



Rules of
Department of Agriculture
Division 70—Plant Industries
Chapter 11—Missouri Plant Law Quarantines

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Title 2—DEPARTMENT OF AGRICULTURE

Division 70—Plant Industries Chapter 11—Missouri Plant Law Quarantines

2 CSR 70-11.010 Soybean Cyst Nematode Intra-state Quarantine (Rescinded August 15, 1980)

AUTHORITY: sections 263.040 and 263.050 RSMo 1969. Original rule filed Oct. 15, 1957, effective Oct. 25, 1957. Amended: Filed June 15, 1964, effective June 25, 1964. Amended: Filed Sept. 13, 1965, effective Sept. 23, 1965. Amended: Filed Dec. 4, 1967, effective Dec. 14, 1967. Amended: Filed Feb. 27, 1969, effective March 9, 1969. Amended: Filed Oct. 10, 1969, effective Oct. 20, 1969. Amended: Filed Dec. 8, 1972, effective Dec. 18, 1972. Amended: Filed Jan. 12, 1973, effective Feb. 1, 1973. Rescinded: Filed May 5, 1980, effective Aug. 15, 1980.

2 CSR 70-11.020 Japanese Beetle Intra-state Quarantine

PURPOSE: To prevent the spread of a serious insect pest, known as the Japanese beetle, within this state and to other uninfested states and to establish those areas which are to be regulated.

(1) It has been determined that a dangerous insect pest known as the Japanese beetle, *Popillia japonica*, Newman, not now known to be generally distributed in this state, is present in parts of the city of St. Louis and St. Louis county, hereafter designated as the infested areas, and that its introduction into the remainder of Missouri would result in serious loss and damage to the agriculture resources and to the general welfare of the state. Under the authority of section 263.140, RSMo (1986) of the Missouri Plant Law, I, Lester H. Barrows, state entomologist, do establish a quarantine to provide for the suppression of these infestations and to prevent the spread of this pest into uninfested parts of the state, and now set forth the name of the pest against which the quarantine is established, the infested areas, the articles regulated, the rules governing movement of regulated articles, the rules governing issuance of permits, the rules governing suppression activities and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) A certificate is a document issued or authorized to be issued by an inspector to

allow the movement of regulated articles to any destination;

(B) A compliance agreement is a written agreement between an individual or concern engaged in growing, dealing in or moving regulated articles and the Missouri Department of Agriculture where the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the Japanese beetle;

(C) Infestation shall mean the presence of the Japanese beetle or the existence of circumstances that make it reasonable to believe that the Japanese beetle is present;

(D) An inspector is any authorized employee of the Missouri Department of Agriculture or any other person authorized by the director to enforce the provisions of the quarantine and its rules;

(E) Mechanized soil-moving equipment is any mechanized equipment used to move or transport soil, such as draglines, bulldozers, road scrapers and dump trucks;

(F) A permit is a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, processing or for treatment;

(G) Pest as used in this quarantine shall mean any stage of development of the insect known as the Japanese beetle, *Popillia japonica*, Newman;

(H) Soil shall be considered as that part of the upper layer of earth in which plants grow; and

(I) Suppressive area is that part of a regulated area in which suppressive measures may be cooperatively carried out with the objective of eradicating or mitigating infestations.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Japanese beetle, *Popillia japonica*, Newman, in any stage of development;

(B) Soil, except for samples of one (1) pound or less packaged so no spillage will occur in transit and when consigned to laboratories operating under compliance agreement; or samples of any size collected and shipped to any U.S. Army Corps of Engineers laboratory;

(C) Compost, decomposed manure, humus and peat, separately or with other things; except when dehydrated, ground, pulverized or compressed;

(D) Plants with roots, except soil-free aquatic plants, moss and lycopodium spp., (clubmoss, ground pine or running pine);

(E) Grass sod;

(F) Plant crowns and roots for propagation;

(G) True bulbs, corms, rhizomes, and tubers of ornamental plants when freshly harvested or uncured and not free from soil, and dahlia clumps;

(H) Used mechanized soil-moving equipment, unless cleaned of soil and repainted; and

(I) Any other articles or means of conveyance, of any character not covered by this section, when it is determined by an inspector that they present a hazard of spread of the Japanese beetle, and the person in possession of these articles has been so notified.

