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Executive Orders

EXECUTIVE ORDER NO. DCT 83-4

WHEREAS, the purpose of this Order is to implement a course of action dedicated to freeze the number of state employees in the Executive Branch of government at the current level and to freeze further expenditures for travel and equipment in every agency without severely reducing state services or creating hardships;

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, by virtue of the authority vested in me by the Constitution and applicable statutes of the State of Louisiana, do hereby order and direct:

1) Except as hereinafter authorized, no vacancy occurring after March 30, 1983 for any reason whatsoever shall be filled without express approval of the Governor. Additionally, no expenditures for travel and equipment shall be made without prior approval.

2) The following are exempt from the provisions of paragraph 1:

A. The Department of Corrections, the Department of Health and Human Resources and institutions of higher education, each only insofar as necessary to comply with court orders.

B. A position which must be filled following the occurrence of a vacancy in order to prevent emergencies or serious disruption of services. Agencies shall justify in writing such action to the Governor within 72 hours.

C. Transfers, promotions, or reallocations within a department and between departments which will not in any way increase the aggregate number of employees within the department.

D. The exceptions in paragraph B and C relate only to the necessity to fill vacancies when they occur. In no event are new positions to be created or filled without express approval of the Governor.

E. Expenditures for travel for audit and related personnel engaged in the revenue collection effort of the State.

F. Expenditures for athletic travel for institutions of higher education which have made prior contractual arrangements with other colleges and universities necessitating the travel.

G. Expenditures to replace equipment without which human life or safety would be endangered.

3) Each secretary shall file a report with the Governor on April 30, 1983 and a monthly report thereafter. The first report shall cover the period from March 30, 1983 through April 30, 1983. The reports shall reflect a full accounting of personnel changes within the agency for the period covered. They shall include employment figures at the beginning and end of each period and shall indicate how many vacancies have been filled and have not been filled pursuant to this order. The report shall also include a summary by category of transactions pursuant to the exceptions set forth in paragraphs 2 (A) (E) (F) and (G).

4) Written requests by the departments and agencies to fill vacancies or expend funds for travel and equipment shall be directed to the Governor and shall include justification for the action. To facilitate decisions on the written requests, the Chief Executive Assistant to the Governor is designated to act on behalf of the Governor.

5) Department and agency heads who do not report to secretaries but are in the Executive Branch of government are covered by the provisions of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of March, A.D., 1983.

David C. Treen
Governor of Louisiana

EXECUTIVE ORDER NO. DCT 83-5

WHEREAS, due to the natural and incidental disasters which have resulted and will continue to result from the torrential rains, high water levels and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near East Baton Rouge, East Feliciana, Livingston, Jefferson, Orleans, St. Helena, St. Landry, St. Tammany, Tangipahoa, West Baton Rouge, Pointe Coupee, Ascension, St. Charles, West Feliciana, St. Bernard, and Washington parishes are threatened by such disasters; and

WHEREAS, when such conditions exist it is necessary and appropriate, under the constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency and disaster: and

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, DAVID C. TREEN, acting under the authority granted to me and the duties imposed upon me by Article 4, Section 5 (A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed 30 days from this date, order and proclaim that a state of emergency exists in the parishes of East Baton Rouge, East Feliciana, Livingston, Jefferson, Orleans, St. Helena, St. Landry, St. Tammany, Tangipahoa, West Baton Rouge, Pointe Coupee, Ascension, St. Charles, West Feliciana, St. Bernard, and Washington, and that the resources of all of the departments of the State of Louisiana to the extent necessary be utilized in assisting with this emergency.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 7th day of April, A.D., 1983.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Agricultural Commodities Commission

In accordance with the emergency provisions of the Administrative Procedure Act (LSA 49:953 B), notice is hereby given that the Louisiana Agricultural Commodities Commission adopted the following assessments on an emergency basis at its meeting on March 29, 1983, pending adoption of final Rules governing the collection of assessments on agricultural commodities and farm products:

The following assessments shall be collected by licensed grain dealers when commodities are purchased from producers and by licensed warehouses when commodities and farm products are removed from storage:

Rough rice	\$.005 per hundredweight
Rice	\$.005 per hundredweight
Sugar	\$.005 per hundredweight
Corn	\$.003 per bushel
Soybeans	\$.003 per bushel
Oats	\$.003 per bushel
Milo or sorghum	\$.003 per bushel
Wheat	\$.003 per bushel
Cotton	\$.10 per bale, 1st 5,000 bales \$.05 per bale, all over 5,000 bales
Canned/frozen fruits/ juices/vegetables	\$.015 per case/carton
Molasses/syrup	\$.05 per 100 gallons
Oil	\$.10 per 100 gallons
Pecans	
Shelled	\$.01 per 30# carton
Unshelled	\$.20 per 130#
Peppers	
Barrels	\$.24 per barrel
Cisterns	\$.20 per cistern

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed New Rule LAC 11-6:30.37

Pari-mutuel wagering within the enclosure of a licensed association's facility during approved racing dates on horse races held at a race track in another state or country may be permitted by the Commission. The following conditions must be met upon written application by the licensed association to the Commission:

A. The horse race must be of outstanding nature and of interest to a great number of patrons,

B. The horse race must be televised regionally, nationally, or internationally, or by closed-circuit network, so that patrons at the association's facility may view the racing event,

C. The licensed association must submit a written agreement with the host track or association where the race is held.

D. The licensed association must submit written approval by the host racing commission or board,

E. The licensed association must submit written approval by the host track or jurisdiction's horsemen's association,

F. Application to the Commission must be made at least 30 days before the racing event is to be held,

G. Notwithstanding the provisions of paragraph B, failure to receive the live telecast transmission of the race shall not affect wagers made and payoffs thereon.

