

ARKANSAS STATE PLANT BOARD

Minutes

March 5, 2024

9:30 a.m.

Chair Matthew Marsh called the quarterly Board meeting to order.

Members present: Bruce Alford, Sammy Angel, Kyle Baltz, Jon Bierbaum, George Dunklin, Garrett Frost, David Gammill, Dr. Ken Korth, Matthew Marsh, Reynold Meyer, Matthew Miles, Robin Ralston, Nathan Reed, Travis Senter, Dr. Nathan Slaton, Sam Stuckey, Robert Thorne, David Wallace, Jr.

Scott Bray, Director, Plant Industries Division, and other Arkansas Department of Agriculture staff were in attendance.

1. Opening comments and introductions

Chair Marsh welcomed all who were in attendance and asked each member to introduce themselves and state who they represent.

2. Consider minutes of the December 5, 2023 Plant Board meeting

Moved by Alford, seconded by Angel, to approve the Plant Board meeting minutes as presented.

Motion carried.

3. Pest Control Section

Bruce Alford summarized the minutes of the Pest Control Committee meeting held February 12, 2024. Attachment 3A

Two Resolution of pest control incidents were presented to the Board for consideration.

- Case File 24.081 – TruGreen - major violation due to agent making a pesticide application with lack of PPE agreed to an informal resolution of \$300.00.

- Case File 24.113 – Legacy Termite and Pest Control – major level violation due to agent making a pesticide application with lack of PPE agreed to an informal resolution of \$300.00.

Moved by Alford, seconded by Stuckey to approve the Informal Resolution Agreements as presented.

Motion carried.

Moved by Alford, seconded by Bierbaum to approve the minutes of the February 12, 2024 Pest Control Committee meeting minutes as presented.

Motion carried.

Committee Chair Alford presented the Pest Control examination results for the months of December of 2023 through February of 2024. **Attachment 3B**

Moved by Alford, seconded by Senter to approve the exam results as presented.

Motion carried.

4. Pesticide Program

Susie Nichols, Pesticide Section Manager, presented an Abandoned Pesticide Disposal Program update to include a statewide county collection event schedule. **Attachment 4**

5. Bureau of Standards Program

Nikil Soman, Director, Bureau of Standards summarized the minutes of the Bureau of Standards Committee meeting held February 15, 2024. **Attachment 5**

Staff presented 47 civil penalties to the committee for review and recommendation to the Board.

Twenty-three for Expired or No Decal – Table 1

- Eighteen First Offense
- Four Second Offense
- One Third Offense

Ten for Misrepresentation of Pricing – Table 2

- Six First Offense
- Two Second Offense
- One Third Offense
- One Tenth Offense

Thirteen for Water Contamination – Table 3

- Thirteen First Offense

One for Flashpoint Failure – Table 4

- One First Offense

Moved by Marsh, seconded by Miles to approve the civil penalties actions as presented.

Motion carried.

Moved by Meyer, seconded by Throne to approve the minutes as presented.

Motion carried.

6. Boll Weevil Eradication Program

Stuckey summarized the minutes of the Boll Weevil Eradication Sub-Committee meeting held February 7, 2024.

Stuckey presented the Delta Invoice in the amount of \$242,182.54. **Attachment 6A**

Moved by Stuckey, seconded by Alford to approve the Delta invoice as presented.

Motion carried.

Stuckey stated the Sub-committee also recommends a \$3.00 per acre assessment for 2024 and a \$1.00 rebate for the 2023 back to the growers.

Moved by Stucky, seconded by Alford to approve the Sub-committee's recommendation as presented.

Motion carried.

Moved by Stuckey, seconded by Meyer to approve the report of the minutes of the meeting as presented.

Motion carried.

- Arkansas Boll Weevil Eradication Foundation (d/b/a of Arkansas Cotton Grower's Organization, Inc. financial statements - December 31, 2023 – Attachment 6B
 - Previous meeting minutes of November 16, 2023 – Attachment 6C
7. Brigit Rollins, National Agriculture Law Center, made presentations on dicamba and the new ESA-FIFRA policy. Attachment 7

Rollins presented a report on a federal ruling in Arizona to vacate over-the-top registration for three dicamba products to include XtendiMax, Engenia, and Tavium.

Rollins presented an overview of the new ESA-FIFRA policy. Rollins stated the policy is an attempt by EPA to better meet its endangered species act responsibilities when taking actions under FIFRA.

8. **Other business**

No other business was discussed.

9. **Date for the next quarterly Board meeting.** The next quarterly Board meeting is scheduled for June 6, 2024, at 9:30 a.m.

10. **Meeting adjourned.**


Matthew Marsh, Chairman


Sam Stuckey, Secretary

Minutes for Pest Control Committee Meeting
February 12, 2024
Little Rock, Arkansas

Present by Zoom were:

Committee Chair Bruce Alford, Forage
Jon Bierbaum, Forestry
Matt Miles, Association of Farmers
Garrett Frost, Aerial Application
Matthew Marsh, AR Rice Growers
Travis Senter, Farmers of AR
Kyle Baltz, Fertilizer Association

Others Present by Zoom were:

Mark Stoll, ADA
Seth Dunlap, ADA
Ashleigh Buono, ADA

Meeting was called to order by Committee Chair Bruce Alford at 1:30pm. Those present on call were presented with the following:

1. Resolution of Pest Control Incident (attachment 1)
2. Resolution of Pest Control Incident (attachment 2)

Mr. Dunlap gave a summary of the first Resolution Agreement for Case File #24.081 (See attachment 1). The incident occurred on September 26th, 2023, with TruGreen. Mr. Dunlap listed the findings of the case file. He notes that the \$300 civil penalty was agreed to be paid. Committee Chair Alford asks if the resolutions need to be voted on per incident or all at once, Seth Dunlap agreed they can be heard simultaneously, then voted on.

Mr. Dunlap gave a summary of the second Resolution Agreement for Case File #24.113 (See attachment 2). The incident occurred on November 8th, 2023, with Legacy Termite & Pest Control. Mr. Dunlap listed the findings of the case file. He noted that the \$300 civil penalty was agreed to be paid.

Mr. Dunlap confirmed verified compliance was conducted at the conclusion on both of the inspections to ensure everything was in order.

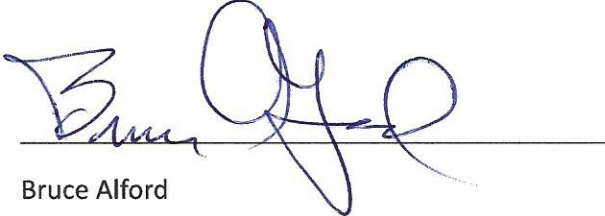
Committee Chair Alford questioned if those were the only two resolutions brought to the meeting, Mr. Dunlap confirmed.

Committee Chair Alford asked the board for their motion on resolution #1 and resolution #2. Mr. Senter motioned; other members present agreed to the motion. Committee Chair Alford states it passed and

that it will be brought before the board. Committee Chair Alford asks Mr. Dunlap if there is any other business. Mr. Dunlap does not have anything further to bring before them.

Committee Chair Alford motioned to adjourn the meeting. Mr. Matthew Marsh motioned to adjourn; other members present agreed to adjourn.

Meeting adjourned.

A handwritten signature in blue ink, appearing to read "Bruce Alford", is written over a horizontal line. The signature is stylized and cursive.

Bruce Alford



ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Sarah Huckabee Sanders
Governor

Wes Ward
Secretary of Agriculture

IN THE MATTER OF:

TruGreen, Justin Williams, and Taryon Brookes-Smith

RESOLUTION OF PEST CONTROL INCIDENT

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and TruGreen, Justin Williams, and Taryon Brookes-Smith (Respondents) pursuant to the authority of the Arkansas Pest Control Law, Act 488 of 1975, as amended, codified at Ark. Code Ann. § 17-37-101 et. seq. and the rules promulgated thereunder by the Arkansas State Plant Board (Plant Board).

