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Executive Orders

EXECUTIVE ORDER NO. DCT 84-2

WHEREAS, the 50 States Project was established by President Reagan to urge states to eliminate from their statutory and regulatory codes unfair differentiations on the basis of gender; and

WHEREAS, the coordinator or the 50 States Project in Louisiana was appointed to examine the laws of the State of Louisiana to identify unfair gender-based terminology and substantive laws with discriminatory application or impact; and

WHEREAS, the Louisiana Constitution provides that "No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of ... sex ... "; and

WHEREAS, much progress has been made in the recent past to eliminate vestiges of discrimination based upon sex; and

WHEREAS, executive action has increased participation of women in government, and both executive and legislative action has enhanced the opportunities and protections afforded women; and

WHEREAS, while great strides have taken place, continued and further diligence by the executive and legislative branches of state government should and can afford greater protections and opportunities for women; and

WHEREAS, the Louisiana State Law Institute has been created and organized as an official advisory law revision commission, law reform agency and a legal research agency of the State of Louisiana and has as a general purpose to promote and encourage the classification and simplification of the law of Louisiana and its better adaptation to present sound needs, and has among its statutory duties to consider needed improvements in the law and to receive and consider suggestions as to defects and anachronisms in the law, not only from public officials but from the public generally; and

WHEREAS, in the area of discrimination based upon sex it is appropriate to create an advisory committee to call to the attention of the Governor, the Louisiana State Law Institute, as well as others interested in law reform, those areas of the law which discriminate unreasonably based upon sex;

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. The creation of the 50 States Project Advisory Committee. It shall be the duty of the Committee to identify unfair gender based terminology and substantive laws with discriminatory application or impact in the statutes, regulations, and administrative rules of the State of Louisiana and to recommend specific executive action or legislation to remedy such unfair and discriminatory laws and their impact.

2. The 50 States Project Committee shall be composed of eleven members as follows:

- a. The coordinator of the 50 States Project appointed by the Governor;
- b. Two members appointed by the Speaker of the Louisiana House of Representatives;
- c. Two members appointed by the President of the Louisiana Senate;
- d. One member appointed by the Governor upon the

recommendation of the Director of the Louisiana State Law Institute; and

e. Five other members who shall be appointed by the Governor.

The coordinator of the 50 States Project shall serve as chair of the Committee.

3. That the Louisiana State Law Institute provide available staff assistance to the Committee.

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 2nd day of March, A.D., 1984.

David C. Treen
Governor of Louisiana

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture Commissioner of Agriculture

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, and under the authority of LRS 3:3203, the Commissioner of Agriculture hereby declares that the U.S. Environmental Protection Agency has determined that contamination of foodstuffs with ethylene dibromide, a pesticide commonly known as EDB, poses a serious health hazard for consumers. Therefore, the Commissioner of Agriculture hereby establishes the following tolerances for ethylene dibromide on an emergency basis:

Raw agricultural products	900 parts per billion
Semi-processed food products, e.g., oatmeal	150 parts per billion
Ready-to-eat agricultural products, e.g., berries	30 parts per billion

All such products coming under the jurisdiction of the Department or the Commissioner of Agriculture will be tested whenever, in the judgment of the Commissioner of Agriculture, there appears to be a need for testing. If test results indicate the presence of ethylene dibromide in any of the products listed above at rates higher than the tolerances herein established, the Commissioner of Agriculture may issue a stop order prohibiting the distribution, sale, offer for sale, movement, or disturbance of the product and may thereafter require the disposition of such product as provided by applicable law.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Agriculture Livestock Sanitary Board

In accordance with the emergency provisions of LRS 49:953B, the Administrative Procedure Act, notice is hereby given that the Department of Agriculture, Louisiana State Livestock Sanitary Board, at a special called meeting held on February 17, 1984, determined that a current epidemic of highly contagious Avian Influenza in the northwestern United States has created an emergency situation affecting the health of poultry flocks through-

out the country. In order to protect the health of Louisiana poultry flocks, the Board therefore adopted new regulations on an emergency basis, which (1) impose a quarantine against poultry, eggs, and poultry by-products originating in states under Federal quarantine because of the disease, and (2) prohibit, with certain exceptions, the showing of poultry at public shows in Louisiana for the duration of the epidemic.

The Board added a new Subsection (g) of Section 8, entitled "Poultry", reading as follows, to Regulation 1 of the Board's Rules and Regulations.

(g) No birds, eggs or poultry by-products originating in a state which has an area under quarantine due to Avian Influenza will be allowed entry into Louisiana. In addition, the Board may prohibit the entry of any vehicles and/or equipment into Louisiana if there is reason to believe that it may have been contaminated with pathogenic Avian Influenza virus.

The Board also added a new Section 6, entitled "Poultry", reading as follows, to its existing Regulation 2:

6. With the exception of the Spring 1984 poultry shows at Louisiana State University and Southern University in Baton Rouge, the showing of poultry is prohibited in Louisiana until pathogenic Avian Influenza is eradicated.

Bob Odom
Commissioner

DECLARATION OF EMERGENCY

Department of Commerce Racing Commission

The Louisiana State Racing Commission, pursuant to the authority contained in R.S. 49:953B, amended the following emergency rules at its meeting of February 24, 1984 by unanimous resolution, and made such findings that the public welfare required the amendments of such rules.

Rule LAC 11-6:2.8, (renumbered 35:315) regarding minors, was adopted as an emergency rule in 1978, but due to oversight was never adopted as a permanent rule. It is currently in the process of being re-enacted.

Rule 11-6:21.1, (renumbered 35:4501) relative to jockey agents and the number of jockeys they can represent, is adding a stipulation that limits two riders in any one race that are represented by the same agent (except stakes races). The general limit per agent remains at three.

The Emergency Rules are as follows:

RULE LAC 11-6:2.8 (Renumbered 35:315) TO READ AS FOLLOWS:

"Minors are prohibited from attending race meetings except that any minor twelve years of age, or older, together with proof of age, may with Association approval, attend any race meeting if accompanied by a parent, grandparent or companion. In no case shall any minor in attendance be allowed to engage in wagering. (For the purposes of this rule, companion is defined as any person twenty-one years of age or older who is a kin-relative of the minor.)"

