**Declaration of Emergency**
Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), the Commissioner of Agriculture and Forestry declares an emergency to exist and adopts by emergency process the attached regulation requiring proficiency testing for all commercial applicators in 2017. R.S. 3:3203(A) provides that the "commissioner shall adopt such rules and regulations as are necessary to implement the provisions of this Chapter, including but not limited to rules and regulations governing the registration, distribution, sale, offering for sale, and application of pesticides…" Additionally, R.S. 3:3242 provides that the "commissioner by rule shall provide for the issuance of annual certification cards." In order to be in compliance with state and federal laws regarding testing and licensure, the commissioner believes proficiency testing in 2017 is necessary to protect the health and safety of the public. This emergency rule was initially published at LR 43:9.

This emergency rule shall become effective May 5, 2017, and shall remain in effect for 120 days, unless renewed or until the permanent rules and regulations become effective.

Title 7. Agriculture and Animals
Part XXIII. Pesticides

Chapter 7. Examinations, Certification and Licensing
Subchapter B. Certification
**§711. Certification of Commercial Applicators**

A. – E. …

F. The commissioner shall issue a certification card to each commercial applicator showing the categories or subcategories in which the applicator is certified. This certification card shall expire on December 31 of each year. Each person wishing to renew a certification card shall do so by submitting an application form prescribed by the commissioner and by submitting the proper fee.

1. In order to renew a certification card that expires on December 31, 2017, a commercial applicator shall take and pass a proficiency test.

G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3242 and R.S. 3:324.
HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:179 (April 1983), amended LR 10:193 (March 1984), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 18:953 (September 1992), LR 19:735 (June 1993), LR 20:641 (June 1994), LR 21:928 (September 1995), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 23:193 (February 1997), LR 24:280 (February 1998), LR 28:39 (January 2002), LR 32:794 (May 2006), repromulgated LR 32:1011 (June 2006), amended LR 35:627 (April 2009), amended by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 37:3471 (December 2011); LR 43:

Signed and attested to this 1st day of May, 2017.

MIKE STRAIN DVM, COMMISSIONER OF
AGRICULTURE AND FORESTRY