

SWEET POTATO DEALER PERMIT INFORMATION – GREEN TAG AREAS

LOUISIANA’S GREEN TAG AREAS INCLUDE:

Caldwell, Catahoula, Claiborne, Concordia, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, and Winn Parishes

Below is the information packet for the 2016-2017 sweet potato quarantine program for new applicants. It is important that you be familiar with this information.

1. Sweet Potato Dealer's Permit (SPDP) application – If you will be engaged in the commercial growing, handling, sale, offer for sale, brokering, and/or movement of sweet potatoes, you must have a valid SPDP. Please sign and submit the application form below to our office. The address is at the top of form. When we receive your application, we will forward your permit as soon as possible. The Dealer’s Permit is valid from July 1 to June 30 each year and must be renewed annually. There is no fee for the SPDP.
2. Compliance Agreement and Conditions – A signed Compliance Agreement must also be on file with LDAF. No SPDP will be issued unless a signed Compliance Agreement is on file. A blank agreement with conditions appears below. Please complete blocks 6, 7 and 8 of the agreement and return it to our office with your SPDP application form. Keep a copy of the conditions for your files. The agreement conditions must be followed. They have the same force as laws, rules and regulations.
3. Notice of ConAgra Documentation Letter – If a grower plans to dedicate a field entirely to ConAgra, that grower needs to read the enclosed notice regarding documentation.
4. Sweet Potato Law and Sweetpotato Weevil Quarantine Regulations – A copy of this law and its regulations appear below. Please read and file these documents. You must comply with the law and regulations.

Please contact our office at **(225) 952-8100** or send an e-mail inquiry to horticulture@ldaf.state.la.us if you have any questions about the regulations, the program or any of the enclosed documents. Thank you.

Enclosures



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY

MIKE STRAIN DVM, COMMISSIONER

Agricultural & Environmental Sciences, 5825 Florida Blvd., Suite 3002, Baton Rouge, LA 70806, (225)952-8100, FAX (225)925-3760

NEW APPLICATION FOR SWEET POTATO DEALER'S PERMIT

5616

A separate application must be completed for each place of business and each location.

MAKE YOUR NUMBERS & LETTERS EXACTLY LIKE THESE EXAMPLES. USE CAPITAL LETTERS ONLY. 1 2 3 4 5 6 7 8 9 0 A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Form with fields for BUSINESS NAME, MAILING ADDRESS, CITY, STATE, ZIP CODE, PARISH, PHONE, EMAIL, LOCATION (PHYSICAL) ADDRESS, CITY, STATE, ZIP CODE.

Please mark ALL boxes that apply to your operation.

Form with checkboxes for Grower, Packer, Shipper, Broker, Peddler, Canner.

All Sweet Potatoes moved, sold or offered for sale must be accompanied by a valid Sweet Potato Dealer's Permit stamp. All persons, including sweet potato growers and/or farmers, selling or offering for sale sweet potatoes shall not move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit.

Applicants for a Sweet Potato Dealer's Permit agree to the following conditions:

- 1 To reimburse any purchase price of sweet potatoes which are confiscated because of sweetpotato weevil infestation or unauthorized sale, offer for sale and/or movement.
2 To permit, at the dealer's cost, the disposal or destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweetpotato weevil.
3 As a prerequisite to receiving a permit, the applicant agrees to abide by all rules and regulations set forth in LAC 7:XV.133-147 (Sweet Potato Weevil Quarantine) under the authority of R.S. 3:1651-1655 and R.S. 3:1731-1736, and to comply with all conditions specified in any Sweet Potato Compliance Agreement.

Form with fields for NAME OF OWNER (Mr., Ms., Mrs.), FIRST, MIDDLE, LAST, SUFFIX, SSN, TAX ID.

Signature and DATE fields.

I certify that I am aware of the requirements of the laws, rules and regulations noted above. I further certify that all of the information contained in this application is true and correct to the best of my knowledge and belief.

LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY
OFFICE OF AGRICULTURAL AND ENVIRONMENTAL SCIENCES
HORTICULTURE AND QUARANTINE PROGRAMS

COMPLIANCE AGREEMENT

1. Name and Mailing Address of Person or Firm

2. Location

3. Regulated Articles

Sweetpotato weevil; sweet potatoes, sweet potato plants and plant parts; containers; sheds; means of conveyance

4. Applicable State Quarantine(s) or Regulations

Sweetpotato Weevil Quarantine LAC 7:133 *et seq.*

5. *I/We agree to the following:*

To abide by any and all conditions specified in the attachment entitled:
"Sweet Potato Compliance Agreement – Conditions" (2 pages),
and to abide by the Sweetpotato Weevil Quarantine Regulations.

6. Signature

7. Title

8. Date Signed

The affixing of the signature below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for non-compliance.

9. Agreement No.

10. Date of Agreement

11. State Agency Official (Name and Title)
*Richard Miller, Admin. Coordinator
Quarantine Programs*

12. Address *Louisiana Dept. Agriculture & Forestry
Horticulture & Quarantine Division
P.O. Box 3596
Baton Rouge, LA 70821-3596*

13. Signature

SWEET POTATO COMPLIANCE AGREEMENT - CONDITIONS

(Louisiana Department of Agriculture & Forestry, Horticulture and Quarantine Division)

GREEN TAG AREAS

(Caldwell, Catahoula, Claiborne, Concordia, East Carroll, Franklin, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn)

1. Only seed from the previous year's green tag fields will be allowed to be planted.
2. Slips for transplanting will be cut no less than one inch above the soil surface, not pulled.
3. A listing of locations of all sweet potato seed beds, production fields, and storage facilities will be submitted to LDAF within one week after the bed/field has been planted or the facility has been used to store sweet potatoes. Storage facility, seed bed or production field locations that are not provided to LDAF and are not trapped will be considered "pink tag," and any field within 300 yards of these facilities, seed beds or production fields will be declared "pink tag."
4. No planting will be allowed within 100 yards of a location where a SPW was trapped during the previous season. Any sweet potatoes found to be planted within 100 yards of a previous season's SPW find will be destroyed.
5. If SPW are trapped on any field, that field and any other field within 300 yards will be declared "pink tag." If SPW are trapped in a seed bed, the grower will have an option of obtaining "clean plants" or turning his operation planted from that seed bed to "pink tag." No fields will be allowed to be planted from a "pink tag" seed bed within 300 yards of another grower's "green tag" field. Any seed bed or field declared "pink tag" will be required to enter into a mandatory spray program.
6. Sheds known to have SPW in the previous season may be used if properly cleaned by June 1. Proper cleaning and pesticide treatment procedures will be developed by LSU. No sheds will be allowed to store both "pink tag" and "green tag" potatoes. Two or more sheds on the same property will be considered as one shed. No shed will be allowed to store "pink tag" potatoes within 300 yards of another grower's "green tag" potatoes.
7. Cull potatoes will be disposed of by one of the following methods:
 - Spread out over the field in a thin layer and thoroughly pulverized with a roto-tiller type attachment behind a tractor.
 - Ground or finely chopped then spread back onto fields and disked into the soil. This should be done on a routine basis to prevent excess buildups.
 - Buried in the field under two feet of soil in a manner to prevent adverse environmental impacts.
 - Hauled to a landfill for proper burial (receipt from landfill required).
 - Other methods which may be approved by LDAF.

8. Any culled potatoes moved from the immediate vicinity to an approved disposal site must be moved in a truck with solid sides, filled no higher than level with the top, and tarped securely.
9. Potatoes from SPW-infested fields will be allowed to move to a south Louisiana cannery provided potatoes are secured with a tarp in such a manner so as to prevent any spillage. Any improperly tarped potatoes will not be allowed to be unloaded. An inspector will be called in for proper disposal and/or to process a violation.
10. No sweet potatoes will be allowed to be sold or utilized as deer feed or livestock feed.
11. Home gardens growing sweet potatoes in the SPW-free area will be trapped. If any SPW are found, the potatoes will be destroyed and no potatoes will be allowed to be planted for at least one year or until trapping indicates SPW are no longer present.
12. Fees will be paid to LDAF on or before the established deadline(s).
13. Tags issued to growers/packers/shippers, etc. will be for use by that individual / business only. Individuals / businesses will be held responsible for tags issued to them.
14. A Permit Stamp will be issued by LDAF to each grower/packer/shipper, etc. as necessary. This stamp will be used on each invoice or bill of lading / manifest to accompany each shipment or sale of sweet potatoes. The Permit Stamp will be used in place of the certificate permit ('weevil permit') previously written by LDAF inspectors. The Permit Stamp remains the sole property of LDAF and will be returned to LDAF upon request. Damage, loss, theft or misuse of the Permit Stamp will be reported immediately to LDAF.