In lieu of a formal hearing on this complaint, and in the interest of prompt and speedy settlement of the alleged violations specifically addressed herein, consistent with the public interest, statutory requirements, and the responsibilities of the Plant Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. This agreement shall settle and resolve only those alleged violations specifically addressed herein. It is agreed and stipulated by the parties as follows:

FINDINGS OF FACT

1. Respondent TruGreen employs Respondents Justin Williams, and Taryon Brookes-Smith.
2. Respondent TruGreen of Benton-Bryant is represented by Justin Williams.
3. Respondent Justin Williams holds a Classification 4 Ornamental Tree and Turf Pest Control License and is the immediate supervisor for Respondent Taryon Brookes-Smith.
4. Respondent Taryon Brookes-Smith is a Registered Agent for Respondent TruGreen.
5. On September 26, 2023, the Department's Pest Control Program staff observed Respondent TruGreen's employee making an application from a backpack fogger in Sherwood, wearing a short-sleeved shirt and no gloves. Upon inspection it was determined that Respondent Taryon Brookes-Smith was making an application of Tal-Star (EPA Reg. #279-3206) while not wearing waterproof gloves. Respondent Taryon Brookes-Smith was also in possession of various other pesticide containers that were empty and needed to be properly disposed of. Department staff followed up on October 17, 2023, to verify compliance. No issues were reported at the time of the follow-up reinspection.
6. The product label for Tal-Star (EPA Reg. #279-3206) states in part the following:

"PRECAUTIONARY STATEMENTS Hazards to Humans (and Domestic Animals)

CAUTION

Harmful if swallowed, inhaled or absorbed through skin. Avoid contact with skin, eyes or clothing. Avoid breathing spray mist. Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, or using tobacco. Remove contaminated clothing and wash before reuse.

All pesticide handlers (mixers, loaders and applicators) must wear long sleeve shirt and long pants, socks, shoes and chemical-resistant gloves. After the product is diluted in accordance with label directions for use, and/or when mixing and loading using a closed spray tank transfer system (such as an inline injector system) shirt, pants, socks, shoes and waterproof gloves are sufficient..."

SETTLEMENT AGREEMENT

For the purpose of settlement, as a resolution to the alleged violation and without an evidentiary hearing, Respondents agree and stipulate to the following:

1. Pursuant to the provisions of the ASPB Pest Control Enforcement Response Regulations, Penalty Matrix Violation # 2. Major ("Pesticide recommendations or applications which are inconsistent with any/or all the following: A. Labeling") Respondents shall pay a civil penalty of \$300.00, which Respondents shall be jointly and severally liable for payment.
2. Respondents acknowledge and agree that subsequent like violations of the Pest Control Law within three years of September 26, 2023, will be enforced at the next level of the ASPB Enforcement Response Policy Penalty Matrix and will be subject to penalties as allowed for in Ark. Code Ann. § 17-37-103.
3. Respondents shall remit payment to the Department of Agriculture the above amount no later than forty-five (45) days after the acceptance and approval of this agreement by the Plant Board.
4. This agreement shall not become a valid and enforceable order of the Plant Board unless and until accepted and approved by the Plant Board at an official meeting and executed by the Chair of the Board or designee.

Scott Bray, Director
Arkansas Department of Agriculture
Plant Industries Division

Scott Bray
Signature
1/24/24
Date

Justin Williams, License Holder Representative
TruGreen

[Signature]
Signature
1/23/24
Date



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

IN THE MATTER OF:

Legacy Termite & Pest Control, Christopher Maloch, and Robert Semey

RESOLUTION OF PEST CONTROL INCIDENT

This resolution of a pest control incident is entered into by the Arkansas Department of Agriculture (Department) and Legacy Termite & Pest Control, Christopher Maloch, and Robert Semey (Respondents) pursuant to the authority of the Arkansas Pest Control Law, Act 488 of 1975, as amended, codified at Ark. Code Ann. § 17-37-101 et. seq. and the rules promulgated thereunder by the Arkansas State Plant Board (Plant Board).

In lieu of a formal hearing on this complaint, and in the interest of prompt and speedy settlement of the alleged violations specifically addressed herein, consistent with the public interest, statutory requirements, and the responsibilities of the Plant Board, the undersigned parties enter into this Consent Agreement as a final disposition of this matter. This agreement shall settle and resolve only those alleged violations specifically addressed herein. It is agreed and stipulated by the parties as follows:

FINDINGS OF FACT

1. Respondent Legacy Termite & Pest Control employs Respondents Christopher Maloch, and Robert Semey.
2. Respondent Legacy Termite & Pest Control is represented by Christopher Maloch.
3. Respondent Christopher Maloch holds a Classification 1 Termite and Other Structural Pest Control license and a Classification 2 Household Pest and Rodent Control license; and is the immediate supervisor for Respondent Robert Semey.
4. Respondent Robert Semey is a Registered Agent for Respondent Legacy Termite & Pest Control.
5. On November 8, 2023, the Department's Pest Control Program staff observed Respondent Legacy Termite & Pest Control's employee making an application from a hand-held sprayer in Conway, wearing a short-sleeved shirt and no gloves. It was determined that Respondent Robert Semey was making an application of Demon Max (EPA Reg #100-1218) while not wearing a long-sleeved shirt or gloves.
6. The product label for Demon Max (EPA Reg #100-1218) states in part the following:

“Personal Protective Equipment (PPE)

Some materials that are chemical-resistant to this product are listed below.

Applicators and other handlers must wear:

- Long-sleeve shirt and long pants
- Shoes and socks
- Chemical-resistant gloves made of waterproof material, such as barrier laminate, nitrile rubber > 14 mils, neoprene rubber > 14 mils, and Viton® > 14 mils”

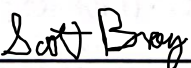
SETTLEMENT AGREEMENT

For the purpose of settlement, as a resolution to the alleged violation and without an evidentiary hearing, Respondents agree and stipulate to the following:

1. Pursuant to the provisions of the ASPB Pest Control Enforcement Response Regulations, Penalty Matrix Violation # 2. Major (“Pesticide recommendations or applications which are inconsistent with any/or all the following: A. Labeling”) Respondents shall pay a civil penalty of \$300.00, which Respondents shall be jointly and severally liable for payment.
2. Respondents acknowledge and agree that subsequent like violations of the Pest Control Law within three years of November 8, 2023, will be enforced at the next level of the ASPB Enforcement Response Policy Penalty Matrix and will be subject to penalties as allowed for in Ark. Code Ann. § 17-37-103.
3. Respondents shall remit payment to the Department of Agriculture the above amount no later than forty-five (45) days after the acceptance and approval of this agreement by the Plant Board.
4. This agreement shall not become a valid and enforceable order of the Plant Board unless and until accepted and approved by the Plant Board at an official meeting and executed by the Chair of the Board or designee.