(4) The following subsections shall govern the movement of regulated articles. Requirements under other applicable state and federal quarantines must also be met:

(A) A certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles; provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of an inspector;

(B) When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved, except that, where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required;

(C) Certificates may be issued by an inspector if the regulated articles have met the following conditions: they originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; upon examination, have been found to be free of infestation; have been treated to destroy infestation in accordance with approved procedures; have been grown, produced, manufactured, stored or handled in such manner that no infestation would be transmitted; and

(D) Permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing or for treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the Japanese beetle.



(5) The state entomologist or duly authorized representatives are authorized to apply such treatments to the plants or soil within the infested areas and to set such beetle traps either inside or outside the infested areas as may, in his/her judgment, be necessary for the suppression of the Japanese beetle or for the determination of its distribution.

(6) There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.

(7) The disposition of certificates and permits shall be handled in the following manner: in all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

(8) Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions; provided, a permit is securely attached to the container of such articles or to the article itself.

(9) As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving such articles may be required to sign a compliance agreement stipulating that s/he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(10) Regulated products transported in violation of this quarantine must be treated or destroyed or returned to the point of origin at the discretion of the state entomologist. Common carriers or other carriers, persons, firms or corporations, who shall transport or move regulated products in violation of this quarantine and these rules shall be subject to the penalties named in section 263.180, RSMo (1986).

(11) Regulated areas for the Japanese beetle, *Popillia japonica*, Newman, are listed in the following two (2) subsections:

(A) That part of the city of St. Louis bounded on the east by the Mississippi River and on the north, west and south, by a line beginning at the Mississippi River and proceeding southwest to the end of Humboldt Avenue, thence southwest along Humboldt Avenue to its intersection with Broadway, thence southwest in a straight line across Bellefontaine cemetery to the intersection of West Florissant Avenue and Kingshighway Memorial Boulevard; thence south, southwest along Kingshighway Memorial Boulevard to its intersection with Shaw Boulevard; thence easterly along Shaw Boulevard to its intersection with Grand Boulevard; thence southerly along Grand Boulevard to its intersection with Russell Boulevard; thence easterly along Russell Boulevard to its intersection with Russell Avenue; thence easterly along Russell Avenue to the end of Russell Avenue at intersection with 2nd Street; thence continuing in a straight line easterly direction from the end of Russell Avenue to the Mississippi River. That part of the city of St. Louis bounded by a line beginning at the intersection of Utah Street and Gustine and proceeding southerly along Gustine to its intersection with Taft Street, thence westerly along Taft Street to its intersection with Gravois Avenue, thence southerly along Gravois Avenue to its intersection with Neosho, thence westerly along Neosho to its intersection with Ridgeway, thence northerly along Ridgeway to its intersection with Chippewa, thence West on Chippewa to its intersection with Kingshighway Memorial Boulevard, thence north along Kingshighway Memorial Boulevard to its intersection with Fyler, thence east along Fyler to its intersection with Morganford, thence north on Morganford to its intersection with Utah Street, thence east on Utah Street to the point of beginning at Utah Street and Gustine. That part of the city of St. Louis bounded by a line beginning at the city limits on Southwest Avenue, and proceeding in an easterly direction along Southwest Avenue, to its intersection with Watson Road; thence southwesterly along Watson Road to its intersection with Pernod Avenue; thence westerly along Pernod Avenue to its western end and continuing in a straight line westerly direction from that end of Pernod Avenue to the point where Deer Creek intersects the city limits;