RULE LAC 11-6:21.1 (Renumbered 35:4501) TO READ AS FOLLOWS:

"A jockey agent may not contract the riding engagements of more than three riders. No jockey agent shall contract for more than two riders to start in any one race, except stakes races, who are under contract to the same jockey agent. As used herein, 'jockey agent' shall mean any person who contracts engagements for a rider or riders."

Pursuant to R.S. 4:141 et seq. and, particularly, R.S. 4:142 stating the Legislative purpose of the racing statute, it is incumbent

upon the Louisiana State Racing Commission to amend rules of racing relative to minors and jockey agents.

S. M. Delaney
Secretary

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting of February 23, 1984, exercised those powers conferred by the emergency provisions of the Administrative Procedure Act R.S. 49:953B and adopted the following item as an emergency rule:

1. The Board established a performance standard for the Fourth Grade Basic Skills Test to be 80 percent of the total items on each of the language arts and mathematics tests.

This emergency adoption is necessary because the Louisiana Basic Skills Testing Program is scheduled for March 19-23, 1984 in order that tests may be administered, scored, and student reports returned to the school districts prior to the close of the school year.

James V. Soileau
Executive Director

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 provision of the Administrative Procedure Act, R.S. 49:953B to adopt a Voluntary Family Responsibility Program as authorized by Act 672 of the 1983 Regular Legislative Session. The program will be effective March 1, 1984 and will be administered in accordance with the policy and procedures outlined below.

Emergency Rule

The Voluntary Family Responsibility Program for Long Term Care Residents provides a State Income Tax Credit for a relative who voluntarily contributes toward the personal and medical expenses of an individual in a Skilled Nursing Facility, Intermediate Care Facility I or II or an Intermediate Care Facility for the Handicapped whose income and resources are insufficient to meet the cost of such care. The income tax credit is effective with the taxable period beginning January 1, 1983.

The tax credit allowed for the taxable year is an amount equal to 33 $\frac{1}{3}$ percent of the amount contributed in the family responsibility program. The tax credit shall not exceed \$200 per year.

To be eligible for this tax credit, a written agreement must be completed by the relative contributor with the local Office of Family Security in the parish in which the facility is located. The written agreement states the amount of monetary contribution to be made to the patient or made to the facility to be applied specifically to the patient's personal care need, medical insurance premiums and/or facility fee. A tax credit is not provided for in-kind contributions or contributions made for services other than the services stated above. For a non-Medicaid individual, verification of contributions is only necessary when there is a retroactive period being claimed. It is the responsibility of the claimant to provide adequate verification of contributions made and to report changes in contributions.

To implement the program immediately for the 1983 tax year, the procedures outlined below shall apply:

A. Medicaid Applicants and Recipients

A copy of the leaflet on the Family Responsibility shall be provided an applicant/recipient for Long Term Care or to the responsible party at application/redetermination except when the responsible party resides out-of-state.

For Medicaid applicants who are ineligible the month of admission because of the full calendar month policy and a relative will contribute for the admission month only, the agreement shall be completed designating the one month only space, unless contributions will continue.

If there is a regular contribution for a Medicaid eligible, the contribution shall be budgeted under income.

If a relative contributes a medical insurance premium payment, the medical insurance premium shall be budgeted as an expense and also shown as contributed income.

B. Public ICF-H Residents

Office of Mental Retardation will provide a copy of the leaflet on the Family Responsibility Program to the parent or legal guardian at the time of Medicaid application.

If the parent plans to make a monetary contribution, he will be advised to contact the Parish Office of Family Security.

C. Non-Medicaid Claimants

Copies of the leaflet explaining the Voluntary Family Responsibility Program will be provided the Long Term Care facilities for use in referrals of non-Medicaid individuals. The interested individual will then contact OFS directly.

The parish office copy of a written agreement shall be filed in a facility folder, a copy given the relative and a copy mailed to the Louisiana Department of Revenue and Taxation.

If the claimant is ineligible, he shall be provided a letter briefly stating the reason he is ineligible for an agreement (example, in-kind payment, payment for services not allowable).

Office of Family Security has no responsibility for monitoring the contributions. OFS will provide a copy of the executed agreement to the contributor, the facility and to the State Internal Revenue Office.

D. OFS Coordination with Louisiana State Department of Revenue

A copy of the completed written agreement, change in written agreement or letter from relative cancelling a written agreement shall be forwarded by the parish office to the Louisiana Department of Revenue and Taxation, Income Tax Section.

Implementation of the Voluntary Family Responsibility Program on an emergency basis is necessary in order that individuals who are eligible for the State income tax credit for the 1983 tax year may execute the agreement required to claim the tax credit.

Roger P. Guissinger
Secretary

DECLARATION OF EMERGENCY

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in Baton Rouge, LA on Tuesday, February 21, 1984:

WHEREAS, due to the exceptional weather conditions which existed throughout the State of Louisiana during the months of December, 1983 and January, 1984, and

WHEREAS, the harvest of nutria has been reduced in recent years due to low prices, and

WHEREAS, fur bearing populations are managed on an annual basis through trapping programs, and

WHEREAS, the unusual climatic conditions prohibited and delayed many trapping programs, and

WHEREAS, fur technicians of the Department of Wildlife and Fisheries have determined that excessive annual populations presently exist in several coastal ecosystems which would result in environmental damage to habitat conditions,

NOW, THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby extend the trapping season in the South Zone through March 15, 1984.

Jesse J. Guidry
Secretary

Rules

RULE

Commissioner of Agriculture Advisory Commission on Pesticides

Notice is hereby given that the Commissioner of Agriculture, pursuant to Notice of Intent published in the *Louisiana Register* on November 20, 1983, and in accordance with the authority granted under R.S. 3:3203, and upon the recommendations of the Advisory Commission on Pesticides under the authority granted to the Commission under R.S. 3:3213, has adopted the following amendments and additions to the Rules and Regulations for the Implementation of R.S. 3:3201-3257 following public hearings conducted on November 30, 1983, in Baton Rouge before the Advisory Commission on Pesticides; on December 7, 1983, in Monroe; on December 8, 1983, in Shreveport; on December 14, 1983 in Gretna; on December 21, 1983, in Alexandria; on December 28, 1983, in Jennings; and on January 5, 1984, in Baton Rouge before the Advisory Commission on Pesticides:

7.0 Certification of Commercial Applicators

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

* * * * *

B. An individual applying for certification in Categories 7b and 7c must have two years of experience in the phase of work in which he is making application. Required experience must be substantiated by a notarized statement acceptable to the Commissioner.