Upon approval by the Commission of an association's application for pari-mutuel wagering on a racing event fulfilling the above criteria, the association agrees to:

A. Schedule not more than two such other track wagering events per day,

B. Schedule not more than 12 wagering events per day.

C. Accept wagers not more than 36 hours prior to the racing event,

D. Publish in its program the names of the contestants, owners, trainers, jockeys, weights, breeding information, color of silks, and a morning line of odds,

E. Display monies wagered and approximate odds on its tote board; win, place, show, daily double and exacta wagering shall be permitted on such other track racing events. The mutuel pay-off shall be computed on the basis of monies wagered at the licensed association's track on such other track racing events.

W. Ray Vanderhider
Chairman

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

Proposed New Rule LAC 11-6:30.38

A horse race at a licensed association's track may be televised out of state. Pari-mutuel wagering may be permitted on such a race at a race track or entity in another state or country. A written application concerning the details of such a race and its agreements and contracts shall be submitted to the Commission for its approval at least 30 days prior to the racing event. Agreements and contracts shall comply with all applicable laws of the United States (particularly 15 U.S.C. Section 3001 et seq - Interstate Horseracing Act), and the laws of this State.

W. Ray Vanderhider
Chairman

DECLARATION OF EMERGENCY

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security has exercised the emergency provisions of the Administrative Procedure Act R.S. 49:953B to amend the policy regarding therapeutic leave days reimbursable under Medicaid for recipients in Intermediate Care Facilities for the Handicapped (ICFs/H) to incorporate provisions for new facilities.

The original Rule establishing this policy was published in the January 20, 1983 *Louisiana Register* (Volume 9, Number 1, page 14) and was amended by a Rule published in this issue of the *Louisiana Register*. This Emergency Rule is necessary as the original Rule did not provide for the establishment of allotment of leave days to new facilities. As the number of leave days is based on the number of certified recipients in the facility as of January 1st of the year, new facilities opening after January 1 would have to wait until the next January 1 to be allotted leave days without implementation of this Emergency Rule. This would imperil the health and welfare of the recipients in these new facilities as they would be deprived of their therapeutic leave days to which they should be entitled.

RULE

Effective April 1, 1983, the number of therapeutic leave days for new facilities which are reimbursable under Title XIX to an allotted number of leave days per facility based on the formula of

80 percent of the number of certified beds multiplied by 25 days for each bed to arrive at the facility's allotment of leave days for the initial year.

The facility's allotment shall be recomputed annually as of January 1 of each year based on the formula of 25 days per recipient multiplied by the number of certified recipients enrolled as of January 1 of each year.

If the number of certified recipients in an Intermediate Care Facility for the Handicapped (ICF/H) increases more than 15 percent in a quarter, an adjustment of the facility's allotment of therapeutic leave days may be requested.

A maximum limit of 50 therapeutic leave days per year for each individual recipient will be eligible for Title XIX reimbursement where permitted by the facility's use of their allotted number of leave days.

Roger P. Guissing
Secretary

Rules

RULES

Commissioner of Agriculture Advisory Commission on Pesticides

The Commissioner of Agriculture, pursuant to Notice of Intent published in the *Louisiana Register* on March 20, 1983, and in accordance with the authority granted under LSA 3:3203, and upon the recommendations of the Advisory Commission on pesticides under the authority granted to the Commission under LSA 3:3213, has adopted the following Rules and Regulations for the implementation of LSA 3:3201-3280 following a public hearing held before the Commission beginning at 1:00 p.m. on Tuesday, April 5, 1983, at the State Capitol, Baton Rouge, Louisiana:

LOUISIANA DEPARTMENT OF AGRICULTURE
Advisory Commission on Pesticides

RULES AND REGULATIONS
For the Implementation of LSA 3:3201-3280

General Provisions

- 1.0 Authority
- 2.0 Definitions
- 3.0 Operation of the Commission

Registration of Pesticides

- 4.0 Registration of Pesticides
 - 4.1 General provisions
 - 4.2 Standard registrations
 - 4.3 Special registrations

Certification

- 5.0 Examinations of applicators, sales persons, and agricultural consultants
- 6.0 Certification of private applicators
- 7.0 Certification of commercial applicators
- 8.0 Certification of pesticide salespersons
- 9.0 Certification of agricultural consultants