(B) That part of St. Louis County bounded by a line beginning at the St. Louis city limits on Southwest Avenue and proceeding westward along Southwest Avenue to its intersection with Manchester Road; thence west along Manchester Road to its intersection with Laclede Station Road; thence south along Laclede Station Road to Deer Creek;

thence easterly along Deer Creek to its intersection with the St. Louis city limits. That part of St. Louis County bounded by a line beginning at the point where the Chicago, Rock Island and Pacific Railroad crosses U.S. routes 40 and 61 and proceeding northeasterly along the Chicago, Rock Island and Pacific Railroad to its intersection with City Road; thence southeasterly along City Road to its intersection with Olive Boulevard; thence southwesterly along Olive Boulevard to its intersection with White Road; thence southeasterly along White Road to its intersection with Conway Road; thence westerly along Conway Road to its intersection with U.S. routes 40 and 61; thence northwesterly along U.S. routes 40 and 61 to the point of beginning; and

(C) The entire area encompassed by Meramec State Park in Franklin County.

AUTHORITY: sections 263.040 and 263.050, RSMo 1986. Original rule filed Sept. 10, 1959, effective Sept. 20, 1959. Amended: Filed April 21, 1970, effective May 1, 1970. Amended: Filed Oct. 26, 1972, effective Nov. 5, 1972. Amended: Filed Feb. 4, 1987, effective April 26, 1987.*

**Original authority: 263.040, RSMo 1939, amended 1984; 263.050, RSMo 1939, amended 1984, 1993, 1995.*

2 CSR 70-11.030 Pink Bollworm Intrastate Quarantine

*PURPOSE: This rule prevents the spread of a serious insect pest, known as the Pink Bollworm, **Pectinophora gossypiella**, to other uninfested areas of the State of Missouri, and other states, and to establish those articles and areas which are to be regulated. **Pectinophora gossypiella** (Saunders).*

Due to the establishment of a federal emergency quarantine, which places certain restrictions on the movement of cotton products, by-products, cotton cultivating and harvesting equipment and cotton transportation equipment from all cotton producing areas of this state, it is necessary that the state entomologist take action to insure that such products and equipment from Missouri may move in interstate commerce, through adoption of a parallel interior state quarantine.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any



interested person at a cost established by state law.

(1) It has been determined that insects found in Dunklin County during late 1991, 1992 and Pemiscot, New Madrid, Dunklin and Stoddard Counties in 1993 are pink bollworms, *Pectinophora gossypiella* (Saunders). This insect has been determined to be a serious pest of cotton in Texas, Oklahoma, Arizona and California and is considered a threat to other cotton growing areas of the United States. Due to the establishment of a federal emergency quarantine, which requires certain restriction on the movement of cotton products, by-products, cotton cultivating and harvesting equipment and cotton transportation equipment from all cotton producing areas of this state, it is necessary that the state entomologist take action to insure that such products and equipment from Missouri may move in interstate commerce and to prevent the entrance into Missouri of infested regulated articles. Therefore, the state entomologist does hereby establish a quarantine to provide for the suppression of these infestations and to prevent the spread of this pest into uninfested areas of the United States and sets forth the name of the pest against which this quarantine is established, the infested areas, the articles regulated, the rules governing movement of regulated articles, the rules governing issuance of permits, the rules governing suppression activities and the penalty.

(2) The following definitions shall apply to this quarantine. Terms used in the singular form in this rule shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this rule, shall be construed, respectively, to mean:

(A) Certificate—a document issued or authorized to be issued under this quarantine by an inspector to allow the intrastate and interstate movement of regulated articles to any destination;

(B) Compliance agreement—a written agreement between a person engaged in growing, handling, or moving regulated articles, and the Missouri Department of Agriculture and/or the United States Department of Agriculture, wherein the former agrees to comply with the requirements of this rule identified in the agreement by the inspector who executes the agreement on behalf of the Missouri Department of Agriculture and/or the United States Department of Agriculture as applicable to the operations of such person;

(C) Director—the director of the Missouri Department of Agriculture;

(D) Generally infested area—any part of a regulated area not designated as a suppressive area in accordance with 7 CFR 301.52-2a and subsection (14)(A);

(E) Infestation (Infested area)—the presence of the pink bollworm or the existence of circumstances that make it reasonable to believe that pink bollworm is present. Infested area shall be construed accordingly;

(F) Inspector—any employee of the Missouri Department of Agriculture and/or United States Department of Agriculture, or other person authorized by the director to enforce the provisions of this quarantine;