C. An individual applying for certification in Category 8d must have either (1) a bachelor's degree with at least 12 hours in entomology or (2) at least four years of experience in mosquito control working under supervision of a person certified in mosquito control. Required experience must be substantiated by a notarized statement acceptable to the Commissioner.

7.2 Categories are established on the basis of the location where the 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.

* * * * *

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

* * * * *

(8) Public Health Pest Control. This category is for commercial applicators and state, federal and other government employees using or supervising the use of pesticides in public health programs for the management and control of pests having medical and public health importance. This category has been subdivided into five subcategories, as follows:

(a) Mosquito Control - Applicator. This subcategory is for commercial applicators and government employees who are applicators in mosquito control programs.

(b) Rodent Control. This subcategory is for commercial applicators and government employees who are applicators in rodent control programs.

(c) Community Public Health. This subcategory is for commercial applicators and government employees who are applicators concerned with the control of all arthropods and rodents of public health importance.

(d) Mosquito Control - Program Supervisor. This subcategory is for commercial applicators and government employees who are program supervisors in organized mosquito control programs.

(e) Antimicrobial Pest Control. This subcategory is for commercial applicators engaged in antimicrobial pest control using restricted use pesticides.

10.0 Fees

10.1 Fees required under Pesticide statutes and these regulations are as follows:

A. Registration of pesticides	\$15
B. Late charge for registration of pesticides	\$50
C. License fee	\$25
D. Late fee for license renewal	\$50
E. Equipment inspection fee (each item)	\$10
F. Field scout registration fee	\$ 5
G. Certification fee	\$ 5
H. Examination fee (examinations given in Baton Rouge)	\$ 5
I. Examination fee (examinations given in District Offices)	\$15
J. Certification card renewal fee	\$ 5

11.0 Licensing Requirements: Owner-operator, Pesticide Dealer, and Agricultural Consultant

11.1 Owner-Operators

A. Every owner-operator of a pesticide application business must have a current license issued by the Commissioner before making any applications of pesticides.

B. No person required by the provisions of R.S. 3:3243 to be licensed by the Commissioner shall be licensed as an owner-operator unless such person (1) has a current commercial applicator certification, or (2) employs a person having a current commercial applicator certification. All persons applying pesticides under an owner-operator license must maintain their commercial applicator certification in current status at all times.

C. No person may apply pesticides under an owner-operator license unless (1) such person is named on the application for license, or (2) if employed subsequent to issuance of the license or on a temporary basis, the owner-operator has notified the Commissioner of such employment prior to the first day of such employment. Initial notification of employment subsequent to issuance of the license may be made by telephone but must be confirmed, in writing, by the owner-operator within three days after the first day of employment.

D. Prior to issuance of the license, the applicant for an owner-operator license shall file proof of financial responsibility with the Commissioner, as follows:

(1) Ground applicators	\$25,000
(2) Aerial applicators who do not apply phenoxy herbicides	\$25,000
(3) Aerial applicators who apply phenoxy herbicides	\$50,000

E. Proof of financial responsibility may be made by any of the following means:

(1) Filing a surety bond in the proper amount, written by a company authorized to do business in Louisiana and conditioned

upon the licensee fulfilling his obligations to persons proven to have suffered damages as a result of actions of the owner-operator or any of his employees. Such surety bond shall provide for 90 days written notice to the Commissioner prior to cancellation.

(2) Filing a certificate of insurance, in the form prescribed by the Commissioner, in the same amount as required for a surety bond. Such insurance shall be payable to the benefit of persons proven to have suffered damages as a result of the actions of the owner-operator or any of his employees and shall provide for 30 days written notice to the Commissioner prior to cancellation. An owner-operator shall not change the amount of such insurance during the period of the license without the prior written approval of the Commissioner.

(3) Filing a certificate(s) of deposit in the same amount as required for a surety bond. Such certificates of deposit shall be assigned to the Commissioner, endorsed, and deposited with the Commissioner. Holders of such certificates shall continue to draw all interest thereon. Upon the request of the certificate holder, certificates of deposit may be exchanged at maturity, under procedures acceptable to the Commissioner.

(4) Filing an irrevocable letter of credit, issued by a guarantor and in a form acceptable to the Commissioner, which shall be non-cancellable during the term of the license for which the irrevocable letter is offered as security.

(5) Depositing cash equal to the amount required for the surety bond with the Commissioner, which cash shall remain on deposit until replaced by other security acceptable to the Commissioner or until expiration, suspension, or revocation of the license.

F. Failure to maintain the required security in full force and effect throughout the license period, as required under Rule 11.1 D, shall subject a licensee to immediate suspension or revocation of his license.

G. Applicants for owner-operator license must satisfactorily complete the application form prescribed by the Commissioner and pay the fee specified under Rule 10.1 C prior to issuance of the license.

H. Prior to issuance of the license and/or during the period of licensure, persons applying for owner-operator license under a corporate name must provide proof of compliance with Louisiana's Corporation Laws upon the Commissioner's request.

I. Each application for owner-operator license must list all commercial applicators employed on a regular basis when the application is filed. Commercial applicators hired after the license is issued must be certified to the Commissioner as required under Rule 11.1 C hereof.

J. All mechanically powered pesticide application equipment used by any person required by the provisions of R.S. 3:3243 to be licensed by the Commissioner must be inspected by the Department prior to May 31 following issuance of the license, or within 30 days after issuance of any license dated after January 1. The inspector shall affix a decal to all equipment found to be in compliance with these regulations. It is the responsibility of the licensee to make certain that his equipment is inspected, approved, and a decal affixed prior to May 31, or, if licensed after January 1, within 30 days after the date of the license. Failure to have decals on pesticide application equipment within the time prescribed under this Rule shall subject a licensee to immediate suspension or revocation of his license.