The Permit Stamp will be used only for sales or shipments of sweet potatoes which have been grown, stored and packed in a sweetpotato weevil-free area, and which have been trapped/inspected and found free from sweetpotato weevils. If sweetpotato weevils are found in sweet potatoes packed or offered for sale, the Permit Stamp will be revoked by LDAF and future shipments or sales will only be allowed under direct oversight by LDAF.
15. All sweet potato growers will enter into a **COMPLIANCE AGREEMENT** stating that they agree to comply with the sweet potato quarantine regulations and with the above requirements as a condition of obtaining a Sweet Potato Dealer's Permit authorizing the growing, movement, sale, etc. of sweet potatoes. Once a Compliance Agreement is signed, it remains in effect until canceled but may be revised as necessary or revoked for non-compliance.
16. All growers that are dedicating all or part of their fields to the processor must sign and send in the "Documentation of Contract between Sweet Potato Grower and ConAgra" by November 1st. After November 1st, the grower must notify LDAF of any changes to the information submitted on the documentation form that would affect the LDAF assessment fees.

Notice: Growers that will be dedicating fields to a processor

In the last several years, a few growers have had “dedicated field” contracts with ConAgra, where all sweet potatoes from an entire field are wholly dedicated to ConAgra for processing. In the past, ConAgra was billed for sweet potatoes from these fields and there was no written documentation from the grower and/or ConAgra.

For this growing season and future growing seasons, the LDAF legal division wants the dedicated field contract information to be documented in writing.

So for growers that will be contracting entire, wholly dedicated fields with ConAgra this year, LDAF will be sending you a documentation letter in August. As a grower, it will be your responsibility to document all wholly dedicated fields that you will contract with ConAgra in this letter. (Fields that are not wholly dedicated are not part of the documentation because LDAF does not have the ability to track partial fields). In addition to documenting the fields, the grower will have to bring their letter to ConAgra, have ConAgra verify the wholly dedicated contracted fields, and sign the letter confirming the contracted fields that they have with the grower. The grower will then provide the documentation letter to LDAF no later than November 1st, 2016. If the grower fails to provide the letter to LDAF by November 1st, that grower will be invoiced for his entire operation and cannot be reimbursed for any sweet potatoes from wholly dedicated fields going to ConAgra.

TITLE 3
AGRICULTURE AND FORESTRY
CHAPTER 12. PLANT DISEASES
PART III. SWEET POTATO DISEASES

§1731. Sweet potato dealer's permit requirement; application; exception; denial, suspension, revocation, and probation of dealer's permit

A. All persons, including sweet potato growers and farmers, commercially growing, selling or offering for sale sweet potatoes shall not grow, move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid sweet potato dealer's permit.

B. Applicants for a sweet potato dealer's permit shall complete and file the application required by the department, which shall set forth the following conditions:

(1) A guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweet potato weevil infestation or unauthorized sale, offer for sale, or movement.

(2) An agreement to permit, at the dealer's cost, the disposal or destruction by the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweet potato weevils.

(3) A signed agreement to comply with any and all sweet potato quarantine regulations and any conditions specified in the agreement.

C. The provisions of this Section do not apply to retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

D. A sweet potato dealer's permit may be suspended, revoked, or placed on probation if the holder thereof fails to comply with the provisions of Parts III and III-A of Chapter 12 of this Title or with the provisions of a signed compliance agreement with the department, subject to a finding in support of such action in a properly conducted adjudicatory hearing.