(G) Interstate—from any state, territory, or district of the United States into or through any other state, territory, or district of the United States (including Puerto Rico);

(H) Intrastate—within the state of Missouri;

(I) Limited permit—a document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing or for treatment;

(J) Moved (movement, move)—shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. Movement and move shall be construed accordingly;

(K) Person—any individual, corporation, company, society, or association, or other organized group of any of the foregoing;

(L) Pink bollworm—the live insect known as the pink bollworm of cotton, *Pectinophora gossypiella* (Saunders), in any stage of development;

(M) Regulated area—any quarantined state, territory, or district, or any portion thereof, listed as a regulated area in 7 CFR 301.52-2a and subsection (14)(A);

(N) Regulated articles—any articles described in subsection (3)(A)–(J);

(O) Restricted destination permit—a document issued or authorized to be issued by an inspector to allow the movement of regulated articles not certified under all applicable federal domestic plant quarantines to a specified destination for other than scientific purposes;

(P) Scientific permit—a document issued by the director to allow the movement to a specified destination of regulated articles for scientific purposes; and

(Q) Suppressive area, that part of a regulated area where eradication of infestation is undertaken as an objective as designated under 7 CFR 301.52-2a and subsection (14)(A).

(3) The following is a list of regulated articles. No common carrier or other person shall move intrastate from any quarantined area within this state, any regulated article, except in accordance with this quarantine. The following are regulated articles:

(A) Cotton and wild cotton, including all parts of these plants;

(B) Seed cotton;

(C) Cottonseed;

(D) American-Egyptian (long-staple) varieties of cotton lint, linters, and lint cleaner waste; except when compressed to a density of at least twenty-two (22) pounds per cubic foot;

(E) Cotton waste produced at cotton gins and cottonseed oil mills;

(F) Cotton gin trash;

(G) Used bagging and other used wrappers for cotton;

(H) Used cotton harvesting equipment and used cotton ginning and used cotton oil mill equipment;

(I) Okra, including all parts of these plants; and

(J) Any other product, article, or means of conveyance not covered by subsections (3) (A)–(J), when an inspector determines that it presents a risk of spread of the pink bollworm and the person in possession of the product, article, or means of conveyance has actual notice that it is subject to the restrictions of this section.

(4) The following subsections shall govern the movement of regulated articles. Requirements under other applicable state quarantines and Federal Quarantine Number 52 must also be met:

(A) A certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles; provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of an inspector;

(B) When certificates or permits are required, they shall be securely attached to the regulated article or to the outside of the container in which the articles are moved, except that, where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the articles or containers is not required;



(C) Certificates may be issued by an inspector if the regulated articles have met the following conditions: they originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; upon examination, have been found to be free of infestation; have been treated to destroy infestation in accordance with approved procedures; have been grown, produced, manufactured, stored or handled in such manner that no infestation would be transmitted; and

(D) Limited permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing or for treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the pink bollworm.

(5) The state entomologist or duly authorized representatives are authorized to apply such treatments or supervise the application of such treatments to the regulated articles within the infested areas and to set such insect traps either inside or outside the infested areas as may, in his/her judgment, be necessary for the suppression of the pink bollworm or for the determination of its distribution.

(6) There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.

(7) The disposition of certificates and permits shall be handled in the following manner: in all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.

(8) Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions; provided, a permit is securely attached to the container of such articles or to the article itself.

(9) As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in the sale, purchasing, assembling, exchanging, handling, processing, utilizing, treating or movement of such articles may enter into a compliance

agreement to facilitate the movement of such articles under this quarantine. The agreement will stipulate that s/he will maintain such safeguards against the establishment and spread of infestation and comply with all conditions listed as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(10) All cotton fields within the regulated area must be treated in such a manner that will bury or destroy all cotton bolls and locks as soon as possible after harvesting, but no later than April 15 of each year. All cottonseed, seed cotton, storage areas, including handling and harvesting equipment, gins and any other regulated article within the regulated area shall be treated prior to April 15 of each year, in a manner directed by the state entomologist, that will render all life stages of the pink bollworm nonviable.