K. Owner-operator licenses shall be valid until December 31 following date of issue and must be renewed annually by filing the application form prescribed by the Commissioner, together with the fee specified in Rule 10.1 C, prior to December 31. A late fee of \$50 shall be imposed on any applicant filing application for renewal of an owner-operator license after December 31.

L. Licensed owner-operators who apply any pesticides

which, upon disposal, are classified as hazardous wastes must comply with all rules adopted by the Commissioner to regulate the handling of such pesticides prior to renewal of the license. If licensed after January 1, owner-operator must comply with all rules regulating the handling of pesticides which, upon disposal, are classified as hazardous wastes within 30 days after issuance of the license.

M. Any person whose license or required certification has been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No owner-operator license or required certification shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

N. The Commissioner may deny an owner-operator license or commercial applicator certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes;
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticide statutes and/or these regulations; and/or
- (4) Has failed to apply for and receive a decal for every item of mechanically powered pesticide application equipment used in the operation of the business.

11.2 Pesticide Dealers Selling Restricted Use Pesticides

A. Pesticide dealers must be licensed by the Commissioner prior to making any sales of restricted use pesticides.

B. No person shall be licensed as a pesticide dealer unless such person (1) holds a current pesticide salesperson certification, (2) employs at least one person who holds a current pesticide sales person certification, or (3) holds a current commercial applicator certification.

C. No person shall sell restricted use pesticides unless (1) his/her name is listed on the application for pesticide dealer license, or (2) if employed after issuance of the license, the licensed pesticide dealer has notified the Commissioner of such employment, in writing, within 30 days after the first day of such employment. Such subsequent notification shall contain the name, address, and certificate number of certified pesticide salespersons who are employed after the license is issued.

D. No licensed pesticide dealer may sell, offer for sale, or hold for distribution any pesticide which has not been registered with the Department as required by R.S. 3:3221.

E. Applicants for pesticide dealer license shall satisfactorily complete the application form prescribed by the Commissioner and pay the fee required under Rule 10.1 C hereof prior to issuance of the license.

F. Each application for pesticide dealer license shall contain the name, address, and certificate number of all certified pesticide salespersons.

G. Within 30 days after termination of any certified pesticide salesperson listed on the license application form and/or certified to the Commissioner after issuance of a pesticide dealer license, the licensee must notify the Commissioner, in writing, of such termination.

H. Whenever such termination results in no certified pesticide salesperson at a licensed pesticide dealer's business, the pesticide dealer license shall be revoked 30 days after such termination, unless the licensee employs another certified pesticide salesperson within 30 days after termination of the original employee. In such event, the licensee may request the administration of an examination for pesticide salesperson certification on a priority basis, and the examination shall be immediately administered.

I. Pesticide dealer licenses shall be valid until December 31 following date of issue and must be annually renewed by filing the application form prescribed by the Commissioner, together with the fee required under Rule 10.1 C, prior to December 31. A late fee of \$50 shall be imposed on any applicant filing application for renewal of a pesticide dealer license after December 31.

J. Any person whose license or required certification has been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No pesticide dealer license shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

K. The Commissioner may deny a pesticide dealer license or pesticide salesperson certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes; and/or
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticides statutes and/or these regulations.

11.3 Agricultural Consultants

A. No person shall be licensed as an agricultural consultant unless such person (1) is currently certified as an agricultural consultant, or (2) employs a person currently certified as an agricultural consultant.

B. No person shall make pesticide recommendations for a fee unless (1) his/her name is listed on the application for agricultural consultant license, or (2) if employed after issuance of the agricultural consultant license, the licensee has notified the Commissioner in writing within 30 days after the first day of such employment. Notification of employment after the license is issued shall include the name, address, and certificate number of agricultural consultants employed by the licensee.

C. All applicants for agricultural consultant licenses shall complete the application form prescribed by the Commissioner and pay the fee required under Rule 10.1 C hereof prior to issuance of the license.

D. Each application for agricultural consultant license shall include the name, address, and certificate number of all certified agricultural consultants and the name and address of all field scouts employed by the applicant when the application for license is filed.

E. Each licensed agricultural consultant shall register every field scout employed under his/her license with the Commissioner within 30 days after the first day of the scout's employment. The registration shall remain valid during the scout's employment by the agricultural consultant applying for field scout registration, without renewal, but shall be cancelled upon termination of such employment. Each agricultural consultant shall notify the Commissioner, in writing, within 30 days after termination of any field scout.

F. Each field scout registered by a licensed agricultural consultant shall be issued a registration card. The field scout shall carry the registration card on his/her person when engaged in field counts and shall display the registration card upon reasonable request.

G. Agricultural consultant licenses shall be valid until December 31 following date of issue and shall be renewed annually by filing the application form prescribed by the Commissioner, together with the fee required under Rule 10.1 C, prior to December 31 of each year. A late fee of \$50 shall be imposed on any applicant filing application for renewal of an agricultural consultant license after December 31.

H. Any person whose license or required certification has

been suspended or revoked may be required to appear before the Advisory Commission on Pesticides prior to issuance of a new license or certification. No agricultural consultant license shall be reinstated after suspension or revocation unless the applicant for reinstatement has complied fully with all requirements of this Rule.

I. The Commissioner may deny an agricultural consultant license or certification to any person who:

- (1) Fails to demonstrate a knowledge of pesticides necessary for the safe and efficacious use thereof;
- (2) Fails or has previously failed to comply with any requirement of these regulations and/or the Pesticides statutes; and/or
- (3) Has previously been adjudged, in a properly conducted adjudication procedure, to have violated any provisions of the Pesticides statutes and/or these regulations.

12.0 Regulations Governing Application of Pesticides

12.1 General Requirements

A. No person shall apply pesticides as a commercial applicator unless such person is:

- (1) licensed as required under Rule 11.1 hereof,
- (2) employed by a person licensed as required by Rule 11.1 hereof,
- (3) making ground applications of pesticides under the direct supervision of a person certified as a commercial applicator, or
- (4) certified in Demonstration and Research.