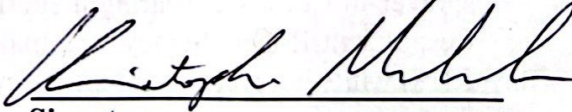
Scott Bray, Director
Arkansas Department of Agriculture
Plant Industries Division

Christopher Maloch, License Holder Representative
Legacy Termite & Pest Control



Signature

Date 1/28/24



Signature

Date 1/24/24

FIRST NAME	LAST NAME	Company	Date sign up	Date They Took Exam		
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Month of Dec 2023

Brandon	Bias	New Company	9/29/2023	11/29/2023	84% pass	Basic
Brandon	Bias	New Company	9/29/2023	11/29/2023	70% fail	Class 2
Daniel	Lachman	New Company	11/27/2023	11/29/2023	96% pass	Basic
Daniel	Lachman	New Company	11/27/2023	11/29/2023	73% fail	Class 2
Carlos	Fitzpatrick	Riceland	10/27/2023	12/1/2023	60% fail	Basic
Carlos	Fitzpatrick	Riceland	10/27/2023	12/1/2023	70% pass	Class 8
Jay	Rempfer	Plunkett's	11/20/2023	12/1/2023	97% pass	Basic
Jay	Rempfer	Plunkett's	11/20/2023	12/1/2023	89% pass	Class 2
Derrick	Cameron	New Company	10/3/2023	12/6/2023	94% pass	Basic
Derrick	Cameron	Moxie Pest Control	10/3/2023	12/6/2023	67% fail	Class 2
Derrick	Cameron	New Company	10/3/2023	12/7/2023	57% fail	Class 1
Derrick	Cameron	New Company	10/3/2023	12/7/2023	52% fail	Class 4
Walker	Williams	New Company	9/28/2023	12/5/2023	96% pass	Basic
Walker	Williams	New Company	9/28/2023	12/6/2023	57% fail	Class 2
Walker	Williams	New Company	9/28/2023	12/5/2023	71% fail	Class 1
Walker	Williams	New Company	9/28/2023	12/6/2023	66% fail	Class 4
Jonathan	Daniel	New Company	11/27/2023	12/6/2023	86% pass	Basic
Jonathan	Daniel	New Company	11/27/2023	12/6/2023	51% fail	Class 5
Jared	Molnar	New Company	10/30/2023	12/7/2023	89% pass	Basic
Jared	Molnar	New Company	10/30/2023	12/7/2023	71% fail	Class 2
Michael	Carter	Natural State Pest	11/16/2023	12/8/2023	75% pass	Class 1
Michael	Carter	Natural State Pest	11/16/2023	12/8/2023	80% pass	Class 2
Tyler	Webb	Critter Getters	12/7/2023	12/8/2023	62% fail	Class 2
Lawrence	Holland	New Company	12/1/2023	12/7/2023	95% pass	Basic
Lawrence	Holland	New Company	12/1/2023	12/7/2023	66% fail	Class 2
James	Moncrief	New Company	12/1/2023	12/6/2023	88% pass	Basic
Clarence	Spencer	New Company	11/27/2023	12/5/2023	71% fail	Class 2
Michael	Hyde	New Company	12/5/2023	12/11/2023	82% pass	Class 4
Michael	Hyde	New Company	12/5/2023	12/11/2023	97% pass	Basic
Christopher	Taylor	New Company	12/12/2023	12/15/2023	95% pass	Basic

Christopher	Taylor	New Company	12/12/2023	12/22/2023	74% fail	Class 4
Brian	Keeling	New Company	12/4/2023	12/17/2023	96% pass	Basic
Brian	Keeling	New Company	12/4/2023	12/17/2023	85% pass	Class 5
Johnathan	Flowers	New Company	12/18/2023	12/19/2023	41% fail	Class 5
Darrell	Altom	New Company	8/5/2023	12/21/2023	76% pass	Basic
Coppola	MacMillan	New Company	12/11/2023	12/20/2023	67% fail	Class 2
Drew	Seaton	Ace of Blades	12/12/2023	12/22/2023	88% pass	Basic
Drew	Seaton	Ace of Blades	12/12/2023	12/22/2023	50% fail	Class 4
John	Schulgen	New Company	10/12/2023	12/21/2023	90% pass	Basic
John	Schulgen	New Company	10/12/2023	12/21/2023	67% fail	Class 2
John	Schulgen	New Company	10/12/2023	12/21/2023	54% fail	Class 4
Christopher	Mosley	Ace of Blades	12/11/2023	12/22/2023	84% pass	Class 2
5 Classes						
21 Examiners						
7 Certs						

FIRST NAME	LAST NAME	Company	Date sign up	Date They Took Exam		
Month of Jan 2024						

Marshall	Hunt	R & C Pest Control	12/27/2023	12/30/2023	81% pass	Basic
Marshall	Hunt	R & C Pest Control	12/27/2023	12/31/2023	75% pass	Class 2
Brett	Goode	New Company	12/13/2023	1/3/2024	78% pass	Basic
Brett	Goode	New Company	12/13/2023	1/3/2024	56% fail	Class 4
Paul	Lefforge	Grounds Guys	10/9/2023	1/6/2024	86% pass	Basic
Paul	Lefforge	Grounds Guys	10/9/2023	1/6/2024	82% pass	Class 4
Kelly	Herrera-Taylor	Terminix	10/13/2023	1/9/2024	80% pass	Class 1
Charles	Odell IV	New Company	1/8/2024	1/9/2024	89% pass	Basic
Charles	Odell IV	New Company	1/8/2024	1/9/2024	55% fail	Class 5
Tyler	Brents	Western Foods	10/9/2023	1/11/2024	81% pass	Basic
Tyler	Brents	Western Foods	10/9/2023	1/12/2024	68% fail	Class 8
Clayton	Kannada	Producers Rice Mill	1/8/2024	11/15/2024	68% fail	Class 7
Cindy	Hallum	Terminix	10/23/2023	1/14/2024	74% pass	Basic
Cindy	Hallum	Terminix	10/23/2023	1/14/2024	79% pass	Class 1
Brian	Rusher	New Company	1/16/2024	1/16/2024	71% fail	Class 2
Ricky	Burcham	New Company	8/10/2023	1/18/2024	59% fail	Class 5
Brady	Abbott	New Company	11/6/2023	1/19/2024	91% pass	Basic
Brady	Abbott	New Company	11/6/2023	1/20/2024	62% fail	Class 2
James	Moncrief	New Company	12/1/2023	12/6/2023	88% pass	Basic
James	Moncrief	New Company	12/1/2023	1/18/2024	90% pass	Class 8
Justin	Jordan	Terminix	10/23/2023	1/20/2024	91% pass	Basic
Justin	Jordan	Terminix	10/23/2023	1/20/2024	82% pass	Class 2
Scott	Mitchell	Fairway Lawns	12/14/2023	1/20/2024	95% pass	Basic
Scott	Mitchell	Fairway Lawns	12/14/2023	1/20/2024	70% fail	Class 4
Steve	Jarrell	Terminix	1/22/2024	1/26/2024	78% pass	Class 2
Dustin	Zimmer	Command PC	1/23/2024	1/26/2024	77% pass	Class 2
Joseph	Baumann	New Company	1/25/2024	1/26/2024	53% fail	Class 10
Austin	Morgan	New Company	1/8/2024	1/28/2024	75% pass	Class 5
Dalton	Staley	New Company	11/28/2023	1/29/2024	74% fail	Class 2
Ranson	Weston	New Company	12/18/2023	1/29/2024	69% fail	Class 2

Ranson	Weston	New Company	12/18/2023	1/29/2024	71% fail	Class 1
Edmund	Duncan	New Company	1/23/2024	1/29/2024	92% pass	Basic
Edmund	Duncan	New Company	1/23/2024	1/29/2024	77% pass	Class 2
Darrin	Christley	New Company	11/27/2023	1/25/2024	76% pass	Basic

Proctor Fail

8 Classes
22 Examiners
10 Certs

FIRST NAME	LAST NAME	Company	Date sign up	Date They Took Exam		
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Month of Feb 2024