(11) Regulated articles transported in violation of this quarantine may be required to be treated or destroyed or returned to the point of origin at the discretion of the state entomologist. Common carriers or other carriers, persons, firms or corporations, who shall transport or move regulated articles in violation of this quarantine shall be subject to the penalties named in section 263.180, RSMo.

(12) Regulated articles transported into Missouri in violation of the United States Department of Agriculture Quarantine Number 52 is also a violation of this quarantine. Common carriers or other carriers, persons, firms or corporations, who shall transport or move regulated articles in violation of Federal Quarantine Number 52 shall be subject to the penalties named in section 263.180, RSMo.

(13) The Missouri Department of Agriculture disclaims liability for any costs incident to inspection, treatment or compliance required under this quarantine, other than for the services of the inspection.

(14) Regulated areas for the pink bollworm, *Pectinophora gossypiella* (Saunders), are listed in the following subsections. All areas are classified as suppressive areas as defined in 2 CSR 70-11.030(2)(Q):

(A) That portion of Dunklin County bounded on the north, east, south and west, by a line beginning at the St. Francis River and proceeding due east to its intersection with County Road 428 and State Highway 25, thence south to its intersection with State

Highway 84, thence east to State Highway Z, thence south to its intersection with County Road 555, thence south to its intersection with County Road 522, thence west to its intersection with State Highway Y, thence north to its intersection with State Highway 25 and State Highway O, thence north to its intersection with State Highway 84, thence west to its intersection with County Road 401, thence due north to the St. Francis River;

(B) That portion of New Madrid County bounded on the east, north, west and south, by a line beginning at the Mississippi River, thence north approximately one (1) mile to its intersection with U.S. Highway 61 (Loop 55) and Spur 61, thence northeast to its intersection with State Highway U, thence northwest to its intersection with U.S. I-55, thence northwest on U.S. Highway 62 approximately one (1) mile to its intersection with County Road 634 (Ristine), thence west to its intersection with County Road 641, thence south to its intersection with State Road U, thence west to its intersection with State Highway D, thence west approximately one and one-half (1 1/2) miles to the Little River, thence south southwest along the Little River to its intersection with County Road 314, thence south to its intersection with State Highway ZZ, thence west to the Little River, thence south southwest along the Little River to its intersection with State Highway 162, thence west to its intersection with County Road 357, thence south to the Pemiscot County line, thence east along the New Madrid/Pemiscot County line to the Mississippi River; and

(C) The entire area of Pemiscot County.

AUTHORITY: sections 263.040, RSMo 1986 and 263.050, RSMo Supp. 1993. Original rule filed Dec. 10, 1974, effective Dec. 20, 1974, Rescinded: Filed Jan. 28, 1977, effective May 15, 1977. Emergency rule filed Feb. 25, 1994, effective March 7, 1994, expired July 4, 1994. Readopted: Filed May 3, 1994, effective Sept. 30, 1994.*

**Original authority: 263.040, RSMo 1939, amended 1984; and 263.050, RSMo 1939, amended 1984, 1993.*

2 CSR 70-11.040 *Bakanae* of Rice Exterior Quarantine

*PURPOSE: This rule prohibits the introduction of a serious disease pest of rice, known as *Bakanae* of rice or Foolish Seedling Disease, caused by the fungal organism, *Gibberella fujikuroi* (*bakanae* strains), into the state of Missouri, and establishes those articles and areas which are to be regulated. In*



the absence of a federal quarantine to prevent the movement and spread of this harmful disease of rice, it is necessary that the state entomologist take action to insure that infected rice seed and other regulated articles are not introduced into the state of Missouri.

