## Rules of Department of Agriculture
### Division 70—Plant Industries
#### Chapter 10—Missouri Plant Law Rules

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Chapter 10—Missouri Plant Law Rules

2 CSR 70-10.010 Nursery Stock Defined

PURPOSE: This rule defines nursery stock as used in sections 263.010–263.080, RSMo and the corresponding rules.

(1) Nursery stock shall be understood to mean all plants having a persistent woody stem, perennials, roots, crowns, corms, rhizomes and tubers capable of propagating, including strawberry, asparagus and rhubarb, but excluding seed potatoes and other garden vegetables. Grass sod, stolons and plugs distributed for the purpose of propagating are also included in the term nursery stock.

AUTHORITY: section 263.040, RSMo 1986.*


2 CSR 70-10.030 Shipments of Nursery Stock May Be Held for Inspection

PURPOSE: This rule authorizes inspection of all foreign shipments of nursery stock and greenhouse stock whether or not they are accompanied by a valid inspection certificate. It gives the state entomologist the authority to hold any plants or plant products up to twelve hours for inspection.

(1) Any shipment of nursery stock or greenhouse stock, herbaceous or bedding plants, or parts of them, or other plants or plant products in the raw or unmanufactured state, including fruits, nuts, field, vegetable or flower seeds, which is shipped or carried into this state from any foreign country or territorial possession of the United States whether or not accompanied by a valid certificate of inspection may be inspected by the state entomologist or his/her authorized representative, except those countries or territories with which Missouri has reciprocal agreements, and any person who receives the shipment shall hold same subject to instruction.


2 CSR 70-10.040 Nurseryman to Report Treatment

PURPOSE: This rule requires nursery-men to report to the state entomologist the amount and kinds of nursery stock treated under quarantine requirements.

(1) Each nurseryman shall make a prompt report to the office of the state entomologist of the amounts and kinds of nursery stock fumigated, dipped or otherwise treated under quarantine requirements.

AUTHORITY: section 263.040, RSMo 1986.*


2 CSR 70-10.050 Out-of-State Nurseryman to Verify Inspection-Certification

PURPOSE: This rule verifies that all nurserymen shipping nursery stock into Missouri have had their nurseries inspected and certified by their state plant regulatory agency.

(1) Any nurseryman of any other state, territory or district of the United States desiring to ship nursery stock into Missouri shall be listed in their state certified nursery directory and this directory must be filed with the office of the Missouri state entomologist. Nurseries in states that fail to file this directory individually must file a copy of their certificate of inspection.

AUTHORITY: section 263.040, RSMo 1986.*


2 CSR 70-10-060 Inspection of Noncommercial Plant Material

(Rescinded January 1, 1985)

2 CSR 70-10.070 Violation of Federal Quarantine Also State Violation

PURPOSE: This rule makes it a violation of the Missouri Plant Law to violate a United States Department of Agriculture plant quarantine.

(1) Any plants, plant products or any other material moving or moved into the state in violation of a United States Department of Agriculture plant quarantine is a violation of the Missouri Plant Law and the material, plants and plant products shall be held and disposed of under the direction of the state entomologist.


2 CSR 70-10.075 Fee Schedule

PURPOSE: This rule establishes a fee schedule for inspections performed. Monies derived from these inspections are to be deposited in the state treasury and shall not exceed the actual cost of the inspections.

(1) Nursery inspection fees for all plants, except grass sod, shall be as follows: for less than one-half (1/2) acre of salable stock, twenty dollars ($20); one-half to one (1/2–1) acre of salable stock, thirty-five dollars ($35); each additional acre or fraction of an acre, three dollars ($3). Where semi-annual inspections are required, that is, strawberries, brambles, and the like, an annual fee shall be paid at the time of the spring inspection and shall include both inspections performed during the year. Grass sod inspection fees shall be as follows: for less than one-half (1/2) acre of salable stock, twenty dollars ($20); one-half to one (1/2–1) acre of salable stock, thirty-five dollars ($35); each additional acre or fraction of an acre, one dollar ($1).

(2) Fees for the field inspection of grain and forage crops or any other plants or plant products other than nursery stock and sod shall be as follows: for less than one-half (1/2) acre of salable stock, twenty dollars ($20); one-half to one (1/2–1) acre of salable stock, thirty-five dollars ($35); each additional acre or fraction of an acre, two dollars ($2).

(3) Fees for supervising the fumigation of any plants, plant products, machinery, equipment or any other articles of any nature shall be fifty dollars ($50) for the first hour worked while on the premises with a fifty-dollar ($50) minimum fee and twenty dollars ($20) for each additional hour or fraction of an hour worked while on the premises.

