

SENATE BILL NO. 32

BY SENATOR ALLAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R.S. 3:1424, relative to gypsum utilization; to provide for limitation of liability to agricultural producers, landowners, and suppliers; to provide relative to gypsum analysis; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1424 is hereby enacted to read as follows:

§1424. Gypsum; analysis; limitation of liability

A. The Legislature of Louisiana hereby finds:

(1) That gypsum, one of the earliest forms of fertilizer and soil amendment used in the United States, is a byproduct of many manufacturing facilities in Louisiana.

(2) Byproduct gypsum that is not recycled for other uses results in costly on-site storage and disposal in landfills.

(3) Gypsum (calcium sulphate) is widely used in agricultural crop production to provide essential plant nutrients and can improve overall plant growth.

(4) Gypsum can also improve the physical properties of soils, reducing erosion losses of soil and nutrient concentrations.

B. Any agricultural producer or landowner that utilizes gypsum, and any supplier of gypsum to the agricultural producer, shall not be liable for any civil damages arising out of the utilization of the gypsum if all the following requirements are met:

(1) The requirements of this Section, and any rules and regulations adopted pursuant to this Section, are complied with.

1 (2) The agricultural producer obtains gypsum, without any cost, from a
2 source where the gypsum is being stored as a byproduct of a manufacturing
3 process.

4 (3)(a) The agricultural producer shall use gypsum only on his land or
5 with written authorization from the landowner once the gypsum is analyzed and
6 passes analytical tolerances established by the department, in consultation with
7 the Louisiana State University Agricultural Center. Such analysis shall be
8 conducted by an accredited laboratory.

9 (b) The tolerances shall be established using as a guide the most recent
10 version of the Conservation Practice Standard, Amending Soil Properties with
11 Gypsum Products, Code 333 as published by the Natural Resources
12 Conservation Service of the United States Department of Agriculture and any
13 regulatory requirements that pertain to the use of soil amendments required by
14 the United States Environmental Protection Agency.

15 C. The commissioner is authorized to promulgate rules and regulations
16 in accordance with the Administrative Procedure Act to implement the
17 provisions of this Section, including the establishment of analytical tolerances
18 for gypsum.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____