B. No person shall apply any pesticide which is not registered with the Department and the EPA, provided that this restriction shall not apply to (1) activities conducted by persons certified in Demonstration and Research, and (2) activities conducted under an approved experimental use permit.

C. No person who is required under the provisions of R.S. 3:3243 to be licensed by the Commissioner shall apply pesticides with mechanically powered pesticide application equipment which does not bear a current decal affixed by the Commissioner, except as provided under Rule 11.1 J.

D. No person shall apply any ester compound of phenoxy herbicide containing an aliphatic alcohol radical with less than six carbon atoms at any location within Louisiana.

E. All pesticides shall be applied in accordance with label and labeling requirements.

F. All persons who apply pesticides aerially must be certified as commercial applicators.

G. No person who is required under the provisions of R.S. 3:3243 to be licensed by the Commissioner may dispose of any unused portions of pesticides and/or rinsate of pesticides at any location other than a site approved by the Commissioner.

12.2 Restrictions on Application of Certain Pesticides

A. Effective as of July 1, 1984, the Commissioner hereby declares that, in addition to all other pesticides classified by EPA as restricted use pesticides, the pesticides listed in Rule 12.2 B are classified as restricted use pesticides within the State of Louisiana, except:

- (1) when formulated in concentrations of two percent or less, or
- (2) when formulated with fertilizer for use by homeowners.

B. The following pesticides may not be applied by commercial applicators during the times set forth in this Rule in the areas listed in Rules 12.2 C, 12.2 D and 12.2 E hereof.

Chemical Name	Common Name
1. 4-amino-3,5,6-trichloro-picolinic acid	Picloram
2. Arsenic trioxide	—
3. 3-chlorophenoxy-alpha-propionamide	3-CPA
4. 4-chlorophenoxy acetic acid	4-CPA

5. 2,4-dichlorophenoxy acetic acid	2,4-D
6. 4-(2,4-dichlorophenoxy) butyric	2,4-DB
7. 2-methoxy-3,6-dichlorobenzoic acid	Dicamba
8. 2-methyl-4-chlorophenoxy acetic acid	MCPA
9. 4-(2 methyl-4-chlorophenoxy) butyric acid	—
10. 2-(2 methyl-4-chlorophenoxy)	2-MCPP
11. Arsenic acid	Arsenic
12. Sodium arsenite	—
13. (2,4,5-trichlorophenoxy) acetic acid	2,4,5-T
14. 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dechlorophropionate	—
15. 2-(2,4,5-trichlorophenoxy) propionate	Silvex
16. Tris (2,4-dichlorophenoxy ethyl) phosphite	—
17. A mixture of tri-, tetra-, and polychlorobenzoic acid	—

C. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators between March 15 and September 15 in the following parishes:

(1) Avoyelles	(14) Morehouse
(2) Bossier	(15) Natchitoches
(3) Caddo	(16) Quachita
(4) Caldwell	(17) Pte. Coupee, Ward 2
(5) Catahoula	(18) Rapides
(6) Claiborne, Ward 4	(19) Red River
(7) Concordia	(20) Richland
(8) DeSoto, Ward 7	(21) St. Landry, Ward 4
(9) East Carroll	(22) Tensas
(10) Franklin	(23) Union
(11) Grant	(24) West Carroll
(12) LaSalle	(25) Winn, Ward 7
(13) Madison	

D. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators between March 1 and June 15 in the area between the Mississippi River and Highway 61 in the Parishes of St. James and St. John the Baptist.

E. The pesticides listed in Rule 12.2 B shall not be applied by commercial applicators in the Parish of Plaquemines.

F. In any application of the pesticides listed in Rule 12.2 B in any of the areas listed in Rules 12.2 C, 12.2 D, or 12.2 E, the wind speed at the time of application shall determine the distance which must separate the center of the swath from the nearest inhabited structure and/or susceptible crop, as follows:

Wind Speed	Minimum Distance	
	Aerial Equipment	Ground Equipment
0- 3 mph	½ mile downwind	⅛ mile downwind
	½ mile crosswind	⅛ mile crosswind
	50 feet upwind	20 feet upwind
3- 6 mph	1 mile downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
	50 feet upwind	5 feet upwind
6-10 mph	2 miles downwind	½ mile downwind
	½ mile crosswind	¼ mile crosswind
	50 feet upwind	5 feet upwind

Above 10 mph Prohibited
Note: "Crosswind" means 90 degrees (+ or - 10 degrees) from the flight path or the direction of the application.

G. No commercial applicator may make application of the following pesticides except in compliance with the wind speed restrictions set forth in Rule 12.2 F above:

	Chemical Name	Common Name
1.	3 ¹ , 4 ¹ - Dichloropropionanilide	Propanil
2.	1:1-Dimethyl-4,4' - Bipyridinium (cation) dichloride	Paraquat

H. Whenever an inhabited structure at the site of application is located at a distance less than the distance specified in Rule 12.2 F, the prohibition relative to the distance between the swath of the application and an inhabited structure shall not apply when the owner, renter, or lessee occupying the structure grants written authorization for the pesticide application.

I. Hand injections of pesticides are exempt from the requirements of Rule 12.2 F.

J. If label and labeling requirements relative to wind speed are more restrictive for the pesticide being applied than the restrictions set forth in Rule 12.2 F, label and labeling requirements shall determine the minimum distance from inhabited structures and susceptible crops.

12.3 Waiver of Restrictions Contained in Rule 12.2

A. No commercial applicator shall apply any of the pesticides listed in Rule 12.2 B in the parishes and during the periods specified in Rules 12.2 C, 12.2 D, and 12.2 E without written authorization from the Commissioner prior to such application.

B. The Commissioner may waive the time restrictions on application of pesticides listed in Rule 12.2 B upon written request, as follows:

(1) Any commercial applicator desiring a waiver of any restriction contained in Rule 12.2 shall apply to the Commissioner at least 24 hours prior to the date scheduled for application of the pesticide.

(2) The application for waiver shall be submitted on a form provided by the Commissioner and shall contain the following information:

- a) the name and address of the person requesting the application,
- b) the name of the applicator who will actually make the application,
- c) the name of the owner-operator, if different from the applicator making the application,
- d) the location where the application will be made, including the crop and name and address of the landowner,
- e) the proposed date and hour when the application is scheduled, and
- f) any other information pertinent to the specific waiver application which may be required by the Commissioner.