E. The department may refuse to renew a sweet potato dealer's permit if the person or business applying for such permit owes unpaid sweet potato fees, taxes, or civil penalties.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1732. Terms defined

The terms used in Parts III and III-A of this Chapter shall have the following meanings:

(1) "Certificate permit" means a written document, stamp, or other form of identification approved by the department that authorizes the movement, sale, offer for sale or storage of sweet potato plants, plant products or parts thereof, or regulated materials.

(2) "Certificate permit tag" means a tag that authorizes the movement, sale, or offer for sale or storage of sweet potato plants, plant products or parts thereof, or regulated materials.

(3) "Commissioner" means the commissioner of the Department of Agriculture and Forestry.

(4) "Department" means the Department of Agriculture and Forestry.

(5) "Processing plants" means canning, freezing, and dehydrating facilities.

(6) "Sweet potato" means all plants, plant parts, and plant products in the genus *Ipomoea* and any other plants, plant parts, or plant products that commonly are referred to as sweet potato, that can harbor injurious pests or diseases affecting said plants, plant parts, and plant products.

Acts 2009, No. 24, §1, eff. June 12, 2009; Acts 2013, No. 332, §1, eff. June 17, 2013.

§1733. Fee for shipment of sweet potatoes; amount

For the purposes of Parts III and III-A of this Chapter, the commissioner may charge a fee of not more than six cents per bushel on every bushel of sweet potatoes moved or shipped within or out of the state and a fee of not more than ten cents per thousand on all vines, plants, and slips moved or shipped within or out of the state. The fees shall be established by rule adopted in accordance with the Administrative Procedure Act.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1734. Promulgation of rules and regulations

In accordance with the Administrative Procedure Act, the commissioner may adopt rules and regulations necessary to enforce the provisions of Part III or III-A of this Chapter.

Acts 2013, No. 332, §1, eff. June 17, 2013.

PART III-A. SWEET POTATO PESTS AND DISEASES

§1736.1. Certificate of inspection required for sweet potato shipments

All sweet potatoes, vines, plants, and slips, shipped or moved into, out of, or within the state shall be accompanied by a certificate of inspection signed by the commissioner.

Acts 2013, No. 332, §1, eff. June 17, 2013

§1736.2. Sale of sweet potatoes for certain purposes prohibited

In order to prevent the spread of sweet potato weevils, no person shall sell or provide raw sweet potatoes for the purpose of feeding, offering to feed, or depositing for food the sweet potatoes to wild game quadrupeds.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1736.3. Promulgation of rules and regulations

The commissioner shall have full and plenary power to deal with sweet potato pests and diseases that may be prescribed, controlled, or eradicated. He shall have full power to promulgate and enforce the rules, ordinances, and regulations and to do and perform such acts through agents or otherwise, as in his opinion may be necessary to control, eradicate, or prevent the introduction, spread, or dissemination of any and all contagious diseases and pests as far as may be possible and all such rules, ordinances, and regulations shall have the force of law.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1736.4. Investigation to discover diseased or infested sweet potatoes or plants

The commissioner, his agents and employees, may enter any depot, express office, storeroom, warehouse, or premises for the purpose of inspecting any sweet potatoes, vines, plants, and slips, therein or thought to be therein for the purpose of ascertaining whether the sweet potatoes, vines, plants, and slips are infected with any contagious or infectious diseases or pests that they may have reason to believe have been or are being transported in violation of the provisions of this Part.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1736.5. Penalty for violations

A. A violator of any provision of Part III or III-A of this Chapter or of any rule or regulation adopted under the provisions of Part III or III-A of this Chapter shall be subject to a civil penalty of not more than five thousand dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall be a separate offense.

B. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing against the offender. The commissioner, by rule, shall determine the amount of costs to be assessed.

D. The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.

E. The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of Part III or III-A of this Chapter, or of the rules and regulations adopted under the provisions of Parts III and III-A of this Chapter, in the district court for the parish in which the violation occurred.

Acts 2013, No. 332, §1, eff. June 17, 2013.