Licensing of Firms

- 10.0 Licensing of Firms
 - 10.1 Owner-Operator
 - 10.2 Pesticide Dealers
 - 10.3 Agricultural Consultants

Pesticide Wastes

- 11.0 Pesticide wastes

Fees

- 12.0 Fees

Application of Pesticides

- 13.0 Application of Pesticides
 - 13.1 General restrictions on pesticides
 - 13.2 Aerial application of pesticides to rights-of-way to control woody vegetation
 - 13.3 Bulk storage of pesticides

Enforcement

- 14.0 Enforcement

1.0 Authority.

1.1 Under the authority of the Louisiana Pesticide Law, R.S. 3:3201, et seq., and in accordance with the provisions in R.S. 49:951, et seq., the commissioner of agriculture adopts the following regulations.

2.0 Definitions.

In addition to the definitions listed below and unless otherwise provided, the definitions in L.R.S. 3:3202 shall apply to these regulations.

- 2.1 "Bulk storage of pesticides" means the storage of any pesticide which is held in an individual container in undivided quantities of greater than 55 U.S. gallons liquid measure or 100 pounds net dry weight.
- 2.2 "Director" means the director of the pesticide commission or his duly authorized representatives acting at his direction.
- 2.3 "District office" means any office of the Department other than the Baton Rouge office.
- 2.4 "Herbicide" means any substance or mixture of substances intended for use in preventing or inhibiting the growth of, killing, or destroying plants and plant parts defined to be pests by the commissioner. The term "herbicide" shall for the purposes of these regulations include a substance or mixture of substances intended for use as a plant growth regulator, defoliant, or desiccant.
- 2.5 "Inorganic arsenicals" means any herbicide containing a compound formed by a reaction between arsenic and any substance which does not contain a carbon-hydrogen (organic) group (radical). Examples are arsenic trioxide, sodium arsenate, and arsenic acid.
- 2.6 "Insecticide" means any substance or mixture of substances intended for preventing or inhibiting the establishment, reproduction, development, or growth of; destroying; or repelling any member of the Class Insecta or other allied Classes in the Phylum Arthropoda that is defined as a pest by the commissioner.
- 2.7 "Phenoxy herbicides" means any herbicide as defined above that contains a phenoxy derivative of lower aliphatic acid as an ingredient thereof.
- 2.8 "Public utility" means a business or service which is engaged in regularly supplying the public with a service which is of public consequence and need, such as electricity, gas, water, transportation, or telephone or telegraph service.

3.0 Operation of the Commission.

- 3.1 Filings with the commission. All notices, petitions, documents, or other correspondence to the commission or the commissioner shall be addressed and mailed to:

Louisiana Department of Agriculture
Office of Agricultural and Environmental Sciences
Advisory Commission on Pesticides
Baton Rouge, LA 70804

- 3.2 Chairman; Presiding Officer. The Chairman shall serve a term of one year or until a successor is elected. In the absence of the Chairman, the Vice-Chairman shall preside. In the absence of both the Chairman and the Vice-Chairman, the Chairman's duly appointed representative shall preside.
- 3.3 Expulsion. Each member being considered for expulsion and his sponsoring group, if any, shall be notified of the upcoming action at least 15 days before the commission meeting at which the action is to be considered. This notice shall be by certified mail. The commission may excuse an absence of a member.

4.0 Registration of Pesticides

- 4.1 General provisions. No pesticide shall be sold, offered for sale, or distributed in this state without being registered by the manufacturer annually with the Department. This registration shall expire on the last day of December of each year.
- 4.2 Standard Registrations.
- A. Application for registrations shall consist of two types, namely, initial registration and renewal registration. Initial registration application may be filed at any time of the year. Renewal registration application shall be filed by the first day of November each year. Failure to secure renewal of registration by January 1st of each registration year shall result in the assessment of a late fee. Application shall be made on forms prescribed by the commissioner.
- B. Any registration may be denied by the commissioner if he determines that:
- (1) The composition of the pesticide is not sufficient to support the claims made for the pesticide.
 - (2) The label on the pesticide does not comply with state and federal requirements.

- (3) Use of the pesticide may produce unreasonably adverse effects on the environment.
- C. Any pesticides registered in Louisiana must comply with the following:
- (1) Any pesticide sold or offered for sale or distribution must bear a label consistent with the label submitted in the registration application.
 - (2) Each shipping container must bear the lot or batch number of the pesticide.
- 4.3 Special registrations. The commissioner may issue the following registrations:
- A. State experimental use permits. (5f, FIFRA) If the E.P.A. authorizes the commissioner to issue state experimental use permits, the following terms and conditions shall apply:
- (1) Each person wishing to accumulate information necessary to register a pesticide for a special local need in this state shall file 5 copies of an application containing the following information:
 - (a) The manufacturer's name.
 - (b) The name, address and telephone number of the applicant.
 - (c) The proposed date of shipment or proposed shipping period not to exceed one year.
 - (d) The percentage of the active ingredients in the pesticide.
 - (e) The percentage of the inert ingredients of the pesticide.
 - (f) A statement of the approximate quantity to be tested.
 - (g) Available summary of test results on the acute toxicity of the pesticide.
 - (h) A statement of the scope of the proposed experimental program, including:
 - (i) The type of pests or organisms included in the study.
 - (ii) The crops, animals or commodities to be included in the study.