C. Both the commercial applicator and the person for whom the pesticide application will be made must sign and date the waiver application.

12.4 Regulations Governing Aerial Application of Pesticides to Rights-of-Way for Control of Woody Vegetation.

A. This Rule applies only in parishes whose governing bodies have appeared in public hearing before the Advisory Commission on Pesticides and thereafter secured the approval of the Commissioner for the enforcement of this Rule.

B. The Commissioner will notify each owner-operator who is certified in Right-of-Way Pest Control, in writing, whenever a parish governing authority is approved to enforce the provisions of this Rule.

C. Each applicator intending to make an aerial application of pesticides to control woody vegetation on public utility rights-of-way in such parishes must notify the Office of Pesticides and Environmental Programs, in writing, at least 15 days prior to the anticipated date of the application. That notice shall contain:

- (1) Anticipated dates and times of application,
- (2) Description of the area(s) where the application will be made,

(3) A telephone number and address of the applicator's office to which citizens can report sensitive areas to the applicator prior to the scheduled application, and

(4) The pesticides to be applied.

D. Within five days after receipt of notice from an applicator, the Department shall:

(1) Notify the governing authority of any parish which has secured the approval of the Commissioner for enforcement of this Rule, such notice to include all information required under Rule 12.4 C, and

(2) Issue a news release to all media within such parish, which news release shall contain all information required under Rule 12.4 C.

E. The governing authority may make additional publications of the notice by any means considered appropriate by the governing authority. The governing authority shall notify the Office of Pesticides and Environmental Programs of the media utilized for such additional public notice concerning the scheduled application.

F. No commercial applicator may make aerial application of pesticides to control woody vegetation on public utility rights-of-way in any manner inconsistent with label and labeling requirements for the pesticide applied.

G. Before pesticides are applied to rights-of-way for control of woody vegetation, the applicator shall fly a reconnaissance flight over the right-of-way to be sprayed.

12.5 Damage Complaints

A. Persons filing damage complaints shall, at the same time the complaint is filed, execute a consent form granting access to the property alleged to have been damaged.

B. Each person filing a damage complaint must notify the Commissioner at least 24 hours before the start of harvest of the property alleged to have been damaged.

C. Whenever any person filing a damage complaint fails to provide the required prior notice before the start of harvest, no final production assessment shall be made by the Department.

13.0 Regulations Governing Bulk Pesticides

13.1 Definitions

A. "Bulk pesticide" means any registered pesticide which is transported or held in an individual container in undivided quantities of greater than 55 U. S. gallons liquid measure or 100 pounds dry weight.

B. "Bulk repackaging" means the transfer of bulk quantities of a registered pesticide from one bulk container to another bulk container in an unaltered state in preparation for sale to another person. Transfer of less than bulk quantities is prohibited.

13.2 No person shall install or operate facilities engaged in bulk distribution of restricted use pesticides to owner-operators or private applicators in this state unless such person has made written notification of such activity by completing the form prescribed by the Commissioner.

13.3 Storage of Bulk Pesticides

A. Only products registered with the Department may be stored in bulk.

B. Bulk pesticide storage facilities shall be located a suitable distance from adjacent buildings, property lines, or public access roads.

C. Bulk pesticides must be stored on a foundation which meets the following requirements:

- (1) Must be solidly constructed of a material sufficiently impervious to contain leaks, spills, and accumulated pesticides and/or rinsate of pesticides;
- (2) Must be free of leaks;
- (3) Must be sloped to facilitate clean-up of inadvertent spills; and

(4) Must be constructed with a rim of sufficient height to contain runoff from cleanup activities of inadvertent spills and prevent runoff of flood waters.

D. Containers and accessory equipment used for storage and handling of bulk pesticides shall be of materials and construction compatible with the pesticide stored and the conditions of storage.

E. Permanent liquid bulk storage container installations shall be constructed with a secondary means of containment.

(1) Secondary containment shall be constructed of materials of sufficient thickness, density and composition to contain any discharged material.

(2) Secondary containment for outside storage must provide a minimum of 110 percent of the capacity of the largest single container. Suitable measures shall be used for containment of tanks stored under roof or within other enclosures.

(3) All rinsate and/or minor spillage in a secondary containment shall be disposed of as provided by the product's label and labeling requirements when feasible or deposited in a closed containment system as herein required. If the pesticide is classified, upon disposal, as a hazardous waste, such rinsate/spillage shall be disposed of in a permitted hazardous waste facility.

F. Bulk storage containers must be equipped with locking devices and other appropriate measures such as lighting or security fencing to discourage ready access by unauthorized persons to the bulk container storage area when unattended.

G. Bulk storage containers shall be equipped with suitable sample points; official samples drawn from such containers shall be accepted without question as being representative of the contents of such containers.

H. The registered product label shall be affixed in a prominent location on the outside of all bulk storage containers.

I. Underground storage of bulk pesticides is prohibited.

13.4 Transportation of Bulk Pesticides

A. Containers used to transport pesticides must meet all applicable standards of the Louisiana Department of Transportation and Development.

B. Containers must be secured to prevent significant movement during transportation.

C. A label for the registered pesticide product must accompany each shipment of the pesticide.

13.5 Loading and Handling of Bulk Pesticides

A. Bulk pesticides shall be handled and/or loaded so as to prevent damage to persons, livestock, crops, and/or environment.

B. Toxicity and volatility of bulk pesticides shall be considered in loading practices.

C. Prior to refilling bulk storage containers, the containers must be thoroughly rinsed, under procedures equivalent to triple-rinsing procedures, except when a container is refilled with the same pesticide.

13.6 Distribution of Bulk Pesticides

A. Transfer of a registered bulk pesticide from one size container to another for sale or delivery in bulk quantities may be made, provided:

(1) the person making such transfer has filed the bulk pesticides notification form prescribed by the Commissioner, and

(2) there is no change in the pesticide formulation, the product label (except addition of the required EPA establishment number and net contents statement), or the party responsible for maintaining the integrity of the product.