Matthew	Keller	New Company	12/4/2023	2/2/2024	86% pass	Class 5
Matthew	Doerr	New Company	1/16/2024	1/30/2024	88% pass	Basic
Matthew	Doerr	New Company	1/16/2024	1/30/2024	72% fail	Class 4
Matthew	Doerr	New Company	2/6/2024	2/6/2024	71% pass	Class 5
David	Chapman	New Company	1/17/2024	1/30/2024	86% pass	Basic
David	Chapman	New Company	1/17/2024	1/30/2024	70% fail	Class 4
J	Fields	New Company	1/24/2024	2/1/2024	82% pass	Basic
J	Fields	New Company	1/24/2024	2/1/2024	55% fail	Class 5
Jarett	Kelly	ClearDefense PC	10/30/2023	2/2/2024	95% pass	Basic
Jarett	Kelly	ClearDefense PC	10/30/2023	2/2/2024	79% pass	Class 2
William	Long	New Company	12/13/2023	1/31/2024	66% fail	Class 2
Ryan	Bogert	TriEst Ag Group	1/22/2024	2/1/2024	96% pass	Class 3
Nicholas	Boeddeker	New Company	1/31/2024	2/6/2024	98% pass	Basic
Nicholas	Boeddeker	New Company	1/31/2024	2/7/2024	96% pass	Class 4
Brandi	Collier	New Company	2/5/2024	2/9/2024	77% pass	Basic
Jamie	Rossini	City of Benton Parks	10/31/2023	2/14/2024	70% fail	Class 4
Nicholas	Jolly	City of Benton Parks	10/31/2023	2/16/2024	48% fail	Class 4
James	Martin	Martin's Lawn Service	2/5/2024	2/16/2024	86% pass	Class 5
Jermey	Yarbrough	Fairway Lawns	2/14/2024	2/17/2024	70% fail	Class 4
Clarence	Spencer	New Company	11/27/2023	2/16/2024	68% fail	Class 4
Peyton	Dishon	New Company	2/13/2024	2/20/2024	88% pass	Basic
Peyton	Dishon	New Company	2/13/2024	2/20/2024	64% fail	Class 1
Douglas	Bradley	New Company	2/15/2024	2/20/2024	94% pass	Basic
Douglas	Bradley	New Company	2/15/2024	2/21/2024	68% fail	Class 4
Charles	Howard	Riceland	10/27/2023	2/22/2024	72% pass	Class 8
TJ	Street	New Company	2/20/2024	2/22/2024	75% pass	Basic
TJ	Street	New Company	2/20/2024	2/22/2024	40% fail	Class 4
Joshua	Cole	The Alleviators	1/30/2024	2/23/2024	89% pass	Basic
Joshua	Cole	The Alleviators	1/30/2024	2/23/2024	72% fail	Class 4

6 Classes

19 Examiners

7 Certs



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 225-1598



Wes Ward
Secretary of Agriculture

Abandoned Pesticide Disposal Program Statewide County Collection Event Schedule

<u>Fall 2024 County Locations</u>
Washington
Carroll
Madison
Benton
Boone
Newton
Marion
Baxter

<u>Spring 2025 County Locations</u>
Lee
Monroe
Phillips
Woodruff
St. Francis

Note: Event locations and details will be posted at a later date.

Minutes of
Arkansas State Plant Board
Bureau of Standards Committee Meeting
February 15, 2024
9:30 a.m.

Committee Members Present Chairman Robin Ralston, Robert Thorne

Via Zoom: Sam Stuckey, Bruce Alford

Staff Present: Nikhil Soman, Sheila Carter, Tim Chesser, Brian Terry & Scott Bray

Guest Present: Steve Ferren, Arkansas Oil Marketers

Chairman Robin Ralston called the meeting to order at 9:30 a.m. Those in attendance stated their name and affiliation.

Chairman Robin Ralston stated the purpose of the meeting was to review first, second and third offense violations and penalties. Chairman Ralston turned the floor over to Bureau of Standards Director, Nikhil Soman.

Nikhil Soman presented the committee for review and approval are the following cases from November 2023 to January 2024:

- In Attachment 1 – Table 1 cases for Expired and or No Decal(s) there are 18 (eighteen) First Offenses 4 (four) Second Offenses and 1 (one) Third Offense on Pump(s), Scale(s) or Meter(s). These are First Offenses with a \$350 penalty each, Second Offenses with a \$800 penalty each and Third Offenses with a \$1,350 penalty each.

A motion was made by Bruce Alford seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 2 – cases for Misrepresentation of Pricing there are 6 (six) First Offenses, 2 (Two) Second Offenses 1 (one) Third Offense 1 (one) Tenth Offense. These are First Offenses with a \$350 penalty each, Second Offenses with a \$800 penalty each, Third Offenses with a \$1,350 penalty each and Tenth Offenses are \$2000 penalty each.

A motion was made by Sam Stuckey and seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

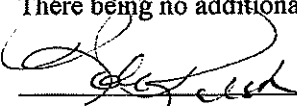
- In Attachment 1 – Table 3 – cases for Water Contamination Limits there are 13 (Thirteen) First Offenses. These are First Offenses with a \$200 penalty each.

A motion was made by Bruce Alford seconded by Robert Thorne to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

- In Attachment 1 – Table 4 – case for Flashpoint Stop Sales there are 1 (one) First Offense. These are First Offenses with a \$200 penalty each.

A motion was made by Robert Thorne and seconded by Bruce Alford to approve the proposed penalties against the alleged violators. Committee voted motion passed unanimously.

There being no additional business, a motion was made by Bruce Alford and seconded by Robert Thorne to adjourn.



Robin Ralston, Chairman

02/15/2024

Total of 47 Civil Penalties were issued in period November 2023 to January 2024:

Attachment 1 - Violations

Twenty-Three for No Decal or Expired Annual Decal Table 1

Eighteen First Offense

Four Second Offense

One Third Offense

Ten for Misrepresentation of Pricing Table 2

Six First Offense

Two Second Offense

One Third Offense

One Tenth Offense

Thirteen for Water Contamination Table 3

Thirteen First Offense

One for Flashpoint Failure Table 4

One First Offense

OTHER BUSINESS

None

Attachment 1

TABLE 1 - Violation of A.C.A § 4-18-344 NO ANNUAL OR EXPIRED INSPECTION DECAL - TWENTY THREE VIOLATIONS

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 24-0141	SQRL	8900 Stagecoach	Little Rock	August 22, 2023	Pump(s)	First	\$350
BS 24-0143	Marshall Mart LLC	120 Marshall Rd	Jacksonville	November 7, 2023	Pump(s)	First	\$350
BS 24-0144	Crawford Food Mart/Alon	7 West Kibler Hwy	Van Buren	October 24, 2023	Pump(s)	First	\$350
BS 24-0152	Quik Trip	18804 MacArthur Dr	NLR	October 31, 2023	Scale(s)	First	\$350
BS 24-0165	Kountry Express	1107 Georgia Ridge Rd	Mulberry	November 14, 2023	Pump(s)	First	\$350
BS 24-0169	P&D One Stop	3178 Hwy 425	Fountain Hill	December 12, 2023	Pump(s)	First	\$350
BS 24-0170	JB Auto Repair	6 Woodsdale Dr	Holiday Island	December 12, 2023	Pump(s)	First	\$350
BS 24-0173	Enola One Stop	232A Hwy 107N	Enola	November 28, 2023	Pump(s)	First	\$350
BS 24-0174	Harding Family Mkt	2203 E Harding Av	Pine Bluff	January 4, 2024	Scale(s)	First	\$350
BS 24-0176	Circle K 1773	Hwy 425 S	Monticello	January 8, 2024	Pump(s)	First	\$350
BS 24-0177	H & M Food Mart	Hwy 25	Wooster	January 9, 2024	Pump(s)	First	\$350
BS 24-0178	Donaghey Bears Den	1632 Donaghey	Conway	January 9, 2024	Pump(s)	First	\$350
BS 24-0179	Fisk Fuel	203 N Berry St	Yellville	January 10, 2024	Pump(s)	First	\$350
BS 24-0180	White Oak Moark 3	Hwy 62 & 14	Yellville	January 10, 2024	Pump(s)	First	\$350
BS 24-0181	Home Run Gas Mart	806 N Joseph St	Morrilton	January 19, 2024	Pump(s)	First	\$350
BS 24-0184	Shell 1040	10100 N Rodney Parham	Little Rock	January 24, 2024	Pump(s)	First	\$350
BS 24-0185	Shell Superstop 26	7400 Cantrell rd	Little Rock	January 25, 2024	Pump(s)	First	\$350
BS 24-0186	Shell Sites Store 745	7320 Cantrell rd	Little Rock	January 25, 2024	Pump(s)	First	\$350
BS 24-0142	SQRL	8900 Stagecoach	Little Rock	November 22, 2023	Pump(s)	Second	\$800