- (iii) The areas of the state in which the study is to be conducted.
 - (iv) The results of any previous tests conducted by the applicant of the pesticide in this or any other state.
- (i) When the pesticide is to be used on food or feed, a temporary tolerance must be obtained from the E.P.A. or evidence that the proposed experiment will not result in injury to man or animals, or in illegal residues entering the food chain.
- (j) The proposed labeling which must bear:
- (i) The prominent statement "For Distribution and Experimental Use Only Within Louisiana" on each container label and any labeling that accompanies the pesticide.
 - (ii) An adequate caution or warning statement to protect those who may handle or be exposed to the pesticide.
 - (iii) The name and address of the manufacturer.
 - (iv) The point of destination of the pesticide.
 - (v) Directions for use.
 - (vi) A statement listing the name and percentage of each active ingredient and the total percentage of inert ingredients.
- (2) After an application has been received, the commissioner shall review it for completeness. If the commissioner determines that an application is not complete, the applicant shall be allowed to submit such subsequent data as required by the commissioner for review. If the commissioner determines that an application is complete, he shall assign the application to an ad hoc advisory committee consisting of:
- (a) Director, Pesticides and Environmental Programs, Louisiana Department of Agriculture, or his designee.
 - (b) Assistant Commissioner, Office of Agricultural and Environmental Sciences, Louisiana Department of Agriculture, or his designee.

- (c) Director, Louisiana Cooperative Extension Service, or his designee.
 - (d) Director, Louisiana Agricultural Experiment Station, or his designee.
 - (e) The member of the Commission who represents the Louisiana Wildlife Federation, or his designee.
- (3) The committee shall consider the application based on the following criteria:
- (a) The applicant's need for the permit in order to accumulate data to support a special local needs registration.
 - (b) That the labeling is complete and correct as required in (A) (1) of this sub-part.
 - (c) That use of the pesticide under the permit will not cause unreasonable adverse effects on the environment.
 - (d) That either the applicant has supplied evidence that a tolerance or exemption from the requirement of a tolerance has been established for residues of the pesticide on such food or feed under Section 408 of the Federal Food, Drug and Cosmetic Act; or that the applicant shall destroy all food or feed crops involved in the project.
- (4) After receiving the recommendations of the committee, the commissioner may: grant the request, in which event he shall prescribe the terms, conditions, and period of time of the permit; or deny the permit.
- (5) The commissioner may revoke a permit if he finds that:
- (a) The terms and conditions of the permit have been violated, or are inadequate to avoid unreasonable adverse effects on the environment.
 - (b) Any required tolerance under the Federal Food, Drug, and Cosmetic Act (12 U.S.C. 301, et seq.) has been revoked by E.P.A. or any exemption from the requirements for tolerance has been withdrawn by E.P.A.

- (c) The permittee or any cooperator has failed to comply with any other federal or state law or regulation concerning state experimental use permits.

B. Special local needs registration (24-C FIFRA)

- (1) Each person wishing to register a pesticide for a special local need in this state shall file five copies of an application containing the following:
 - (a) Name and address of the applicant and any other person whose name will appear on the labeling or in the directions for use.
 - (b) The name of the pesticide product, and, if the application is for an amendment to a federally registered product, the E.P.A. registration number of that product.
 - (c) A copy of proposed labeling, including all claims made for the product as well as directions for its use to meet the special local need, consisting of:
 - (i) For a new product, a copy of the complete proposed labeling; or,
 - (ii) For an additional use of a federally registered product, a copy of proposed supplemental labeling and a copy of the labeling for the federally registered product.
 - (d) The active ingredients of the product, if the application is for a new product registration.
 - (e) The appropriate application fee as required by Part 8.0 of these regulations.
- (2) The issuance or denial of a registration of a pesticide under this section shall be done in accordance with federal regulations. The commissioner may refer this application to an ad hoc committee composed of:
 - (a) Director, Advisory Commission on Pesticides, or his designee.
 - (b) Director, Louisiana Cooperative Extension Service, or his designee.
 - (c) Director, Louisiana Agricultural Experiment Station, or his designee.

- (d) One agricultural consultant.
 - (e) One farmer.
 - (f) Such other members appointed by the commissioner as the commissioner deems necessary.
- (3) The committee shall consider the application based on the following criteria:
- (a) That the labeling is complete and correct.
 - (b) That use of the pesticide under the permit will not cause unreasonable adverse effects on the environment.
 - (c) That there is no other pesticide product registered with E.P.A. for the same use.
 - (d) That no other pesticide product is registered with E.P.A. which would be as safe and as efficacious, under the conditions of use proposed for a special local need.
 - (e) That there is no E.P.A. registered product available.
 - (f) That there is an E.P.A. tolerance established for the product, if it is to be used on a food or a feed crop.
 - (g) That the special local needs application is based on a changed use pattern.
 - (h) That the product shows promise of efficacy for the condition under which it will be used.
 - (i) Such other considerations as the commissioner deems appropriate.
- (4) After receiving the recommendation of the committee, the commissioner may:
- (a) Grant the registration, in which event he may prescribe the terms and conditions of use.
 - (b) Deny the registration.
- (5) The commissioner may amend or revoke a registration if he finds that:
- (a) The terms and conditions of the registration have been violated, or are inadequate to avoid unreasonably adverse effects on the environment.