§1736.6. Sweet Potato Pests and Diseases Fund; disposition of funds

A. All assessments, fees, penalties, and other funds received under the provisions of Parts III and III-A of this Chapter shall be disposed of in accordance with the following provisions:

(1) All assessments, fees, penalties, and all other funds received under the provisions of Parts III and III-A of this Chapter, subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, shall be deposited immediately upon receipt into the state treasury and shall be credited to the Bond Security and Redemption Fund.

(2) Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state, which become due and payable within any fiscal year, the treasurer, prior to placing the remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury under the provisions of Parts III and III-A of this Chapter into a special fund which is hereby created in the state treasury and designated as the Sweet Potato Pests and Diseases Fund.

(3) All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. The treasurer shall invest the monies in the fund in the same manner as monies in the state general fund. All interest earned on monies from the fund invested by the state treasurer shall be deposited in the fund.

B. Subject to appropriation, the monies in the fund shall be used for the following purposes:

(1) To provide for the expenses of the program established by Parts III and III-A of this Chapter, as determined by the commissioner.

(2) To fund any and all costs related to the carrying out of the powers and duties granted to the commissioner under Parts III and III-A of this Chapter.

Acts 2013, No. 332, §1, eff. June 17, 2013.

“CONTINUE SCROLLING DOWN FOR REGULATIONS”

TITLE 7
AGRICULTURE AND ANIMALS
Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases

Subchapter C. Sweetpotato Weevil Quarantine

§133. Applicability of General Quarantine Regulations

A. Sweet potato plants, plant products and parts thereof and host materials for the sweetpotato weevil are subject to all pertinent provisions of the general quarantine regulations contained in Subchapter A and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§135. Definitions Applicable to This Subchapter

A. In addition to definitions found in §103, the following definitions shall also be applicable to this Subchapter.

Commercial Kiln and Storage Houses - any buildings where sweet potatoes produced by different farmers or growers are assembled and stored.

Compliance Agreement - a written agreement between the department and a Sweet Potato Dealer in which the dealer agrees to comply with the General Plant Quarantine Regulations, the provisions of this Subchapter and any conditions specified in the agreement.

Farm Kiln or Storage House - a building or enclosed structure located on a farm in which sweet potatoes grown solely on said farm are stored.

Non-Sweet Potato Area - any area in which the planting, bedding, growing, or storing of any material which acts as a host for the sweetpotato weevil is prohibited.

Platform Inspection - a visual examination by an inspector of sweet potatoes that have been cleaned and packed or containerized prior to the issuance of a certificate permit.

Processing Plants - canning, freezing and dehydrating plants.

Sweet Potato Dealer - a person engaged in the growing for sale, offering for sale, moving or brokering of sweet potatoes, except as noted in §147.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

§137. Issuance and Use of Certificate Permits, Certificate Permit Tags, and Fumigation Certificates for the Movement of Regulated Material

A. From Sweetpotato Weevil-Free Designations

1. Green certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-free and who meet the following conditions.

a. The person has a valid sweet potato dealer's permit as required by these regulations.

b. The properties or premises of the person, where regulated materials are grown or stored, have been trapped or surveyed for sweetpotato weevil during the growing season in a manner approved by the department and have been found by the department to be free from sweetpotato weevil.

2. Certificate permits authorizing the movement of regulated material from sweetpotato weevil-free areas or properties or premises to points within and outside of Louisiana will be issued by the department under the following conditions.

a. The person moving the regulated material has a valid sweet potato dealer's permit as required under these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

3. Green certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such. Green certificate permit tags shall not be reused.

4. Regulated material moving into areas or properties or premises of Louisiana or into a portion of any other state designated as sweetpotato weevil-infested, unless moving under the provisions set forth in §139.D.2.c, shall not be moved back into any Louisiana sweetpotato weevil-free designated area and shall lose its sweetpotato weevil-free status.

B. From Sweetpotato Weevil-infested Designations

1. Pink certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-infested and who possess a valid sweet potato dealer's permit as required under the provisions of these regulations.

