

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Agricultural Commodities Commission

Ag-Commodities—Wheat Inspection
(LAC 7:XXVII.Chapter 147)

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 3:3405, R.S. 3:3406 and R.S. 3:3414.3, the Agricultural Commodities Commission finds that this emergency rule setting forth procedures related to sampling wheat is required so that Louisiana's wheat crop can be closely monitored for the existence of the fungal disease known as karnal bunt. Karnal bunt reduces wheat and barley yields, and flour made from infected kernels is discolored and has an unpleasant odor. The commission has been advised that karnal bunt has been found in the state of Arizona and that the United States Department of Agriculture (USDA) has requested the states to sample all wheat to ensure that it is clear of the disease. As a result of the discovery, USDA's Animal and Plant Health Inspection Service (APHIS) has stopped issuing phytosanitary certificates which state that karnal bunt is not found in the United States. Wheat exports are affected because 21 countries require a phytosanitary certificate from APHIS before wheat and barley may cross their borders. Failure to enact wheat sampling guidelines in a timely manner would cause imminent peril to public health, safety, and welfare of the citizens of this state and citizens of the United States in that the export market for wheat would be jeopardized.

The effective date of this emergency rule is May 16, 1996, and it shall be in effect for 120 days or until the final rule takes effect through the normal promulgation process, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXVII. Agricultural Commodity Dealer and Warehouse

Chapter 147. Agricultural Commodity Commission

Subchapter H. Grading; Sampling; Out-of-Condition Commodities

§14735. Elevators: Official Grades and Sampling

A. - E. . . .

F. Each grain dealer who issues grades for wheat shall retain each sample of wheat received from a producer. Samples shall be retained in separate containers and shall be retained for seven days from the date the sample was graded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3414.3, R.S. 3:3406 and R.S. 3:3405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 9:309 (May 1983), amended LR 12:288 (May 1986), LR 22:

J. B. Broussard
Chairman

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