

DECLARATION OF EMERGENCY
Department of Agriculture and Forestry
Agricultural and Environmental Sciences

Boll Weevil Eradication Commission
(LAC 7:XV.301, 303, and 321)

In accordance with the emergency provisions of the Administrative Procedure Act, La. R.S. 49:953(B), and under the enabling authority of La. R.S. 3:1604.1, La. R.S. 3:1652, and La. R.S. 3:1655, notice is hereby given that the Department of Agriculture and Forestry is, by emergency rule, amending LAC 7:XV.301, 303, and 321. The amendments to these rules reduce the maintenance inspection fee paid by cotton producers from \$5 per acre to \$4 per acre.

The excessive rainfall during the fall harvest season of 2018 has caused a hardship on many cotton producers in the State of Louisiana. This hardship experienced by the cotton producers is supported by the USDA's designation of natural disaster in thirty-five parishes within the State of Louisiana. Due to the wet conditions, some producers were unable to harvest their cotton crop, while other producers were left with the inability to destroy standing cotton stalks. The producers that were able to prepare fields for this year's cotton crop did so at an increased expense, which significantly reduced farm income for cotton producers. This declaration of emergency is required in order to provide cotton producers in the State of Louisiana some relief regarding the input costs necessary to produce a cotton crop. This fee reduction must be adopted by emergency rule as cotton producers must pay the maintenance inspection fee by July 15th of each year, and there is not sufficient time to amend the rules by the permanent rulemaking process prior to July 15, 2019.

This rule shall have the force and effect of law upon signature and will remain in effect 120 days, unless renewed by the Commissioner of Agriculture and Forestry, or until permanent rules are promulgated in accordance with law.

Title 7
AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantines

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 \$4 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); LR 42:1644 (October 2016), LR 45:

§303. Definitions Applicable to Boll Weevil

- A. ...
- B. ...

Maintenance Inspection Fee—the fee paid by cotton producers to finance, in whole or in part, a program to inspect cotton for the presence of the boll weevil in the state and to issue certificates or permits in accordance with R.S. 3:1655(D). The charge to the producer is calculated at the rate of \$4 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, LR 21:17 (January 1995), amended LR 23:195 (February 1997), LR 37:2583 (September 2011), LR 40:1517 (August 2014); LR 42:1644 October 2016), LR 45:

§321. Maintenance Inspection Fees, Payment and Penalties

A. The annual maintenance inspection fee on cotton producers in the Louisiana eradication zone shall be \$4 per acre for each acre of cotton planted in the state. Each cotton producer shall pay his annual maintenance inspection fee directly to the department no later than July 15 or final certification with the FSA for that growing season, whichever is later. The signed and completed cotton acreage reporting and payment form with FSA Form 578 attached shall be submitted with the annual payment of the maintenance inspection fee.

B. – H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1604.1, 1609, 1610, 1612, 1652, and 1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 21:20 (January 1995), amended LR 21:669 (July 1995), LR 23:195 (February 1997), LR 24:2231 (December 1998), LR 25:829 (May 1999), LR 29:859 (June 2003), LR 30:1142 (June 2004), LR 30:2443 (November 2004), LR 37:2583 (September 2011), LR 40:1519 (August 2014); LR 42:1644 (October 2016), LR 45:

Signed and attested to this 3rd day of April 2019.



MIKE STRAIN DVM,
COMMISSIONER OF AGRICULTURE AND FORESTRY