Case File	Business Name	Address	City	Inspection Date	Device	Violation	Civil Penalty
BS 24-0145	Super Galleria	5103 Asher Av	Little Rock	October 26, 2023	Pump(s)	Second	\$800
BS 24-0153	Quik Trip	18804 MacArthur Dr	NLR	November 29, 2023	Scale(s)	Second	\$800
BS 24-0103	Exxon	4600 Kiehl Av	Sherwood	September 21, 2023	Pump(s)	Second	\$400
BS 24-0146	Wynne One Stop	340 Hwy 64	Wynne	November 29, 2023	Pump(s)	Third	\$1,350

Attachment 1

TABLE 2 - Violation of A.C.A § 4-18-316 MISREPRESENTATION OF PRICING - TEN VIOLATIONS							
Case File	Business Name	Address	City	Inspection Date	Accuracy Rate	Violation	Civil Penalty
BS 24-0147	Walgreens	15500 Chenal Pkwy	Little Rock	November 2, 2023	74%	First	\$350
BS 24-0149	Family Dollar	601 S Lincoln Av	Star City	November 6, 2023	84%	First	\$350
BS 24-0150	Dollar General	333 N Main St	Cave City	November 22, 2023	68%	First	\$350
BS 24-0154	Family Dollar	2801 S Olive St	Pine Bluff	October 4, 2023	82%	First	\$350
BS 24-0172	Dollar General	9800 Strong Hwy	Strong	January 3, 2024	78%	First	\$350
BS 24-0183	Family Dollar	4514 W12th St	Little Rock	January 22, 2024	52%	First	\$350
BS 24-0148	Walgreens	15500 Chenal Pkwy	Little Rock	November 20, 2023	76%	Second	\$800
BS 24-0155	Family Dollar	2801 S Olive St	Pine Bluff	December 4, 2023	84%	Second	\$800
BS 24-0151	Dollar General	6679 Hwy 61	Joiner	November 27, 2023	85%	Third	\$1,350
BS 24-0182	Family Dollar	1302 N Thompson St	Springdale	January 24, 2024	86%	Tenth	\$2,000

Attachment 1

TABLE 3 - Violation of A.C.A § 4-108-204 (b)(1)(A) and 4-108-207 WATER CONTAMINATION LIMITS NON ETHANOL (1 inch) DIESEL (1 inch) ETHANOL Fuel (1/4 inch) - THIRTEEN VIOLATIONS									
Case File	Business Name	Address	City	Date of Inspection	Fuel Type	Location	Water inch(s)	Violation	Civil Penalty
BS 24-0156	Flash Market 189	3080 W Wedington Dr	Fayetteville	November 15, 2023	E10 Premium Unleaded	Storage Tank	5.0	First	\$200
BS 24-0157	24 Fuel	501 W Front St	Portia	November 14, 2023	E10 Premium Unleaded	Storage Tank	1.5	First	\$200
BS 24-0158	Short Stop 3	1428 Georgia Ridge Rd	Mulberry	November 14, 2023	E10 Premium Unleaded	Storage Tank	5.0	First	\$200
BS 24-0159	Lakeside Grocery	25 Hwy 149N	Heth	November 2, 2023	E10 Premium Unleaded	Nozzle	NA	First	\$200
BS 24-0160	Hugs & Biscuits	140 & Exit 20	Mulberry	November 14, 2023	Hwy Diesel	Storage Tank	1.25	First	\$200
BS 24-0161	Broadway One stop	605 E Broadway	NLR	October 24, 2023	Hwy Diesel	Storage Tank	2.25	First	\$200
BS 24-0162	Alma Short Stop	1308 Hwy 71N	Alma	November 15, 2023	E0 Regular Unleaded	Storage Tank	1.25	First	\$200
BS 24-0163	White Oak	701 N Main	Harrison	November 21, 2023	E10 Premium Unleaded	Nozzle	NA	First	\$200
BS 24-0164	Kountry Express	1107 Georgia Ridge Rd	Mulberry	November 14, 2023	Off Road Diesel	Storage Tank	1 1/8	First	\$200
BS 24-0166	Exxon Tiger Mart 101	2417 W Center St	Beebe	December 5, 2023	E10 Premium Plus	Storage Tank & Nozzle	1.75	First	\$200
BS 24-0168	79 Food Mart	200 Hwy 79 S	Rison	December 5, 2023	E10 Premium Unleaded	Storage Tank	1.0	First	\$200
BS 24-0171	The Bend Git & Go	400 Market St Hwy 289	Horseshoe Bend	December 18, 2023	E0 Premium Unleaded	Storage Tank	3.5	First	\$200
BS 24-0175	Wild Bills Outfitters	23 Hwy 268	Yellville	January 10, 2024	Hwy Diesel	Storage Tank	4.0	First	\$200

Attachement 1

TABLE 4 - Violation of A.C.A § 4-108-204 (b) (1) (A) and 4-108-207 FLASHPOINT FAILURE (< 125 oF) - ONE VIOLATION

Case File	Business Name	Address	City	Sampling Date	Product	FP	Violation	Civil Penalty
BS 24-0167	Woodlawn Grocery	6880 Hwy 63	Rison	December 6, 2023	Hwy Diesel	80 °F	First	\$200

Attachment 6A



Invoice Date
3/13/2024
DELTA INVOICE 2023

Customer Name	Arkansas State Plant Board
Address	#1 Natural Resource Drive
City/State/ZIP	Little Rock, AR 72205
Phone	870-572-9655

	Line Item Description	Cost
Direct Expense	See Itemized List on Direct Expense page	\$ 70,629.78
Overhead Expense	See Itemized List on Overhead Expense page	\$ 171,552.76

Total \$ 242,182.54



Invoice Date
3/13/2024
DELTA INVOICE 2023

Customer Name	Arkansas State Plant Board
Address	#1 Natural Resource Drive
City/State/ZIP	Little Rock, AR 72205
Phone	870-572-9655

	Line Item Description	Cost
Direct Expense	Data Management Expense	\$ 138.25
	Gas/Vehicle Expense	\$ 5,986.95
	Office Supplies	\$ 78.36
	Salaries & Benefits	\$ 61,679.03
	Telephone	\$ 619.19
	Travel	\$ 2,128.00

Total	\$ 70,629.78
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Invoice Date
3/13/2024
DELTA INVOICE 2023

Customer Name Arkansas State Plant Board
Address #1 Natural Resource Drive
City/State/ZIP Little Rock, AR 72205
Phone 870-572-9655

	Line Item Description	Cost
Overhead Expense	Bank Charges	\$ 1,570.69
	Building & Facility	\$ 2,400.43
	Data Management/Computer Expense	\$ 4,328.96
	Dues & Registrations	\$ 193.20
	Gas/Vehicle Expense	\$ 4,518.35
	Insurance	\$ 13,124.71
	Meals	\$ 720.01
	Miscellaneous	\$ 279.95
	National Boll Weevil Protection Fund	\$ 38,223.45
	Office Supplies	\$ 3,626.62
	Postage & Shipping	\$ 315.95
	Professional Fees	\$ 34,171.49
	Rent	\$ 3,021.81
	Salaries & Benefits	\$ 60,983.30
	Travel	\$ 2,411.58
	Utilities	\$ 1,662.26

Total \$ 171,552.76

Arkansas Boll Weevil Eradication Foundation, Inc.
Analysis of Delta Invoice
2009-2023