2. Certificate permits authorizing the movement of regulated material from or within sweetpotato weevil-infested areas or properties or premises will be issued by the department under the following conditions.

a. The person has a valid sweet potato dealer's permit as required under the provisions of these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

c. The regulated material shall not be moved from a sweetpotato weevil infested designated area into a sweetpotato weevil-free designated area, or to any state which may prohibit entry of such regulated material, unless fumigated under the provisions set forth in §138.

d. If regulated materials are moved, then the regulated materials shall be completely enclosed in the vehicle body or covered tightly by tarpaulins or other means approved by the department in advance of movement.

e. Certificate permits attesting to regulated material fumigation and authorizing the movement of regulated material from areas or properties or premises designated as sweetpotato weevil-infested will be issued when such regulated material is inspected, found apparently free of the sweetpotato weevil and fumigated under the provisions set forth in §138 hereof.

3. Pink certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such tags. Pink certificate permit tags shall not be reused.

C. No regulated material may be moved or shipped within or out of Louisiana unless accompanied by a valid certificate permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), LR 16:600 (July 1990), LR 18:702 (July 1992), LR 27:1175 (August 2001).

§138. Fumigation and Maintenance of Weevil-Free Status of Regulated Materials Originating from Designated Sweetpotato Weevil-Infested Areas or Properties or Premises

A. Fumigation Measures. Persons operating storage houses and/or packing sheds who desire to move regulated materials from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or

properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material, shall:

1. enlist the services of a certified fumigator to perform the fumigation;
2. possess a valid fumigation certificate issued by a certified fumigator, indicating that the fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation;
3. fumigate with fumigants labeled for use on the regulated material and formulated and used in a manner and at a concentration approved by the department.

B. Maintenance of Weevil-Free Status. Regulated materials shall be maintained in such a manner that the integrity of their weevil-free status following fumigation is retained.

1. *Fumigation Chamber* - fumigated regulated materials may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing regulated materials. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1,000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1,000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber or tractor-trailer rig is not used then fumigation and storage of regulated materials shall be conducted as follows.

a. Regulated materials shall be placed in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated regulated materials. Storage area must be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of storage.

b. The storage area shall have been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season and the storage area shall not be used to store any non-fumigated regulated materials.

c. Fumigation shall be accomplished by tenting the regulated material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with commercial fumigants.

d. Regulated materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes.

4. Packing House or Shed - sweet potatoes fumigated, screened and stored according to these regulations may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided:

a. the packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other regulated materials prior to washing and packing of fumigated sweet potatoes;

b. the packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to these regulations.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from sweetpotato weevil infested areas or properties or premises shall be cleaned of all sweet potatoes, parts, and any other regulated materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated regulated materials that were moved from or within designated sweetpotato weevil infested areas or properties or premises must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment.

8. No non-fumigated sweet potatoes shall be stored, loaded or shipped with fumigated sweet potatoes.

C. Issuance of Certificate Permit Tags. Manila certificate permit tags will be issued by the department to persons meeting all sweetpotato weevil quarantine regulation and compliance agreement requirements and who desire to ship regulated materials that have been properly fumigated from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material. Permit tags shall be attached to or within each container in a load or shipment of fumigated sweet potatoes and shall not be reused.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 16:600 (July 1990), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:703 (July 1992), LR 27:1176 (August 2001).

§139. Effect of Quarantine for Sweetpotato Weevil

A. Sweetpotato Weevil-Free Designations of Louisiana

1. The growing or storing of regulated material, including seed beds and field plantings of sweet potatoes is prohibited in areas or properties or premises declared to be non-sweet potato areas, except under special permit issued by the department. Non-sweet potato areas may include but are not limited to sweetpotato weevil-infested properties or premises, as determined by survey or trapping procedures conducted in a manner approved by the department, located in those areas of the state designated by the department as sweetpotato weevil-free.

2. Any regulated material found in non-sweet potato areas shall be disposed of in a manner approved by the department.

3. Regulated materials, properties or premises found to contain sweetpotato weevil may be subject to required treatments, handling restrictions, or destruction as determined by the department.