- (b) Any required tolerance under the Federal Food, Drug, and Cosmetic Act (12 U.S.C. 301, et seq.) has been revoked by E.P.A. or any exemption from the requirements for tolerance has been withdrawn by E.P.A.
- (c) The registrant has failed to comply with any other federal or state law or regulation concerning state experimental use permits.

C. Special Exemptions

- (1) Specific exemption applications shall be completed in accordance with federal requirements after receiving the recommendations of the Director of the Louisiana Cooperative Extension Service or his designee and the Director of the Louisiana Agricultural Experiment Station, or his designee.
- (2) Quarantine-public health exemption. The commissioner may apply to EPA for a quarantine and/or public health exemption to allow the application of a pesticide if the commissioner finds that a foreign pest or a pest not previously known to be established in Louisiana threatens to become established. This application will be completed in accordance with federal requirements.
- (3) Crisis exemption. The commissioner may issue a crisis exemption in accordance with federal regulations for the use of an unregistered pesticide if he finds that:
 - (a) A situation involving the unpredictable outbreak of pests in the state is occurring;
 - (b) There is no readily available pesticide registered for the particular use to eradicate or control the pest; and
 - (c) The time element with respect to the application of the pesticide is so critical that there is no time to request a registration under any other sub-part of this Part.

4.4 Supervision of use. The sale, use, storage, distribution, transportation, or disposal of pesticides registered under this Part shall be subject to the supervision by the Department of Agriculture.

5.0 Examinations of applicators, sales persons, and agricultural consultants.

5.1 The minimum score necessary for successful completion of examinations for certifications under these rules shall be 70 points.

- 5.2 The director, in cooperation with the director of the Cooperative Extension Service or his designee, shall be responsible for the preparation of all examinations.
- 5.3 The director shall be responsible for the administration and grading of all examinations.
- 5.4 Each applicant who fails to receive a passing score on any test in any category or subcategory shall wait a minimum of 10 days before being eligible for re-examination.
- 5.5 No person shall be allowed to take an examination in any category more than three times in a 12 month period.
- 5.6 Louisiana citizens who have failed any examinations under these standards shall not be permitted to receive certification under a reciprocal agreement with another state.
- 5.7 No examinations shall be administered to employees of local, state and federal governments in the district offices.

6.0 Certification of Private Applicators.

- 6.1 Certification for private applicators shall be issued only after the applicant has satisfactorily passed an examination or has satisfactorily completed a training course approved by the commissioner.
- 6.2 Examinations for certification for private applicators of pesticides will be given during office hours upon request of the applicant at Baton Rouge at the office of Pesticides and Environmental Programs; at any District Office of the Department of Agriculture; or at the office of the County Agent in any parish of the State. There shall be no fee for private applicator examinations or certifications.
- 6.3 Each person that has been certified as a private applicator and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting or passing an examination as designated by the commissioner.

7.0 Certification of Commercial Applicators.

- 7.1 The commissioner hereby establishes the following standards as qualifications required for certification:

- A. Standards applicable to all categories:

- (1) Must be at least 18 years of age or an emancipated minor.

- (2) Must be able to read and write the English language with sufficient proficiency to demonstrate comprehension of label and labeling content and instructions.
- (3) Must submit an application for certification in the form required by the commissioner.
- (4) Must be able to demonstrate knowledge of the principles and practices of pest control and the safe use of pesticides. Applicants must demonstrate these capabilities by successfully completing the general standards examinations.
- (5) Must be able to successfully complete an examination in the specific category in which certification is sought.
- (6) All prior certifications, if any, must be in good standing at the time that the application for any examination is filed.

B. An individual applying for certification in Category 7b or c must have had two years experience in the phase of work for which he is making application. This experience must be substantiated by a notarized statement from the person who was responsible for the activity of the applicant during the time this experience was gained.

7.2 Categories are established on the basis of the location where application of pesticides will be made and each applicant for certification is required to successfully complete an examination in the category in which the applicant desires certification.

A. Certification in a category authorizes the commercial applicator to make application of or supervise the application of restricted use pesticides in the areas listed for each category.

B. The commissioner hereby establishes the following categories and subcategories of certification for commercial applicators:

- (1) Agricultural Pest Control - This category includes commercial applicators using or supervising the use of restricted use pesticides on agricultural lands, grasslands and non-crop agricultural lands.

This category also includes commercial applicators using or supervising the use of restricted use pesticides on animals and to places on or in which animals are confined.