Delta Acres	160,669.50	176,854.70	202,474.20	210,071.00	116,149.80	110,993.00	65,301.40	122,990.30	131,636.00	142,672.10	160,833.90	141,126.10	140,474.90	154,739.40	152,893.80
Total Acres	491,392.00	522,107.80	631,371.00	577,497.40	318,129.10	316,589.20	201,375.20	365,858.70	424,351.00	463,542.90	588,064.20	499,022.10	454,506.50	601,244.90	485,729.70
	32.70%	33.87%	32.07%	36.38%	36.51%	35.06%	32.43%	33.62%	31.02%	30.78%	27.35%	28.28%	30.91%	25.74%	31.48%

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Overhead Expenses															
Salaries & Benefits	394,486.94	336,681.64	221,994.78	112,064.30	49,693.23	58,618.01	38,826.06	47,021.85	45,527.00	55,311.27	50,392.29	54,669.23	71,408.76	60,581.47	60,983.30
Repairs & Maintenance	13,593.30	7,904.17	324.23	0.00	0.00	0.00	46.05	0.00	15.51	0.00	125.40	0.00	0.00	0.00	0.00
Vehicle Expense	14,963.39	18,007.93	18,659.20	21,939.59	2,089.64	2,452.16	1,065.30	1,084.59	1,091.87	741.43	577.68	3,742.10	3,727.41	4,435.98	4,518.35
Insurance	36,025.67	38,815.71	24,531.86	21,253.58	21,992.57	17,727.95	15,567.37	14,481.23	13,531.89	12,252.55	11,580.27	10,595.47	12,240.72	10,437.67	13,124.71
Utilities/Telephone	21,352.74	16,895.35	780.69	1,756.13	1,667.72	1,810.62	1,043.76	978.77	966.35	927.53	936.92	1156.44	1,325.14	1,181.55	1,662.26
Telephone	0.00	0.00	10,673.49	4,467.98	1,972.42	1,536.49	1,498.49	2,127.06	1,545.51	925.19	598.31	1,361.59	1,459.47	1,025.80	0.00
Data Management	27,600.16	13,644.70	10,009.38	14,884.99	13,454.47	11,027.57	2,859.18	4,095.17	12,646.94	12,006.22	3,421.21	3,260.72	4,380.70	2,913.27	4,328.96
Professional Fees	43,694.97	33,347.81	47,396.01	64,430.96	13,515.49	19,594.50	17,185.23	15,926.60	17,463.74	17,304.73	21,064.41	35,418.83	38,896.58	37,134.02	34,171.49
Travel	8,870.45	4,321.94	1,387.64	4,238.94	2,793.16	1,492.86	913.19	1,239.27	2,004.91	2,737.08	1,853.85	704.18	950.38	1,489.09	2,411.58
Office Supplies	14,201.30	12,687.27	15,124.67	8,061.36	4,741.71	3,392.34	2,307.51	2,625.73	2,917.86	2,528.61	2,174.80	1,662.02	2,752.59	2,455.43	3,626.62
Rent	22,751.74	5,961.91	5,335.43	5,619.76	8,275.13	7,686.33	3,112.99	3,227.22	2,977.97	2,954.88	2,616.20	2,714.93	2,967.08	2,470.70	3,021.81
Capital Equipment	0.00	13,318.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Litigation Settlement	0.00	0.00	0.00	0.00	18,430.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Building & Facility	0.00	0.00	0.00	0.00	0.00	2,105.85	1,329.27	6,847.33	1,099.91	716.48	885.78	578.12	1,675.11	1,770.47	2,400.43
National Boll Weevil Protection Fund	0.00	0.00	0.00	0.00	0.00	55,563.82	16,325.35	30,747.58	32,909.02	14,267.85	24,039.00	35,281.53	35,118.73	38,684.85	38,223.45
Other Operating Expenses	8,631.44	5,581.70	2,119.57	5,250.29	1,907.62	2,675.72	2,478.77	1,930.17	1,516.73	2,212.68	1,785.49	1,958.46	1,694.65	1,949.60	3,079.80
	606,172.10	507,168.26	358,336.95	263,967.88	140,533.30	185,684.22	104,558.52	132,332.57	136,215.21	124,886.50	122,051.61	153,103.62	178,597.32	166,529.90	171,552.76

Note: prior to 2011, Utilities and Telephone were included on the same line item.

Note: Included in 2013 professional fees are insurance reimbursements for the lawsuit settlement.

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Direct Expenses															
Trapping Supplies	360.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Salaries & Benefits	327,197.64	168,336.28	180,033.92	105,854.41	77,204.26	62,326.61	60,984.30	61,478.15	75,729.53	72,917.96	71,413.33	74,882.08	74,977.29	64,079.03	61,679.03
Repairs & Maintenance	4,826.24	56.98	116.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vehicle Expense	17,735.27	9,883.23	13,021.67	16,640.68	8,157.64	10,985.32	12,244.38	6,392.36	3,445.95	7,631.33	6,540.31	1,903.97	1,875.76	4,445.75	5,986.95
Utilities	12,077.94	3,174.61	354.95	1,751.15	142.33	142.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Telephone			4,955.52	1,690.56	1,293.63	842.59	222.15	413.25	698.34	643.59	759.35	646.71	615.01	805.31	619.19
Data Management	2,152.74	1,701.23	1,673.63	654.41	673.80	372.88	125.71	171.36	459.14	181.64	241.92	184.03	322.13	772.67	138.25
Professional Fees	4,493.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Travel	879.47	882.40	86.43	0.00	0.00	1,403.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,128.00
Office Supplies	3,504.97	2,411.83	4,307.06	0.00	0.00	103.61	0.00	34.92	113.20	17.35	29.27	16.26	186.51	286.47	78.36
Rent	18,120.00	14,360.00	13,620.00	5,000.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Meals	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.13	0.00	0.00	0.00	0.00
Other Operating Expenses	279.65	672.67	1,169.78	326.66	0.00	133.16	20.00	0.00	0.00	15.08	0.00	0.00	0.00	0.00	0.00
	391,627.62	201,479.23	219,339.44	131,917.87	87,471.66	76,309.66	73,596.54	68,490.04	80,446.16	81,406.95	78,997.31	77,633.05	77,976.70	70,389.23	70,629.78
Total	997,799.72	708,647.49	577,676.39	395,885.75	228,004.96	261,993.88	178,155.06	200,822.61	216,661.37	206,293.45	201,048.92	230,736.67	256,574.02	236,919.13	242,182.54

Note: prior to 2011, Utilities and Telephone were included on the same line item.

**Arkansas Boll Weevil Eradication Foundation
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

FINANCIAL STATEMENTS

December 31, 2023





The Board of Directors
Arkansas Cotton Grower's Organization, Inc.
d/b/a Arkansas Boll Weevil Eradication Foundation

Management is responsible for the accompanying financial statements of Arkansas Boll Weevil Eradication Foundation (the Foundation), a d/b/a of Arkansas Cotton Grower's Organization, Inc., which comprise the statement of financial position as of December 31, 2023, and the related statement of activities and functional activities for the twelve months then ended in accordance with accounting principles generally accepted in the United States of America. We have performed a compilation engagement in accordance with Statements on Standards for Accounting and Review Services promulgated by the Accounting and Review Services Committee of the AICPA. We did not audit or review the financial statements nor were we required to perform any procedures to verify the accuracy or completeness of the information provided by management. Accordingly, we do not express an opinion, a conclusion, nor provide any form of assurance on these financial statements.

Management has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Foundation's financial position, changes in net assets, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

We are not independent with respect to Arkansas Cotton Grower's Organization, Inc. d/b/a Arkansas Boll Weevil Eradication Foundation.