(1) It has been determined that a harmful disease pest of rice known as Bakanae (Foolish Seedling Disease), caused by the fungal organism *Gibberella fujikuroi* (bakanae strains), is not now known to be present in this state, is present in the state of California, designated as the infested area, and that its introduction into Missouri would result in serious loss and damage to the agriculture resources and to the general welfare of the state. Under the authority of section 263.130, RSMo of the Missouri Plant Law, the state entomologist does hereby establish a quarantine to prevent the of entry of rice seed from infested areas into the state of Missouri, and now sets forth the name of the pest against which the quarantine is established, the infested areas, the articles regulated, the rules governing movement of regulated articles, the rules governing issuance of permits, the rules governing suppression activities and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Certificate—a document issued or authorized by the Missouri Department of Agriculture, or regulatory official of the state of origin, indicating that a regulated article is not contaminated with *Gibberella fujikuroi* (bakanae strains), or has been treated in such a manner as to eliminate the organism. Such articles may be moved to any destination.

(B) Compliance agreement—a written agreement between the Missouri Department of Agriculture and any person engaged in growing, dealing in or moving regulated articles wherein the latter agrees to comply with conditions specified in the agreement to prevent the dissemination of *Gibberella fujikuroi* (bakanae strains).

(C) Exemptions—provisions contained in these regulations which allow for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

(D) Farm operator—a person responsible for the production and/or sale of a rice crop on any individual farm.

(E) Infected—the presence of the causal organism on or in seed or any plant part that may or may not sustain and support the living and reproduction of the organism.

(F) Infested—actually infested with the organism or so exposed to infestation that it

would be reasonable to believe that an infestation exists.

(G) Inoculum—spores or any other part of the causal organism that might serve to cause the organism to survive and reproduce on any plant or plant part that it comes into contact with.

(H) Inspector—any authorized employee of the Missouri Department of Agriculture, or any other person authorized by the Missouri Department of Agriculture to enforce the provisions of quarantine and its rules.

(I) Limited permit—a document issued or authorized by an inspector or a designated regulatory official to provide for the movement of regulated articles to restricted destination for limited handling, utilization or processing or for treatment.

(J) Mill operator—a person responsible for the operation of a manufacturing plant, and all facilities of that plant, involved in the processing, packaging or handling of rough rice and rice products.

(K) Milled rice—rice that has been subjected to processing to produce products from rough rice.

(L) Milling rice—rice that has been produced, handled, acquired and destined for processing through a mill.

(M) Person—any individual, corporation, company, society, association or other business entity.

(N) Regulated area—any state or any portion of such state that is known to be infested with *Gibberella fujikuroi* (bakanae strains).

(O) Research rice—any rice seed or rice plant parts that are to be used in a recognized research project conducted by a state or federal program under the supervision of a trained and credentialed professional staff that has in place proper safety programs to prevent the accidental release and/or spread of the disease.

(P) Rice mill—any manufacturing plant and all associated facilities that are involved in processing rough rice to produce rice related products.

(Q) Rice—all parts of rice and wild rice plants of the genera *Oryza*.

(R) Rice hulls—the outer covering of the rice seed that usually is removed in the milling process.

(S) Rice production area—any area utilized in the growing of rice plants for production of the plant and/or subsequent seed for harvesting in the state of Missouri.

(T) Rice products—any commodity or product that has been produced from any part of the rice plant and may contain parts of the original plant structure or they may be unrecognizable as having originated from the rice

plant because of being subjected to additional processing.

(U) Rice mill waste—any trash or discarded material that was originally contained or in contact with rice plants, seed or other plant parts utilized in a milling process.

(V) Rough rice—rice seed harvested, handled and transported in the same form it was in immediately following harvest and removal from the rice plant.

(W) Seed assay—any test available to be applied to a sample, lot or other quantity of seed to determine the presence of *Gibberella fujikuroi* (bakanae strains).

(X) Seed rice—seed removed from the rice plant and subjected to such processing as to make the seed suitable for use as planting material for subsequent rice crops. This processing may include but is not limited to cleaning, treating and bagging. Depending on the handling and products applied to this seed it may or may not be suitable for human consumption.

(Y) Treatment—any process that may be applied to rice seed or other plant parts in an attempt to modify or affect the presence of *Gibberella fujikuroi* (bakanae strains).

(Z) Used rice equipment—any equipment previously used to harvest, strip, transport, destroy or process rice.