Doctors of Veterinary Medicine engaged in the business of applying pesticides for hire, publicly holding themselves out as pesticide applicators, or engaged in large scale use of pesticides are included in this category.

- (2) Forest Pest Control - This category has been subdivided into the following three subcategories:

- (a) General Forestry. This subcategory includes commercial applicators using or supervising pesticides with restricted use to control pests in the regeneration, management, and production of forest stands.
 - (b) Forest Tree Seed Orchards and Nurseries. This subcategory includes commercial applicators using or supervising the use of restricted use pesticides to control pests and undesirable plants in the production of forest tree seed, seedlings, and cuttings.
 - (c) Wood Processing. This subcategory includes wood or fiber processing firms such as sawmills, veneer plants, plywood plants, wood preservation plants and pulping facilities which use restricted use pesticides in the manufacturing process of wood products.
- (3) Ornamental and Turf Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
 - (4) Seed Treatment. This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.
 - (5) Aquatic Pest Control. This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in category 8 below.
 - (6) Right-of-way Pest Control. This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.
 - (7) Industrial, Institutional, Structural and Health Related Pest Control. This category includes commercial applicators and non-fee commercial applicators using or supervising the use of pesticides with restricted uses in, on or around food handling establishments, human dwellings, institutions, such as schools and hospitals, industrial establishments, including warehouses and grain elevators, and any other structures and adjacent area, public or private; and for the protection of stored, processed or manufactured products.

This category has been subdivided into three subcategories:

- (a) Subcategory 7a is for pest control operators who are or will be certified and licensed by the Structural Pest Control Commission. The commissioner hereby delegates to the Structural Pest Control Commission the authority to examine and certify all persons in this subcategory. The commissioner hereby delegates to the Structural Pest Control Commission the authority to enforce all federal and state laws and regulations as they apply to persons certified under this subcategory.
 - (b) Subcategory 7b is for applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around institutions, motels, apartment houses, hotels, schools, hospitals and like places as the owner or in the employ of the owner.
 - (c) Subcategory 7c is for applicators who apply or supervise the application of restricted use pesticides on a non-fee basis in, on or around commercial grain elevators and other grain handling establishments, feed mills, flour mills, food processing plants and other places where processed or unprocessed foods are stored, as the owner or in the employ of the owner.
- (8) Public Health Pest Control. This category is for State, Federal or other governmental employees using or supervising the use of pesticides with restricted uses in public health programs for the management and control of pests having medical and public health importance.

This category has been subdivided into three subcategories:

- (a) Mosquito Control. This subcategory is for government employees who are applicators in organized mosquito abatement districts.
- (b) Rodent Control. This subcategory is for government employees who are applicators in rodent control programs.
- (c) Community Public Health. This subcategory is for government employees who are applicators concerned with the control of all of the arthropods and rodents of public health importance.

(9) Regulatory Pest Control. This category includes State, Federal or other governmental employees using or supervising the use of pesticides with restricted uses in the control of regulated pests.

(10) Demonstration and Research Pest Control. This category includes:

(a) individuals who demonstrate to the public the proper use and techniques of application of pesticides with restricted uses or supervise such demonstrations and persons conducting field research with pesticides, and in doing so, use or supervise the use of pesticides with restricted uses.

(b) This category has been subdivided into eight subcategories.

(i) Agricultural Pest Control

(ii) Forest Pest Control

(iii) Ornamental and Turf Pest Control

(iv) Seed Treatment

(v) Aquatic Pest Control

(vi) Right-of-way Pest Control

(vii) Industrial, Institutional, Structural and Health Related Pest Control

(viii) Public Health Pest Control

7.3 In addition to a determination of competence in a specific category or subcategory, each commercial applicator shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. In order to meet this requirement, each commercial applicator, at the time of initial certification in at least one or more categories, must take a general standards exam.

7.4 Examinations for certification for commercial applicators will be given upon request of the applicant at Baton Rouge at the Office of Pesticides and Environmental Programs or in any District Office of the Department of Agriculture during office hours. Request for exams in District Offices must be made seven days in advance.

7.5 Each person that has been certified in any category or subcategory as a commercial applicator, and whose certification has not been revoked or suspended, may renew

that certification by attending a recertification meeting or training course for that category as designated by the commissioner.

7.6 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 the 31st day of December 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.

7.7 Each person who is certified as a commercial applicator need not be certified as a private applicator or a pesticide salesperson to apply or supervise the application of any restricted use pesticide as a private applicator or sell or supervise the sale of restricted use pesticides.

8.0 Certification of Pesticide Salespersons.

8.1 Examinations for certification for pesticide salespersons will be given upon request of the applicant at Baton Rouge at the office of Pesticides and Environmental Programs, at any District Office of the Department of Agriculture or at the office of the County Agent in any parish of the State during office hours. Each person that has been certified as a pesticide salesperson and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting as designated by the commissioner. The commissioner shall issue a certification card to each pesticides salesperson. This card shall expire on the 31st day of December of each year. Each person wishing to renew a certification card shall do so by submitting an application form and the proper fee as prescribed by the commissioner.