Landmark PLC

January 31, 2024
Little Rock, Arkansas

**Arkansas Boll Weevil Eradication Foundation
(a d/b/a of Arkansas Cotton Grower's Organization, Inc.)**

Financial Statements

Arkansas Boll Weevil Eradication Foundation

STATEMENT OF FINANCIAL POSITION December 31, 2023

ASSETS

Current Assets	
Cash and cash equivalents	\$ 3,697,440
Prepaid insurance	16,377
Accounts receivable - ERC	91,951
Plant Board receivable	6,002
Grower assessment receivable	8,569
Total Current Assets	<u>3,820,339</u>
Property and Equipment	
Vehicles	333,623
Equipment	6,595
Computer hardware & software	85,628
Office furniture and equipment	11,141
Website development	48,874
Less: Accumulated depreciation	(292,102)
Total Property and Equipment, Net	<u>193,759</u>
TOTAL ASSETS	<u><u>\$ 4,014,098</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Retirement contribution payable	\$ 2,956
Accrued expenses	1,400
State withholding payable	1,255
Direct deposit liabilities	2,823
SUTA payable	994
Accrued salaries & wages	7,249
Accrued vacation pay	17,408
Total Current Liabilities	<u>34,085</u>
Total Net Assets - Without Donor Restrictions	<u>3,980,014</u>
TOTAL LIABILITIES AND NET ASSETS	<u><u>\$ 4,014,098</u></u>

Arkansas Boll Weevil Eradication Foundation

STATEMENT OF ACTIVITIES For the Twelve Months Ended December 31, 2023

	<u>Actual</u>	<u>Budget</u>	<u>Variance</u>
REVENUE, GAINS AND OTHER SUPPORT			
Assessments	\$ 1,457,189	\$ 1,456,500	\$ 689
Assessment adjustments	(1,088)	-	(1,088)
Interest income	77,037	-	77,037
Penalties	35,470	-	35,470
Other income - ERC	98,568	-	98,568
Gain/loss on disposal of assets	<u>54,613</u>	<u>-</u>	<u>54,613</u>
Total revenue, gains and other support	1,721,789	1,456,500	265,289
EXPENSES			
Salaries and benefits	524,887	525,000	(113)
Building and facility	7,626	8,000	(374)
Depreciation	51,251	51,251	-
Insurance expense	41,696	45,000	(3,304)
Vehicle expense	54,572	75,000	(20,428)
Utilities	5,281	5,000	281
Utilities - telephone	6,010	9,000	(2,990)
Office supplies and expense	11,600	22,000	(10,400)
Rent	9,600	14,400	(4,800)
National Boll Weevil Protection Fund	121,432	131,250	(9,818)
Professional fees	108,560	150,000	(41,440)
Data management	13,891	18,000	(4,109)
Travel	9,789	7,500	2,289
Rebate checks to Growers	598,326	601,245	(2,919)
Meals	2,287	-	2,287
Bank charges	4,990	-	4,990
Other operating expenses	<u>5,343</u>	<u>8,500</u>	<u>(3,157)</u>
Total expenses	<u>1,577,142</u>	<u>1,671,146</u>	<u>(94,004)</u>
CHANGE IN NET ASSETS - WITHOUT DONOR RESTRICTIONS	144,647	(214,646)	359,293
NET ASSETS - BEGINNING OF PERIOD	<u>3,835,367</u>	<u>3,835,367</u>	<u>(0)</u>
NET ASSETS - END OF PERIOD	<u>\$ 3,980,014</u>	<u>\$ 3,620,721</u>	<u>\$ 359,293</u>

Arkansas Boll Weevil Eradication Foundation

STATEMENT OF FUNCTIONAL EXPENSES For the Twelve Months Ended December 31, 2023

	<u>Program</u>	<u>Management and General</u>	<u>Total</u>
Salaries, benefits & payroll taxes	\$ 367,421	\$ 157,466	\$ 524,887
Vehicle maintenance & gasoline	54,572	-	54,572
Insurance	35,442	6,254	41,696
Utilities & telephone	2,823	8,468	11,291
Depreciaton	45,101	6,150	51,251
Data management	-	13,891	13,891
Professional fees	-	108,560	108,560
Travel & meals	1,468	8,321	9,789
Office supplies	9,860	1,740	11,600
Rent	2,400	7,200	9,600
Rebate to Grower's	598,326		598,326
Meals	1,910	377	2,287
Bank Charges	-	4,990	4,990
Other operating expenses	10,829	2,140	12,969
Total	<u>\$ 1,130,152</u>	<u>\$ 446,990</u>	<u>\$ 1,577,142</u>

ARKANSAS COTTON GROWER'S **Attachment 6C**
ORGANIZATION, INC.

BOARD MEETING MINUTES

November 16, 2023

ARKANSAS STATE PLANT BOARD

LITTLE ROCK, AR

Members present were Chairman Joe Mencer, Benton Felts, Pace Hindsley, Gregg Garner, Travis Senter, Ramey Stiles, and Sam Stuckey.

Also present were Regina Coleman, Executive Director for ABWEF; Melissa Cary, Landmark PLC; Cal McCastlain, Legal Counsel for ABWEF; Andrew Grobmeyer, Ag Council; Zac Wellman and Lexie Felton, Arkansas Department of Agriculture; and Matt Hyneman, former ABWEF Board member.

Chairman Joe Mencer called the meeting to order at 9:59 a.m.

Mr. Hindsley moved to approve the minutes from the July 13, 2023, meeting. Mr. Garner seconded. Motion carried.

Ms. Cary gave the October financial update. Cash on hand was \$3.9 million. The Statement of Activities showed operating expenses were expected to be in line with or lower than the projected budget. Mr. Hindsley made a motion to approve the financial report. Mr. Garner seconded. Motion carried.

Mr. McCastlain gave a report on legal matters including the impact of the statutory changes from the recent legislative session. Mr. McCastlain explained that the Foundation board will also serve as the subcommittee to the Arkansas State Plant Board. The Board will be comprised of between five to seven members with one member coming from each of the five zones and two appointed at large by the Governor. Board terms will be five years. Mr. McCastlain presented proposed

amendments to the Foundation's by-laws to reflect the statutory changes and he recommended those amendments be adopted. Mr. Mencer asked for a motion to adopt the bylaws and Mr. Senter seconded. Motion carried. Mr. McCastlain also discussed FOIA requirements as the Board is also functioning as a subcommittee to the ASPB which abides by FOIA as a state agency.

Mrs. Coleman gave the program update. She reported that all assessments had been collected for the year with the exception of one. Older assessments that have not been collected were discussed and the board decided to write off the debts from previous years. Mrs. Coleman also discussed the National Boll Weevil Protection Fund for the 2023 season. The voluntary assessment rate is \$0.25 per acre. Mrs. Coleman stated she would like to pay by wire transfer for \$121,432.25 assessment. The Board approved the wire transfer.

Cotton Pest Study was completed in September. The study will continue in the Central zone for the 2024 season. Reimbursement for ABWEF's participation has been completed.

Mrs. Coleman reported that the health insurance benefits for the employees had increased by 5%. She also reported the need to update servers to a newer version. Edafio will install and service the updates. She requested board approval to renew the contract for insurance benefits for 2024. The board approved without objection. The board also approved updating the servers with Edafio for an approximate cost of \$11,000.

The Personnel Committee reported on their meeting held prior to the board meeting. Mr. Stuckey moved to give employees annual performance incentives which include the cost-of-living adjustments. Motion carried.

Mr. Garner reported on the Nomination Committee which met prior to the board meeting. He stated that the committee nominated Joe Mencer as chairman, Pace Hindsley as vice chairman, and Gregg Garner as secretary. Mr. Felts moved to accept the nominations. Motion carried.

Mrs. Coleman stated the bank signers would need to be updated to reflect the officers. Mr. Hyneman and Mr. Bray would need to be removed, and Mr. Hindsley and Mr. Garner would need to be added. Mr. Stiles moved to make the changes and Mr. Felts seconded. Motion carried.