(4) Fees for the inspection of grain elevators, warehouses and other facilities shall be fifty dollars ($50) for the first hour worked while on the premises with a fifty-dollar ($50) minimum fee and twenty dollars ($20) for each additional hour or fraction of an hour while on the premises. These inspections shall be made as often as required by the destination state or country or the United States Department of Agriculture for the issuance of their certificates.

(5) Fees for specialty-type inspections including, but not limited to, phytosanitary, European corn borer, (that is not a grain elevator), vegetable transplant, house plant inspections and any other plant regulatory work shall be twenty-five dollars ($25) for the first hour worked while on the premises with a twenty-five dollar ($25) minimum fee and twenty dollars ($20) for each additional hour or fraction of an hour worked while on the premises. There shall be a ten-dollar ($10) certification fee for each certificate issued.

(6) Fees for the reissuance of a phytosanitary certificate or any other type of certificate, based upon a prior inspection or some other documentation shall be ten dollars ($10). Firms operating under compliance agreements and utilizing state certificates shall pay a certificate fee of five dollars ($5) per certificate.

(7) Anyone desiring a phytosanitary inspection and certification or any other type inspection/certification for plants or plant products may bring those plants or plant products to the inspector at a designated time and place at the inspector’s choosing and have that inspection performed and a certificate issued, providing the plant material meets the requirements of the destination state or country, for a fee of five dollars ($5) for the inspection and ten dollars ($10) for each certificate issued.

(8) Certificates of inspection shall be issued after the inspection is completed and payment of the fee has been received unless otherwise required under sections 263.010–263.080, RSMo or the commodity or plant product being inspected is infested or infected with harmful plant pests or does not meet the requirements of the destination state or country, or both. Failure to qualify for certification does not remove the obligation of owner to pay the designated inspection fees.

(9) Fees for greenhouse inspection shall be as follows: for twenty-five thousand (25,000) square feet or less, twenty-five dollars ($25); for twenty-five thousand one to fifty thousand (25,001–50,000) square feet, thirty-five dollars ($35); for each additional twenty-five thousand (25,000) square feet or portion, ten dollars ($10). Fees shall be paid at the time of the fall inspection and shall include both inspections performed during the year.

(10) Nursery dealer registration-inspection certificates shall be fifty dollars ($50) annually per outlet and this fee is payable at the time of making application. Restricted nursery dealer registration-inspection certificates shall be twenty-five dollars ($25) annually per outlet and this fee is payable at the time of making application. If the nursery dealer registration-inspection certificate is not renewed prior to offering nursery stock for sale, there shall be a penalty of fifty percent (50%) assessed and added to the original fee and paid by the applicant before the registration-inspection certificate be issued. This penalty is to recover the costs associated with reinspections.

(11) Fees are not prorated and certificates are effective from the time of issuance until the expiration date as mandated by section 263.070, RSMo or the destination state or country.


2 CSR 70-10.080 Certification Requirements

PURPOSE: This rule sets forth the procedures for certification of native wild plant material, virus-free fruit tree nursery stock, and virus-free grapevine nursery stock.

(1) The inspection of collected native wild plant material is required and is provided for in this section. Whenever an individual offers for sale collected native wild plant material, it shall be advertised and sold as such. The buyer must be informed as to the nature of this stock and all shipments must bear a collected native wild plant inspection certificate. Certification shall be on the basis of inspection of the collecting range or periodic inspections of plant material being sold.

(2) Fruit tree virus disease certification of nursery stock is provided for under this section. Certified nursery stock advertised or sold with reference to freedom from virus and virus-like disease and sources of propagating material for virus-certiﬁed nursery stock shall meet one (1) of the following classifications:

(A) Cooperating nurseries may register parent trees with the Missouri Department of Agriculture to serve as source material for scion blocks. These trees will be known as Registered Parent Trees. Registered Parent Trees shall meet the following requirements:

1. The source of budwood for Registered Parent Trees shall be either the Interregional Research Project (IR-2), another government-approved virus-free repository or a source indexed and visually inspected for freedom from virus infection under the supervision of the Missouri Department of Agriculture for the following diseases:

   A. Malus sources shall be indexed for freedom from stem pitting, stem grooving, spy lethal, bud necrosis, and chlorotic leaf spot. These sources shall have borne fruit and shall be inspected visually for other infectious abnormalities such as scar skin, rubbery wood, mosaic, and flat limb;

   B. Pyrus sources shall have borne fruit and shall be inspected visually for foliar and fruit abnormalities of a genetic or infectious nature;

   C. Prunus sources shall be indexed for freedom from prunus ring spot virus, prune dwarf virus, and green ring mottle. They shall have borne fruit and shall be inspected visually for foliar and fruit abnormalities of a genetic or infectious nature; and

   D. The Missouri Department of Agriculture may require the indexing for any additional virus diseases as it shall determine necessary;