B. Sweetpotato Weevil-Infested Designations of Louisiana

1. Owners or persons in charge of properties or premises supporting active infestations of sweetpotato weevil within those areas or properties or premises of the state designated as sweetpotato weevil-infested may save their own seed sweet potatoes, provided that:

a. such seed sweet potatoes are graded in a manner sufficient to render them apparently free of the sweetpotato weevil;

b. such seed sweet potatoes are properly treated in a manner approved by the department at the time of storage;

c. no seed sweet potatoes, plants, vines and/or cuttings shall be sold, offered for sale or moved except those which have been inspected by the department and found to be apparently free of the sweetpotato weevil.

2. Regulated materials, properties or premises supporting active infestations of sweetpotato weevil within those areas of the state designated as sweetpotato weevil-infested may be subject to required treatments, handling restrictions, or destruction as determined by the department.

C. Statewide

1. Sweet potatoes in seedbeds shall be destroyed within 15 days after such potatoes have served their purpose, and not later than July 15 of each year. Destruction shall be in such a manner that all sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

2. All sweet potato fields shall be harvested by December 1 of each year by the owner of the crop. Such fields shall be destroyed within 15 days after harvesting, and not later than December 15 of each year. Destruction shall be in such a

manner that all remaining sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

3. Sanitary Measures. Persons operating packing sheds, assembly points, processing plants and/or storage houses shall:

a. not permit loose sweet potatoes or parts of sweet potatoes to accumulate in or around any structure in which sweet potatoes are cleaned, packed, processed or stored;

b. render waste sweet potatoes and sweet potato parts unsuitable for or unavailable to the sweetpotato weevil by processing or disposal in a manner approved by the department. If it is necessary to haul host material from the place of accumulation for processing or disposal, such hauling shall be done in an approved tight-body truck or container and covered with a tarpaulin when necessary;

c. not allow sweet potatoes, sweet potato crowns and roots or parts thereof to be carried away from storage houses, processing plants, packing sheds or assembly points in water used in washing sweet potatoes;

d. not permit the sale, offer for sale or movement to any person or farm of culled sweet potatoes or sweet potato parts, except under special permit issued by the department; and

e. not move empty containers or equipment used in the handling of sweet potatoes from packing sheds or processing plants unless cleaned free of all host materials.

D. Regulated Material from Other States

1. Sweet potatoes, sweet potato plants, plant products and parts thereof, host materials, and containers and equipment used in handling sweet potatoes may not enter Louisiana unless accompanied by valid certification from the state of origin.

2. A valid state-of-origin certificate permit tag shall be attached to or placed within each container in a load of sweet potatoes entering Louisiana.

a. Only regulated material certified as grown, stored and inspected in a portion of the state of origin designated as sweetpotato weevil-free, or fumigated in accordance with these regulations, shall enter those areas or properties or premises of Louisiana designated sweetpotato weevil-free unless moving under the provisions of this Section.

b. Regulated material grown, stored or inspected in a portion of the state of origin designated sweetpotato weevil-infested or sweetpotato weevil regulated, and inspected and found apparently free of sweetpotato weevil, shall enter only those areas or properties or premises of Louisiana designated sweetpotato weevil-infested unless moving under the provisions of this Section.

c. Movement of regulated material from sweetpotato weevil-infested or sweetpotato weevil regulated areas or properties or premises through those areas or properties or premises of Louisiana designated sweetpotato weevil-free is prohibited, except when moved by common carrier with a through bill of lading; or, if moved by truck or any other conveyance, said conveyance shall be sealed by the state of origin, shall have no additional regulated material added to the shipment, and shall not be unloaded within designated weevil-free areas or properties or premises of Louisiana.

d. Regulated material originating in areas or properties or premises designated sweetpotato weevil-free that is moved into any area or property or premise designated sweetpotato weevil-infested or sweetpotato weevil regulated, except under the provisions of this Section, shall not be moved back into any designated sweetpotato weevil-free area or property or premise and shall lose its sweetpotato weevil-free status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:704 (July 1992), LR 27:1177 (August 2001).