8.2 No pesticide salesperson shall sell or distribute any restricted use pesticide to any person who does not hold a valid certification card.

9.0 Certification of Agricultural Consultants.

9.1 The agricultural consultant application experience requirements shall be substantiated by a notarized statement from the person who was responsible for the applicant during the time this experience was gained.

9.2 Each application for an agricultural consultant's examination shall be reviewed by an ad hoc committee appointed by the chairman of the commission. The committee shall consider the application and make its recommendation to the commission.

9.3 Each application for an agricultural consultant's examination shall be approved by the commission before an examination is administered. Examinations for agricultural consultants shall only be administered in Baton Rouge at the office of Pesticides and Environmental Programs during office hours and shall be administered only after payment of the proper fee.

9.4 Certification of Agricultural Consultants.

A. Certification in a category authorizes the agricultural consultant to make recommendations in the areas listed for each category.

B. Applicants for certification as agricultural consultants shall elect to be examined in one or more of the following categories:

(1) Control of insects, mites, nematodes, or other invertebrates.

(a) Agricultural Entomology - making recommendations for the control of pests of agronomic crops, especially cotton, rice, soybeans, sugarcane, vegetables, pasture and forage, and grain crops.

(b) Forest Entomology - making recommendations for the control of forest plants.

(c) Household, Structural and Industrial Entomology - making recommendations for the control of household pests, structural and industrial pests (such as termites, in stores, warehouses and transportation facilities).

(d) Medical, Veterinary and Public Health Entomology - making recommendations for control of arthropods affecting man and animals.

(e) Orchard and Nut Tree Entomology - making recommendations for the control of orchard pests.

(f) Ornamental Entomology - making recommendations for the control of pests of ornamentals, lawns, turf and shade trees.

(2) Control of plant pathogens.

(a) Agricultural plant pathology - making recommendations for the control of diseases of agronomic crops, especially sugarcane, cotton, rice, soybeans and home garden plants.

(b) Turf, Ornamental, Shade-tree and Floral plant pathology - making recommendations for the control of diseases of turf, ornamentals, shade-trees and floral plants. Also includes greenhouse and nursery plant disease control.

- (c) Forest pathology - making recommendations for the control of diseases of trees in plantations, nurseries and managed or unmanaged forests wherein the principal value lies in the production of wood fiber.
 - (d) Orchard pathology - making recommendations for the control of diseases of wood vines and trees wherein the principal value lies in the production of fruits or nuts.
- (3) Control of weeds.
- (a) Agricultural weed control - making recommendations for the control of weeds and grasses in field crops, vegetable crops, pastures and rangeland.
 - (b) Turf, Ornamental and Shade-tree weed control - making recommendations for the control of weeds and grasses in ornamentals, turf areas, cemeteries and other similar areas.
 - (c) Forest weed control, Right-of-way and Industrial weed control - making recommendations for the control of weeds and grasses in forest lands and on rights-of-way and in industrial and commercial sites.
 - (d) Aquatic weed control - making recommendations for the control of weeds and grasses in and around the edges of lakes, ponds, streams and other bodies of water.
- (4) Soil management.

9.5 Each person that has been certified as an agricultural consultant and whose certification has not been revoked or suspended may renew that certification by attending a recertification meeting as designated by the commissioner.

9.6 The commissioner shall issue a certification card to each agricultural consultant showing the categories in which the consultant is certified. This certification card shall expire on the 31st day of December of each year. Each person wishing to renew a certification card shall do so by submitting an application form and the proper fee as designated by the commissioner.

9.7 Each person who is certified as an agricultural consultant, upon application to the commissioner, shall be certified as a: commercial applicator in the demonstration and research category; private applicator; or pesticide salesperson without further examination.

9.8 The persons exempted by L.R.S. 3:3246(I) are exempt from these regulations.

10.0 Licensing of Firms.

10.1 Owner-Operator

- A. Each applicant for an owner-operator license shall: submit an application form as prescribed by the commissioner; provide and maintain proof of financial responsibility as required by L.R.S. 3:3243C, or L.R.S. 3:3243D and paragraph B of this subpart; submit the appropriate license fee; and be certified as a commercial applicator, or employ a person certified as a commercial applicator. Owner-operator licenses shall expire on the 31st day of December of each year. License renewal applications shall be made in the same manner as initial license applications.
- B. If an owner-operator wishes to obtain liability insurance in lieu of the surety bond, the insurance shall be written by an insurance company approved by the commissioner. Each person who suffers damages caused by any action of an owner-operator in connection with any application of a pesticide may sue on the insurance policy in any court of competent jurisdiction to recover the damage. Such insurance shall not be cancelled without 30 days prior written notice to the commissioner.
- C. All mechanically powered equipment inspections must be requested and completed by the 31st day of May of each year or within 30 days after the equipment is used to apply any pesticide. All decals shall expire on the 31st day of December of each year.
 - (1) The commissioner shall determine that the following systems or controls are operating properly before issuing a decal for each aircraft operated by an owner-operator:
 - (a) The hopper shall be free of leaks.
 - (b) The valves shall provide positive shut off.
 - (c) The emergency dump, if present on aircraft, shall provide positive shut off.
 - (d) The booms, nozzles, and hose fittings shall be free of leaks.
 - (e) The distance between the outermost nozzles on the boom of a fixed wing aircraft shall not be more than 90% of the wing span of the aircraft. The boom on a rotary-winged aircraft may not exceed the rotor diameter unless distance on a specific aircraft does not constitute a safety hazard.
 - (f) There shall be a main fluid filter between main tank and boom system.