2. The source of understock for Registered Parent Trees shall be one (1) of the following:

   A. True seedlings of Malus or Pyrus;

   B. Clonal understocks indexed and certified for freedom from virus by the Missouri Department of Agriculture or the department of agriculture of another state or country whose certificate is acceptable to the Missouri Department of Agriculture; and

   C. Prunus seedlings from seed from trees indexed and certified for freedom from seed-borne virus by the Missouri Department of Agriculture or a certifying body acceptable to the Missouri Department of Agriculture;

3. Registered Parent Trees shall be maintained in isolation from noncertified trees of the same genus. Malus and Pyrus shall have at least one hundred fifty feet (150') of isolation. Prunus shall have at least one-fourth (1/4) mile of isolation;

4. All Registered Parent Trees shall be inspected visually at least once a year under the supervision of the Missouri Department of Agriculture;

5. Registered Parent Trees may be indexed at any time at the discretion of the Missouri Department of Agriculture;

6. Any Registered Parent Tree found infected with virus shall be removed within no more than ten (10) days of receipt of notice from the Missouri Department of Agriculture;

7. The nursery shall provide the Missouri Department of Agriculture with charts showing the location and variety of each Registered Parent Tree. The nursery’s records of the indexing and maintenance history of these trees shall be available for inspection by the Missouri Department of Agriculture during normal business hours after reasonable notice;

8. The nursery shall notify the Missouri Department of Agriculture before adding any trees, buds, or understocks to any Registered Scion Block; and

9. Registered Parent Trees shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture;

(B) Cooperating nurseries may register groups of trees with the Missouri Department of Agriculture to serve as source material for the propagation of virus-certified nursery stock. These groups of trees will be known as Registered Scion Blocks. Trees in Registered Scion Blocks shall meet the following requirements:

1. The source of budwood for Registered Scion Block Trees shall be from Registered Parent Trees as set forth in subsection (2)(A), IR-2, or another government-approved virus-free repository;

2. The source of understock for Registered Scion Block Trees shall meet the same standards as understocks for Registered Parent Trees as set forth in paragraph (2)(A) 2.;

3. Registered Scion Blocks shall be maintained in isolation from noncertified trees of the same genus. Malus and Pyrus shall have at least one hundred fifty feet (150') of isolation. Prunus shall have at least four hundred fifty feet (450') of isolation;

4. In any Registered Scion Blocks established after these rules go into effect, whenever there is more than one (1) variety in a row, there shall be a separation of at least ten feet (10') between varieties;

5. All Registered Scion Blocks shall be inspected visually at least once a year under the supervision of the Missouri Department of Agriculture;

6. Registered Scion Block Trees may be reindexed at any time at the discretion of the Missouri Department of Agriculture;

7. Any Registered Scion Block Tree found infected with a virus shall be removed within no more than ten (10) days of receipt of notice from the Missouri Department of Agriculture;

8. The nursery shall provide the Missouri Department of Agriculture with charts showing the location and varieties included in each Registered Scion Block. The nursery’s records of the sources of budwood and understock shall be available for inspection by the Missouri Department of Agriculture for normal business hours after reasonable notice;

9. The nursery shall notify the Missouri Department of Agriculture before adding any trees, buds, or understocks to any Registered Scion Block; and

10. Registered Scion Blocks shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture;

(C) Cooperating nurseries may register Prunus trees with the Missouri Department of Agriculture to serve as a source of seed for the production of virus-certified nursery stock, Registered Scion Block Trees, and Registered Parent Trees. These trees will be known as Registered Seed Source Trees. Registered Seed Source Trees shall meet the following requirements:

1. Registered Seed Source Trees shall be either indexed under the supervision of the Missouri Department of Agriculture for freedom from seed-borne viruses or must be propagated from budwood and understock meeting the same requirements as for propagating Registered Scion Block Trees as set
forth in paragraphs (2)(B)1. and 2.; and
2. Isolation, inspection, indexing, recordkeeping, and notification requirements shall be the same as for Registered Parent Trees as set forth in paragraphs (2)(A)3.–9.;
(D) Cooperating nurseries may register clonal plantings of self-rooted certified trees with the Missouri Department of Agriculture for the purpose of producing vegetatively-propagated rootstocks. These plantings will be known as Registered Stool Beds and shall meet the following requirements:
1. The source of propagating material for Registered Stool Beds shall meet the same requirements as budwood for Registered Parent Trees as set forth in paragraph (2)(A)1.;
2. Registered Stool Beds shall be maintained in isolation of one hundred fifty feet (150') from noncertified trees of the same genus; and
3. Inspection, reindexing, removal, recordkeeping, and notification requirements shall be the same as for Registered Parent Trees as set forth in paragraphs (2)(A)4.–9.;
(E) Nursery stock bearing the Fruit Tree Budwood and Understock Virus Certificate shall meet the following requirements:
1. The source of budwood for the top variety and interstems shall be Registered Scion Block Trees or Registered Parent Trees as set forth in subsections (2)(A) and (B);
2. The source of understock shall be one (1) of the following:
   A. True seedlings of Malus or Pyrus;
   B. Clonal understocks produced in Registered Stool Beds as set forth in subsection (2)(D) or bearing a virus certificate from a certifying body acceptable to the Missouri Department of Agriculture; and
   C. Seedlings from seed of Registered Seed Source Trees as set forth in subsection (2)(C) or from seed bearing a virus certificate from a certifying body acceptable to the Missouri Department of Agriculture;
3. The nursery stock shall be grown in blocks separated from noncertified trees of the same genus by at least ten feet (10');
4. In any new plantings of nursery stock under this certification established after these rules go into effect, whenever there is more than one (1) variety in a nursery row there shall be a separation of at least five feet (5') between varieties;
5. The nursery stock shall be inspected visually at least once a year by the Missouri Department of Agriculture;
6. Samples of nursery stock or seed bearing the Fruit Tree Budwood Virus Certificate shall meet the following requirements:
1. The source of budwood for the top variety and interstems shall be Registered Scion Block Trees or Registered Parent Trees as set forth in subsections (2)(A) and (B);
2. The nursery stock shall be grown in blocks separated from noncertified trees of the same genus by at least ten feet (10');
3. In any new plantings of nursery stock under this certification established after these rules go into effect, whenever there is more than one (1) variety in a nursery row there shall be a separation of at least five feet (5') between varieties;
4. The nursery stock shall be inspected visually at least once a year by the Missouri Department of Agriculture;
5. Samples of nursery stock may be indexed at the discretion of the Missouri Department of Agriculture;
6. The nursery shall provide the Missouri Department of Agriculture with charts showing the growing location and quantity of nursery stock produced under this certificate. They also shall provide copies of virus certificates for nursery stock and propagating material received from outside Missouri. The nursery's records of sources of propagating material shall be open for inspection by the Missouri Department of Agriculture; and
7. Nursery stock in the field and in storage shall be marked in such a manner as to be easily identifiable to the Missouri Department of Agriculture;
3. Foundation block vines shall be tested at appropriate intervals by the Missouri Department of Agriculture and shall meet the following requirements:
1. Propagating wood for foundation blocks shall be from material which has been tested for and found to be apparently free from the following viruses: fanleaf degeneration, leaf-roll, corky bark, American grape decline (peach rosette-mosaic virus), fleck, stem-pitting, tobacco ringspot virus, and tomato ringspot virus;
2. Foundation block vines shall be tested at appropriate intervals by the Missouri Department of Agriculture; and
3. Foundation blocks shall be at least one hundred feet (100') from land on which noncertified grapevines have been grown within the past ten (10) years;
requirements:

Virus Certificate shall meet the following requirements:

1. Propagating wood for Foundation Stock Blocks shall originate from foundation blocks or from grapevines which meet or exceed the Missouri requirements for foundation block plants;

2. Registered Stock Block plants may be tested for virus at any time at the discretion of the Missouri Department of Agriculture; and

3. Requirements of paragraphs (3)(A)3.–9. also shall apply to Registered Stock Blocks;

4. The propagating area shall be disinfected in a manner approved by the Missouri Department of Agriculture any time it is utilized for the propagation of grape plants that do not meet the virus-free certification requirements;

5. The nursery stock shall be inspected at least once a year by the Missouri Department of Agriculture;

6. The nursery shall provide the Missouri Department of Agriculture with the charts showing the growing location and quantity of nursery stock produced under this certificate;

7. Nursery stock in propagating areas in the field and in storage shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture as virus-certified material; and

8. Nursery stock shall remain in the nursery row for no more than two (2) growing seasons; and

9. Foundation container grapevines, grown in greenhouses, which are isolated from noncertified grapevines, may be registered with the Missouri Department of Agriculture to serve as propagating material for virus-certified nursery stock and virus-certified stock plants, and shall meet the following requirements:

   (A) Samples of nursery stock bearing the Grapevine Virus Certificate shall have been tested and found to be apparently free from the viruses listed in paragraph (3)(A)1.;

   (B) Requirements set forth for foundation blocks in paragraphs (3)(A)3.–9. shall apply to foundation container grapevines; and

   (C) Nursery stock bearing the Grapevine Virus Certificate shall be no more than four (4) cutting generations removed from plants which have been tested for and found to be apparently free from the diseases listed in paragraph (3)(A)1.

AUTHORITY: section 263.040, RSMo 2016. *