B. Bulk pesticides may be repackaged for sale only in containers which meet the requirements of this Rule.

C. Scales or meters used for sales of bulk pesticides shall meet the specifications of the Department's Weights and Measures Division; appropriate measures shall be taken to prevent contamination of the product during transfer with scales or meters.

13.7 Notification of Spills — If any spill of bulk pesticides occurs, immediate telephone notification must be made to the Director of Pesticides and Environmental Programs. The telephone notification must be confirmed in writing within three days after the spill.

14.0 Requirements for Mechanically Powered Pesticide Application Equipment Used by Commercial Applicators

14.1 The following systems or controls must be present and in good operating order prior to the issuance of a decal:

A. Aerial and ground application equipment:

(1) The hopper must be free of leaks and in good working order, and

(2) All equipment must include a properly functioning pressure gauge.

B. Aerial application equipment:

(1) The booms, nozzles, and hose fittings must be free of leaks;

(2) The emergency dump, if present on an aircraft, must be free of leaks when in the closed position;

(3) There must be a main fluid filter between the main tank and the boom system; and

(4) The distance between the outermost nozzles on the boom of a fixed-wing aircraft shall not be more than 90 percent of the wing span of the aircraft. The boom on the rotary-winged aircraft may not exceed the rotor diameter. The Commissioner may waive these requirements for specific aircraft.

15.0 Monitoring of Commercial Applicator Operations

15.1 Duly authorized representatives of the Commissioner may inspect all pesticide applicator operations semi-annually, with or without prior notification, provided that the Commissioner may monitor such sites on a more frequent basis whenever, in his sole discretion, he determines that there is a need for more frequent monitoring of any specific commercial applicator.

15.2 In such monitoring, the authorized representative of the Commissioner shall:

A. Inspect the physical surroundings of the site to determine that all requirements of these regulations have been complied with,

B. Inspect the records required under Rule 17.0,

C. Take samples, as determined by the Commissioner, at any of the following locations:

(1) Any site where an application of pesticides has been made by the applicator,

(2) Any base storage,

(3) Any containment tank for pesticides which, upon disposal, are classified as hazardous wastes,

(4) Any surface impoundment,

(5) Any wash pad,

(6) Any soils or water, flowing or still, at any location on or adjacent to the base operation, or

(7) Any application equipment (i.e., hopper tanks and connections, mixing tank, etc.).

15.3 Any samples taken as above provided shall be marked for identification under chain of custody procedures and shall be analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

15.4 The owner-operator from whose operations any sample is taken shall be provided with a copy of the analysis results within 30 days after the analysis is completed.

16.0 Other Access Requirements

16.1 Pesticide dealers and pesticide salespersons

A. The Commissioner, upon reasonable request, shall be permitted access to any premises where restricted use pesticides are sold, offered for sale, or held for distribution.

B. The Commissioner may examine the records required under Rule 17.2 and may take samples of any restricted use pesticides found on the premises.

C. Such samples shall be marked for identification by accepted chain of custody requirements and shall be analyzed in accordance with procedures approved by the Association of Official Analytical Chemists and/or other methods approved by the U. S. Environmental Protection Agency.

D. The owner of any restricted use pesticide from which such sample is taken shall be provided with a copy of the analysis results within 30 days after the analysis is completed.

16.2 Agricultural consultants — The Commissioner, upon reasonable request, shall be permitted access to the records required under Rule 17.3.

17.0 Record-keeping requirements

17.1 Owner-operators and commercial applicators — Each owner-operator shall accurately maintain, for a period of two years, the following records, in a current condition, relative to the application and management of pesticides:

- A. The name and business or residence address of the person for whom the pesticide was applied,
- B. The location where the pesticide was applied,
- C. The date and time when the pesticide was applied,
- D. The crop to which the pesticide was applied,
- E. The name of the pesticide applied,
- F. The rate of application,
- G. The name of the certified applicator who applied the pesticide.

17.2 Pesticide dealers and salespersons

A. The requirements of this Rule apply to sales of (1) pesticides classified as restricted use pesticides by the Commissioner or the EPA, (2) pesticides which, upon disposal, are classified as hazardous wastes, and (3) pesticides listed in Rule 12.2 B, except when sales of pesticides listed in Rule 12.2 B are:

- (1) sold in concentrations of two percent or less, or
- (2) formulated with fertilizers for use by homeowners.

B. Licensed pesticide dealers, certified pesticide salespersons, and/or persons under the direct supervision of a certified dealer or salesperson shall maintain the following records on a current basis for a period of two years:

- (1) The name and amount of the pesticide purchased and/or sold,
- (2) The date of all purchase and/or sale transactions,
- (3) The name, address, and certification number of the purchaser, including the purchaser's name, address, and certification number in all purchases made for "cash",
- (4) The name of the person handling any sales of pesticides covered by this Rule.

C. Whenever any pesticides which, upon disposal, are classified as hazardous wastes are delivered to a purchaser, the records required under this Rule shall include the name of the purchaser, amount of pesticide purchased, date of delivery, and location to which delivered.

17.3 Agricultural consultants

A. Every recommendation made by an agricultural consultant shall be in duplicate original and shall be dated and signed by the agricultural consultant.

B. Each recommendation made by an agricultural consultant shall include the following:

- (1) Name and address of person purchasing the consultant's services,
- (2) Location, including the crop, for which the recommendation is made,
- (3) The pesticide or pesticides recommended,
- (4) The recommended rate of application,

(5) A brief statement as to the reasons for the recommendation,

(6) The date on which the recommendation is given.

C. The pesticide recommendation shall be given to the purchaser of the consultant services or his designee and a copy shall be maintained in the records of the agricultural consultant.

D. The Commissioner, or his duly authorized representative, shall be permitted access to such records upon reasonable request.

18.0 Penalties for violation of Pesticide statutes and these regulations

18.1 The Commissioner may suspend or revoke any license issued under the provision of R.S. 3:3241-3257 and/or may assess a civil penalty not to exceed \$5,000 for violation of any provision of R.S. 3:3201 through 3:3257 or any violation of a regulation enacted under the authority of said statutes.

