

SENATE BILL NO. 32

BY SENATOR ALLAIN

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

1 AN ACT

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

5 Be it enacted by the Legislature of Louisiana:

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

7 **§1424. Gypsum; analysis; limitation of liability**

8 **A. The Legislature of Louisiana hereby finds:**

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

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

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

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

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

23 **(1) The requirements of this Section, and any rules and regulations**
24 **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: _____