall make a recommendation to the commissioner. The person requesting the declaratory meeting shall be notified in writing of the commissioner's decision.

E. Judicial review of any declaratory order or ruling of the department shall be as provided by the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 49:962 and R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 42:

Chapter 7. Examinations, Certification and Licensing

Subchapter C. Licensing Requirements

§727. Pesticides Dealers; Restrictions on Cash Sales

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3252 (A)(8).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 19:609 (May 1993), repromulgated by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011), repealed LR 42:

Chapter 11. Regulations Governing Application of Pesticides

§1101. General Requirements

A. - H. ...

I. No person shall make an application of any pesticide to a target site in such a manner or under such conditions that drift of the pesticide, which is avoidable through reasonable precautions, infringes on a non-target site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:189 (April 1983), amended LR 10:196 (March 1984), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3477 (December 2011) amended LR 42:

§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. DeSoto;
8. East Carroll;
9. Evangeline;
10. Franklin;
11. Grant;
12. LaSalle;
13. Madison;
14. Morehouse;
15. Natchitoches;
16. Ouachita;
17. Pointe Coupee;

18. Rapides;
19. Red River;
20. Richland;
21. St. Landry;
22. St. Martin;
23. Tensas;
24. West Carroll;
25. Winn.

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. 3⁴1-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, Advisory Commission on Pesticides, LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Kevin Wofford, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806 and must be received no later than 12 p.m. on the 4th day of February 2016. No preamble is available regarding the proposed regulations.

Mike Strain, DVM
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pesticides**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes to Rule 307 and 309 affect the Advisory Commission on Pesticides and may result in a marginal increase of expenditures for the LA Department of Agriculture and Forestry (LDAF). Rule 307 adds procedures for the adoption, amendment or repeal of an administrative rule proposed by interested persons outside LDAF required by LA R.S. 49:953(C) and Rule 309 adds procedures for declaratory orders and rulings for interested persons outside LDAF pursuant to LA R.S. 449:953(A)(3) and LA R.S. 49:962. To the extent persons submit requests pursuant to Rule 307 and Rule 309, LDAF may incur a marginal cost increase related to the review of the proposed rules and declaratory judgments.

The proposed changes to Rules 103, 727, and 1103 are technical in nature and will not result in any costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will have no effect on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Interested persons wishing to file administrative rules or declaratory judgments with the Advisory Commission on

Pesticides pursuant to the proposed amendments to Rules 307 and 309 may incur indeterminable costs related to filing the rules or judgments with LDAF.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will have no effect on competition and employment.

Dane Morgan
Assistant Commissioner
1512#064

Evan Brasseur
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety
Board of Animal Health**

Feral Swine
(LAC 7: XXI.1301, 1311, 1312 and 1321)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Department of Agriculture and Forestry (“Department”), through the Office of Animal Health and Food Safety, and the Board of Animal Health intends to amend LAC 7:XXI.1301, 1311, 1312 and 1321 relative to feral swine (*Sus scrofa*) in Louisiana. Louisiana’s feral swine population is estimated at 500,000. Feral swine are known carriers of a number of diseases that can infect humans and livestock, including swine brucellosis, leptospirosis, salmonellosis, toxoplasmosis, sarcoptic mange, Escherichia coli-related illness, trichinosis, vesicular stomatitis and classical swine fever. The proposed regulations are an attempt to control the spread of diseases by feral swine and are adopted pursuant to R.S. 3:2135, which gives the Board of Animal Health “plenary powers to deal with all contagious and infectious diseases of animals as in the opinion of the board may be prevented, controlled, or eradicated” including the “full power to make, promulgate, and enforce such rules and regulations as in the judgment of the board may be necessary to control, eradicate, and prevent the introduction of contagious and infectious diseases of animals.”

**Title 7
AGRICULTURE AND ANIMALS
Part XXI. Animals and Animal Health
Chapter 13. Swine
(Formerly Chapter 9)**

Subchapter A. General Provisions

§1301. Definitions

A. For purposes of this Chapter, the following words shall have the following meanings unless the context clearly indicates otherwise.

Approved Holding Facility—A pen or pens approved by LDAF to temporarily hold feral swine pending movement to a recognized slaughter facility or reclassification

Domestic Swine—Swine (*Sus scrofa*) other than feral swine.

Feral Swine—any hog, pig, or swine species (*Sus scrofa*) including, but not limited to, Russian and European wild boar and their hybrids that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or