(3) The following is a list of articles, the movement of which is regulated:

(A) The causal agent, *Gibberella fujikuroi* (bakanae strains), in any living stage of development;

(B) Rice;

(C) Rough rice;

(D) Seed rice;

(E) Research rice;

(F) Milling rice;

(G) Rice hulls;

(H) Rice mill waste;

(I) Used rice equipment;

(J) Any other products, articles or means of conveyance, not covered by this section, when determined by an inspector they present a hazard of spread of *Gibberella fujikuroi* (bakanae strains) and the person in possession thereof has been so notified.

(4) The following subsections shall govern the movement of regulated articles. Requirements under other applicable state and federal quarantines must also be met:

(A) A certificate or limited permit is required to transport regulated articles from a regulated area into or through any rice production area.

(B) A certificate or limited permit for movement of regulated articles may be obtained from the Missouri Department of



Agriculture or an authorized cooperator/colaborator agency.

(C) A certificate or limited permit may be issued by an inspector if a regulated article:

1. Has originated in the non-infested area of this state or in a non-infested area of any other state and has not been exposed to infestation at any time; or

2. Has been treated to eliminate infestation; or

3. Has been subjected to a seed assay to determine if the causal agent is present and none is found; or

4. Has been grown, manufactured, stored or handled in such a manner that in the judgment of the inspector no infestation will be transmitted thereby.

(D) Limited permits may be issued by an inspector to allow the movement of noncertified regulated articles for specified handling, utilization, processing or treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of *Gibberella fujikuroi* (bakanae strains).

(E) When certificates or limited permits are required, they shall be securely fastened to the regulated article or to the outside of the container in which the regulated article is being moved.

(F) Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if they determine that the holder thereof has not complied with any conditions for the use of such documents or with any conditions contained in a compliance agreement.

(G) Persons requesting certification or a limited permit must request the services from an inspector(s) at least forty-eight (48) hours before the services are needed. The regulated articles must be assembled at the place and manner in which the inspector designates outside the rice production area. The following information must be provided at the time the request is submitted:

1. The quantity of the regulated article to be moved;

2. The location of the regulated article;

3. The names and addresses of the consignee and consignor;

4. The method of shipment; and

5. The scheduled date of shipment.

(5) Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions; provided, a permit is securely attached to the container of such articles or to the article itself.

(6) As a condition of issuance of certificates or permits for the movement of regulated arti-

cles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving such articles may be required to sign a compliance agreement stipulating that s/he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(7) Regulated products transported in violation of this quarantine must be treated or destroyed or returned to the point of origin at the discretion of the state entomologist. Common carriers or other carriers, persons, firms or corporations, who shall transport or move regulated products in violation of this quarantine and these rules shall be subject to the penalties named in section 263.180, RSMo.

(8) Regulated areas include the state of California and any other rice production area where *Gibberella fujikuroi* (bakanae strains) and/or Bakanae (Foolish Seedling Disease) have been confirmed to occur.

AUTHORITY: sections 263.040, 263.050, 263.130 and 263.140, RSMo Supp. 2004. Emergency rule filed May 18, 2005, effective May 28, 2005, expired Nov. 23, 2005. Original rule filed June 6, 2005, effective Nov. 30, 2005.*

**Original authority: 263.040, RSMo 1939, amended 1984; 263.050, RSMo 1939, amended 1984, 1993, 1995; 263.130, RSMo 1939, amended 1984; and 263.140, RSMo 1939, amended 1984.*

2 CSR 70-11.050 Emerald Ash Borer Intrastate Quarantine

PURPOSE: This rule prevents the spread of a serious insect pest, known as the Emerald Ash Borer, Agrilus planipennis Fairmaire to other uninfested areas of the state of Missouri, and other states, and to establish those articles and areas which are to be regulated.

(1) It has been determined that the Emerald Ash Borer, native to Asia, and a prolific and destructive pest of ash (*Fraxinus* spp.) has become established in Missouri. To date, it is estimated that this pest has destroyed nearly fifty (50) million ash trees in North America. It is not yet known to be generally distributed throughout the state of Missouri, and its introduction into the remainder of the state would cause further economic and ecological

loss. As such, the state entomologist, under the authority of section 263.140, RSMo, of the Missouri Plant Law does now establish a quarantine to prevent the spread of this pest into uninfested parts of Missouri and other states, and now sets forth the name of this pest against which the quarantine is established, the quarantined area, the articles regulated, the rules governing movement of regulated articles, and the penalty.