18.2 Each separate day on which any violation occurs may be considered as a separate violation.

18.3 No penalty may be assessed by the Commissioner prior to the holding of an adjudicatory hearing before the Advisory Commission on Pesticides. Such adjudicatory hearing shall be conducted in accordance with the requirements of the Louisiana Administrative Procedure Act; any person alleged to have violated any provision of the Pesticide statutes or these regulations shall be accorded all of the rights and privileges guaranteed under said Act.

18.4 The Advisory Commission on Pesticides shall recommend penalties to be imposed as a result of findings of fact and/or conclusions of law that a violation occurred.

18.5 Whenever the Commissioner fails to accept the recommendations of the Advisory Commission on Pesticides for the imposition of penalties following an adjudicatory proceeding, the Commissioner shall notify the Commission, in writing, of the reasons for his failure to accept the Commission's recommendations.

Bob Odom
Commissioner

RULE

Commissioner of Agriculture Federal/State Meat and Inspection Program

Notice is hereby given that the Commissioner of Agriculture, pursuant to Notice of Intent published on December 20, 1983, and under the authority contained in R.S. 40:2282, has repealed Rule 9.4 of the Rules and Regulations for the Administration of the Louisiana Cooperative Federal/State Meat and Poultry Inspection Program.

Bob Odom
Commissioner

RULE

Department of Commerce Licensing Board for Contractors

At its meeting February 14, 1984, the State Licensing Board for Contractors held the public hearing after the Notice of Intent to change Rule IV was published in the Register. The rule was adopted, after the hearing, to read as follows:

"The annual fee for licenses for the following year shall be set by the board at its October meeting each year. The annual fee in no case for renewal of licenses shall be more than \$100 for any one major classification or subdivision thereof, and not more than \$50 for each specialty, additional major classification or subdivision thereof. In no case shall the maximum fee exceed \$300. In addition, there will be a \$25 charge for a structural change."

Rule IV was then presented to the legislative committee on March 2, 1984, which resulted in no change from the above.

Roy A. Yarborough
Assistant Executive Director

RULE

Department of Commerce Minority Business Development Authority

The Louisiana Minority Business Development Authority published the following Notice of Intent on October 20, 1983:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

The word "calendar" has been added to the rule as a technical amendment. The rule now reads:

Effective July 1, 1983, payments on approved LAMBDA direct loans will be considered late if not received within ten calendar days of the payment due date. Beginning on the eleventh day following the scheduled due date, a late fee of 10 percent of the monthly payment will be assessed.

Nadia L. Goodman
Director

RULE

Department of Commerce Office of Financial Institutions

Sale of Thrift Club Memberships

A licensed or supervised lender may offer and sell thrift club memberships at any location where supervised loans are made. In addition, the cost of such thrift club memberships may, at the consumer's option, be payable from the proceeds of consumer loans and included in the amount financed, provided that:

1. The sale of the thrift club membership is not a factor in the approval of credit and this fact is clearly disclosed in writing to the consumer.

2. In order to obtain the thrift club membership, the consumer gives specific affirmative written indication of his or her desire to purchase it after receiving written disclosure of the cost.

Hunter O. Wagner, Jr.
Commissioner

RULES

Board of Elementary and Secondary Education

Rule 3.02.04.e

The Board adopted an amendment to BESE Agenda Item 29 (September, 1983) to include authorization for the superintendents of BESE special schools and Special School District No. 1 to accept employee resignations in the name of BESE.

Rule 3.02.04.f

The Board adopted an amendment to BESE Agenda Item 8-G-2 of the October 27, 1983 Minutes, page 20, to include authorization for the superintendents of BESE special schools and Special School District No. 1 to suspend employees without pay for up to 90 days in the name of the Board, pending Board action on a recommendation for termination.

Rule 3.02.02

The Board adopted the revised Attendance Policy for Vocational Technical Schools.

Rule 3.03.04

The Board adopted the following revised special fee

schedule for non-residents in the Marine Upgraded Program at Louisiana Marine and Petroleum Institute:

Master on Mate	\$60
Engineer	40
Crewboard Operator	40
Towing Operator	60
Able Seaman	25
Oiler	25
Lifeboatman	12
Tankerman	6

James V. Soileau
Executive Director

RULE

Department of Environmental Quality Environmental Control Commission

Under the authority of the Louisiana Environmental Quality Act of 1983, La. R.S. 30:1136 A (1) and (5) and/or the Louisiana Environmental Affairs Act of 1979, La. R.S. 30:1066 (1) and (8) and in accordance with the provisions in La. R.S. 49:951 et seq., the Louisiana Environmental Control Commission (ECC) and the Secretary of the Department of Environmental Quality, Winston R. Day adopted amendments to the Louisiana Hazardous Waste Regulations (LHWR) on February 23, 1984. Prior to the final adoption of the amendments by the Commission and Secretary, the proposed regulations were forwarded to, and found acceptable by, the Joint Committees on Natural Resources.

Persons requesting copies and/or further information concerning the LHWR amendments may contact Ms. Patsy Deaville, Department of Environmental Quality, Hazardous Waste Management Division, Box 44066, Baton Rouge, LA 70804-4066, or phone (504) 342-1227.

Winston R. Day
Secretary

RULE

Office of the Governor Division of Administration

Fiscal Policy and Procedure Memorandum No. 67 Uniform Policy for Travel in State-Owned Aircraft

In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-970 as amended, notice is hereby given of this intent to issue Policy and Procedure Memorandum No. 67, Travel in State-Owned Aircraft Policy, effective March 20, 1984. These regulations are both substantive and technical in nature, and are intended to specify the conditions under which aircraft owned and operated by the State of Louisiana may be utilized to transport State personnel; to identify personnel of State government who may utilize State-owned and operated aircraft; and to specify the rates to be charged for usage of State-owned and operated aircraft. These regulations apply to all State departments, boards, and commissions created by the Legislature or Executive Order, with the exceptions noted below, and operating from funds appropriated, dedicated, or self-sustaining; federal funds, or funds generated from any other source.

Legal Basis: L.R.S. 39:231: "The Commissioner, with the approval of the Governor, shall, by rule or regulation, prescribe the conditions under which each of the various forms of transportation may be used by State Officers and employees in the discharge of the duties of their respective offices and positions in