Next meeting is scheduled for February 7, 2024, beginning at 10 o'clock.

Chairman Mencer presented outgoing board member Matt Hyneman with a plaque for his years of dedicated service to the Arkansas Boll Weevil Eradication Foundation Board of Directors. He also thanked him for his contributions to the Foundation and the Cotton Industry.

Meeting Adjourned at 11:45

A handwritten signature in black ink, appearing to read "Joe Mencer", written over a horizontal line.

Joe Mencer, Chairman



Pesticide Issues Impacting Arkansas in 2024

Brigit Rollins, Staff Attorney

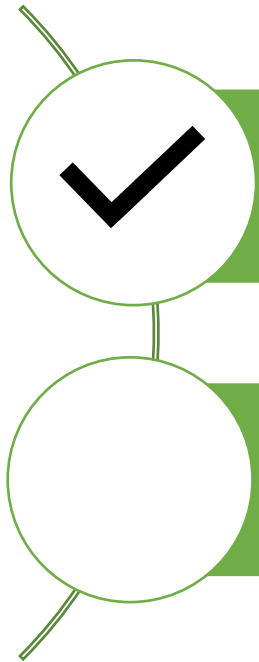
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Overview



Dicamba

ESA-FIFRA



The Headlines



- On February 6, a federal court in AZ issued a ruling to vacate over-the-top registration for three dicamba products
 - XtendiMax, Engenia, Tavium
 - All three were registered through the 2025 growing season
- EPA issued an order canceling OTT registration for the products, but will allow existing stocks to be used during the 2024 growing season
 - “Existing stocks” = products that were “labeled, packaged, and released for shipment” before Feb. 6
- This is the second time a court has vacated OTT use of dicamba



How We Got Here

In 2020, the Ninth Circuit vacated the then-current OTT dicamba registration for violating FIFRA

- Found that EPA had “substantially understated” three risks: amount of acreage planted with dicamba-resistant seeds; under-reporting of damage complaints; failure to estimate amount of acres damaged
- And had ignored three other risks: noncompliance with label; economic costs; social costs

EPA re-registered OTT dicamba in late 2020

- Registered for 2021 – 2025 growing seasons

Added increased use restrictions to resolve issues identified by the Ninth Circuit

- New cut-off dates, application restrictions, etc.

Same plaintiffs filed suit to challenge 2020 registration, raising same arguments

- Violations of ESA and FIFRA



The Court's Decision

- The AZ district court found that EPA had violated FIFRA procedural requirements when registering OTT use in 2020
- FIFRA “new use” registrations mandate a period of public notice-and-comment
- EPA argued that the 2020 OTT registrations were not “new use,” but the court disagreed
 - EPA argued that because Tavium was not affected by the 2020 ruling, it could pursue a “me-too” registration for XtendiMax and Engenia
 - But because Tavium itself had been registered under FIFRA’s “me-too” provision, the court was not convinced
- The court also noted that when re-approving a cancelled registration, notice-and-comment is also required



Existing Stocks Order

EPA issued an Existing Stocks Order for the three dicamba products impacted by the court decision on Feb. 14

- Prohibits use of these products except as consistent with the labeling

As of Feb. 6, 2024, the dicamba products are no longer registered under FIFRA, but allows use of existing stocks during the 2024 growing season

- “Existing stocks” is defined as “those stocks of previously registered pesticide products that are currently in the United States and were packaged, labeled, and release for shipment prior to Feb. 6, 2024”
- A product has been “released for shipment” when the producer has “packaged and labeled it in the manner in which it will be distributed or sold, or has stored it in an area where finished products are ordinarily held for shipment”

EPA establishes cut-off dates for sale and use of existing stocks

- In Arkansas, cut-off dates for sale are May 31 (dicamba used for soybeans) and June 30 (dicamba used for cotton); cut-off for use is June 30 (soybean) and July 30 (cotton)



Going Forward

EPA may appeal the AZ district court ruling, but challenges lie ahead

AZ is part of the Ninth Circuit, so any appeal would go to that court

If the Ninth Circuit reaffirmed the lower court's ruling, what next?

AZ court ruled on procedural grounds, not substantive – what if substantive claims were reached?

EPA has not indicated if it will appeal the ruling, but has 60 days to make that decision

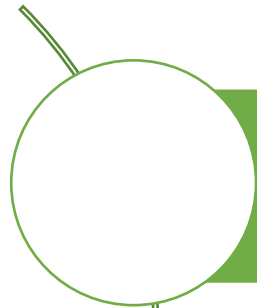
Future registrations?

Have the substantive claims raised by the plaintiffs been resolved?

If the plaintiffs challenged another OTT registration, what would make the registration legally defensible?



Overview



Dicamba



ESA-FIFRA



New ESA-FIFRA Policy

- Broadly, EPA’s new ESA-FIFRA Policy focuses on “early mitigations”
 - These are new restrictions that will be added to pesticide labels to reduce impacts to listed species and critical habitat
- The goal of introducing early mitigations is to reduce the number of future consultations that result in findings of “jeopardy” or “adverse modification” in future Section 7 consultations
- EPA is developing these early mitigations in two ways:
 - Broadly across different groupings of pesticides (herbicides, insecticides, rodenticides, etc.)
 - Tailored to address species that are considered particularly vulnerable to pesticides



Draft Herbicide Strategy

Outlines early mitigations that EPA expects to include on all herbicide labels

Early mitigations fall into two main categories – reducing pesticide spray drift, and reducing pesticide runoff/erosion

Mitigation measures EPA finds are necessary across the entire pesticide use area will be included in the product's general label

Mitigation measures only necessary in specific geographic areas will be posted to EPA's website Bulletins Live! Two



Draft Herbicide Strategy: Mitigations

Spray Drift Mitigations

- Additional buffer requirements in the form of windbreaks, hedgerows, hooded sprayers, and application rate reduction depending on level of risk

Runoff/Erosion Mitigations

- A “mitigation menu” of limitations – applicators choose which methods are right for them to achieve the necessary number of “points”
- Includes: weather-based restrictions; methods of application; in-field management activities to reduce runoff; management adjacent to sprayed fields; activities to increase water retention



Vulnerable Species Pilot Program

Introduces early mitigation measures targeted at “vulnerable species” which EPA has identified as being at the greatest risk of pesticide exposure

These mitigations would apply broadly to conventional pesticide active ingredients and fall into two broad categories – avoidance and minimization

Avoidance mitigation refers to areas where pesticide applications would be prohibited

Minimization mitigations focus on reducing spray drift, and runoff/erosion

Because VSPP mitigations are geographically specific, they will be posted to Bulletins Live! Two



VSPP: Mitigations

Spray Drift Mitigations

- Spray drift buffers
- Prohibition of application methods or droplet sizes

Runoff/Erosion Mitigations

- No applications when soil is saturated
- No applications when rain is in the forecast
- Requirement of land use practices designed to reduce runoff or erosion



VSPP: November 2023 Updates

- In November 2023, EPA released a brief update to the VSPP primarily to address comments received on the draft version of the program and outline next steps
- Primary takeaways from the update include:
 - EPA is planning to improve species maps for species included in the VSPP to better identify geographic areas where VSPP mitigation measures will apply
 - EPA will clarify potential exemptions to the VSPP, revisit how vulnerable species are identified and selected, and develop a consistent approach to the strategies used to reduce pesticide exposure
- EPA plans to provide further updates by fall 2024



Next Steps

EPA has agreed to issue a final draft of the Herbicide Strategy by the end of August 2024

EPA plans to issue a draft Insecticide Strategy sometime in July 2024

EPA intends to continue developing bulletins for the original 27 species included in the VSPP while expanding the program to include more species

Currently unclear when these mitigation measures will begin appearing on pesticide labels



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