(2) The following definitions shall apply to this quarantine:

(A) Bark means the natural bark of a tree, including the ingrown bark around the knots and bark pockets between rings of annual growth and an additional one-half (½)-inch of wood, including the vascular cambium;

(B) Certificate of inspection is a document authorized to be issued by the director to allow the movement of regulated articles from the quarantined area to destinations within the state of Missouri;

(C) Compliance agreement is a written agreement between the director and a person or entity moving regulated articles out of the quarantined area;

(D) Director is the director of the Missouri Department of Agriculture or his or her authorized representative;

(E) Emerald Ash Borer is the insect classified as *Agrilus planipennis* Fairmaire (Coleoptera: Buprestidae) in any life stage;

(F) Established refers to the presence of a reproducing population of Emerald Ash Borer; and

(G) Inspector refers to an employee of the Missouri Department of Agriculture, Plant Pest Control Bureau or United States Department of Agriculture-Animal and Plant Health Inspection Service-Plant Protection and Quarantine (USDA-APHIS-PPQ) authorized to enforce the provisions of this quarantine.

(3) The following is a list of articles, the movement of which is regulated:

(A) The Emerald Ash Borer, *Agrilus planipennis* Fairmaire, in any living stage of development;

(B) Firewood of any non-coniferous (hardwood) species with bark as described in subsection (2)(A);

(C) Nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*;

(D) Any item made from or containing ash wood that is capable of spreading the Emerald Ash Borer; and

(E) Any article, product, or means of conveyance when it is determined by the director



to present the risk of spread of the Emerald Ash Borer.

(4) The counties listed below are designated as quarantined areas. In addition, the director may designate any area as quarantined for the Emerald Ash Borer in the future.

(A) All of Wayne County.

(5) The following are conditions of movement of regulated articles:

(A) The sale and/or movement of all ash nursery stock within or out of the quarantined area is prohibited under all conditions;

(B) Regulated articles listed in section (3) (with the exception of ash nursery stock) may be moved from a quarantined area to a destination within Missouri only under the following circumstances:

1. With a current compliance agreement with the director when a Certificate of Federal/State Domestic Plant Quarantines accompanies each shipment; or

2. With a Limited Permit for the Movement of Non-Certified Articles when a current compliance agreement with the director is in place and a copy of the limited permit accompanies each shipment; or

3. Without a certificate or limited permit when the regulated article is moved by an employee of the USDA-APHIS-PPQ (when authorized by the state plant health director of Missouri) or an employee of the Missouri Department of Agriculture (when authorized by the state entomologist) for experimental or scientific purposes; or

4. Without a certificate or limited permit if the article originates from and is destined to a point outside of the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of March 16 through September 30, or when the ambient air temperature is forty degrees Fahrenheit (40°F) or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the Emerald Ash Borer; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs) or has been stored, packed, or handled at locations approved by the state entomologist as not posing a risk of infestation by Emerald Ash Borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

(6) Regulated articles transported in violation of this quarantine must be treated, destroyed, or returned to the point of origin at the discretion of the state entomologist. Common carriers or other carriers, persons, firms, or corporations who transport or move regulated articles in violation of this quarantine and these rules will be subject to the penalties named in section 263.180, RSMo, of the Missouri Plant Law.

(7) These rules are distinct from, and in addition to, any federal statute, regulation, or quarantine order addressing the interstate movement of articles from the quarantined area or the state of Missouri.

*AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo, 2000. * Emergency rule filed Aug. 18, 2008, effective Aug. 28, 2008, expired Feb. 26, 2009. Original rule filed Dec. 18, 2008, effective July 30, 2009.*

**Original authority: 263.040, RSMo 1939, amended 1984; 263.050, RSMo 1939, amended 1984, 1993, 1995; and 263.180, RSMo 1939, amended 1984.*