- (g) All equipment shall be equipped with a properly functioning pressure gauge.
- (2) The commissioner shall determine that the following systems or controls are operating properly before issuing a decal for each mechanically powered ground pesticide application equipment operated by an owner-operator.
 - (a) The hopper shall be free of leaks.
 - (b) All valves shall provide positive shut off.
 - (c) The booms, nozzles, and hose fittings shall be free of leaks.
- D. No decals shall be issued to any owner-operator who does not hold a valid owner-operator license.
- E. In addition to the record keeping requirements of L.R.S. 3:3243F, each owner-operator must comply with the following requirements:
 - (1) Separate records must be maintained, on an individual basis, for each certified applicator employed by the owner-operator.
 - (2) Listings of pesticides applied by each certified applicator must indicate the crops to which each pesticide is applied.
 - (3) All records must include the name of the person for whom each application of pesticides is made.
 - (4) All records must be maintained for a period of two years.

10.2 Pesticide Dealers

All pesticide dealer licenses shall expire on the 31st day of December of each year. The application for pesticide dealer license shall consist of a form prescribed by the commissioner and the proper fee. No dealer shall sell or distribute or allow the sale or distribution of any restricted use pesticide to any person unless that person holds a valid certification card.

10.3 Agricultural Consultants.

- A. Each applicant for an agricultural consultants license shall: apply to the commissioner on a form prescribed by the commissioner; be certified as an agricultural consultant or employ an agricultural consultant; and submit the appropriate license fee. Agricultural consultant licenses shall expire on the 31st day of December of each year. License renewal applications shall be made in the same manner as initial license applications.

11.0 Pesticide Wastes

11.1 Filing of Notification and Application.

- A. Any covered person who generates pesticide wastes must file a notification and permit application with the Division of Pesticide Waste Control in Baton Rouge by June 30, 1983.
- B. Each covered person must complete the notification/permit application form provided by the Division. Each applicant must submit the completed notification/permit application form, in triplicate, to the Division in Baton Rouge by June 30, 1983.
- C. Any person who submitted a notification/permit application may withdraw said form upon providing adequate proof to the Division that said person is not a covered person or that said covered person's business does not involve pesticide waste generation.

12.0 Fees

12.1 The fees for items covered by these regulations shall be as follows:

- A. Registration of pesticides-----\$15.00
- B. Late charge for registration of pesticides----\$50.00
- C. License Fee-----\$25.00
- D. Equipment Inspection Fee (Each Item)-----\$10.00
- E. Field Scout Registration Fee-----\$ 5.00
- F. Certification Fee-----\$ 5.00
- G. Examination Fee (In the Baton Rouge Office)---\$ 5.00
- H. Examination Fee (In the District Offices)-----\$15.00
- I. Certification Card Renewal Fee-----\$ 5.00

13.0 Application of Pesticides

13.1 General Restrictions on Pesticides.

- A. Pesticides that are not registered with the Louisiana Department of Agriculture shall not be applied within this state.

- B. Ester compounds of phenoxy herbicides containing an aliphatic alcohol radical with less than six carbon atoms shall not be applied in this state.
- C. The applicaiton of the following herbicides shall be restricted as set out in paragraphs D and E of this sub-part.

CHEMICAL NAME	COMMON NAME
4-amino-3,5,6-trichloro-picolinic acid	picloram
arsenic trioxide	
3-chlorophenoxy-alpha-propionamide	3-CPA
4-chlorophenoxy acetic acid	4-CPA
2,5-dichloro-3-nitrobenzoic acid	dinoben
2,4-dichlorophenoxy acetic acid	2,4-D
4-(2,4-dichlorophenoxy) butyric	2,4-DB
2,3,6-trichlorophenylacetic acid in combination with the dimethylamine salt of 2,4-dichlorophenoxy acetic acid	fenac plus
2, methoxy-3,6-dichlorobenzoic acid	dicamba
2-methyl-4-chlorophenoxy acetic acid	MCPA
4-(2 methyl-4-chlorophenoxy) butyric acid	
2-(2 methyl-4-chlorophenoxy)	2-MCPP
arsenic acid	Arsenic
sodium arsenite	
sodium 2,4-dichlorophenoxy ethyl sulfate	
(2,4,5-trichlorophenoxy) acetic acid	2,4,5-T
2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechlorophropionate	
2-(2,4,5-trichlorophenoxy) propionic	silvex
tris (2,4-dichlorophenoxy ethyl) phosphite	