§141. Handling, Storage and Processing of Sweet Potatoes within Those Areas or Properties or Premises of the State Designated Sweetpotato Weevil-Infested

A. Sweet Potatoes Treated with Approved Chemicals. There shall be no date limit on the shipment of sweet potatoes from those areas or properties or premises of the state designated sweetpotato weevil-infested, provided:

1. sweet potatoes to be marketed after April 1 following the year of production must be treated before February 28 with a chemical or chemicals labeled for sweet potato use and approved by the department; and

2. sweet potato packing sheds, processing plants and/ or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department as soon as possible after final disposal of a crop of sweet potatoes.

B. Sweet Potatoes Not Treated with Approved Chemicals and/or Heavily Infested with Sweetpotato Weevil. Unprocessed sweet potatoes shall not:

1. be held in processing plants, warehouses or other storage houses on properties or premises supporting active infestations of sweetpotato weevils;

2. be moved in any manner except as provided for in §139.C.3.b;

3. be sold or offered for sale after April 1 following the year of production, except seed sweet potatoes that are apparently free of sweetpotato weevils and have been properly treated as prescribed in this Section.

C. This provision shall apply to all sweet potatoes even though previously inspected and certified for sale and movement.

D. Sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department unless a special permit extending the deadline is issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1178 (August 2001).

§143. Fees

A. A fee of \$0.06 per bushel shall be charged for each bushel of sweet potatoes moved or shipped within or out of Louisiana.

B. The fee charged for sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. A fee of \$0.10 per thousand shall be charged for vines, plants, slips or cuttings moved or shipped within or out of Louisiana.

D. Method of assessing fees and time when fees are to be assessed.

1. Fresh Market

a. Fees will be assessed based on average marketable yield per acre for each acre of sweet potatoes planted. The Louisiana Sweet Potato Advertising and Development Commission will determine the average yield.

b. The total acres planted by each producer will be officially determined through the use of global positioning technology or other, similarly technical means, under departmental oversight. Each producer will be provided a mapped copy of his production fields and the acres of each field.

c. One-half of the total fee assessment shall be paid on or before October 15 of each year and the remaining balance shall be paid on or before December 15 of each year.

2. Processing Plants - assessed at the time the sweet potatoes are moved into a plant for processing or packed to be shipped as non-processed potatoes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:77 (February 1989), LR 18:705 (July 1992), LR 27:1178 (August 2001), LR 29:2298 (November 2003).

§145. Penalties for Violation of Sweetpotato Weevil Quarantine

A. Any person violating any portion of the sweetpotato weevil quarantine regulations, or any portion of a signed compliance agreement with the department, may be called to an adjudicatory hearing held in accordance with the Administrative Procedure Act and may be subject to a civil penalty of not more than \$5,000 per each violation per day. Proportionate costs of the hearing may be assessed against the violator. The amount of these costs shall be limited to attorneys' fees as charged to the department for the actual hearing and preparation for the hearing; and actual cost of departmental personnel time in processing violations.

B. A sweet potato dealer's permit may be suspended, revoked or placed on probation if the holder thereof fails to comply with the provisions of these regulations or with the provisions of a signed compliance agreement with the department, subject to a finding in support of such action in a properly conducted adjudicatory hearing.

C. Sweet potato plantings found in a non-sweet potato area may be destroyed at the expense of the person or persons responsible for the plantings.

D. Regulated material found in violation of these regulations or in violation of a signed compliance agreement with the department may be destroyed and/or disposed of in a manner approved by the department at the expense of the person or persons responsible for the regulated material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

§147. Sweet Potato Dealer's Permit

A. All persons, including sweet potato growers and farmers, commercially growing, selling or offering for sale sweet potatoes shall not grow, move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit.

B. Applicants for Sweet Potato Dealer's Certificate Permit shall complete and file the application required by the department, which shall set forth the following conditions:

1. a guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweetpotato weevil infestation or unauthorized sale, offer for sale or movement;

2. an agreement to permit, at the dealer's cost, the disposal or destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweetpotato weevil;

3. a signed agreement to comply with any and all sweet potato quarantine regulations and any conditions specified in the agreement.

C. The provisions of this Section do not apply to retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit and/or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1653, R.S. 3:1655, R.S. 3:1732 and R.S. 3:1735.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).