



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

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**Title 2—DEPARTMENT OF
AGRICULTURE**

Division 70—Plant Industries

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, bulbs, 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 propagation are also included in the term nursery stock.

AUTHORITY: section 263.040, RSMo 1986. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Refiled March 11, 1976. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985. Readopted: Filed Sept. 12, 1984, effective Jan. 1, 1985.*

**Original authority 1939, amended 1984.*

2 CSR 70-10.015 Restricted Nursery Dealer Defined

PURPOSE: This rule defines a restricted nursery dealer.

(1) A nursery dealer with limited sales of nursery stock. The retail value of all nursery stock sold in one (1) license year (October 1 to September 30) shall not exceed two thousand dollars (\$2000). Restricted nursery dealers shall be subject to all requirements listed in sections 263.020(4) and 263.070.5(1), RSMo.

AUTHORITY: section 263.040, RSMo 1986. Original rule filed Dec. 2, 1991, effective April 9, 1992.*

**Original authority 1939, amended 1984.*

2 CSR 70-10.020 Certification of Nursery Stock Is Required and a Copy of the Certificate Must Be Attached (Rescinded January 1, 1985)

AUTHORITY: 263.040, RSMo 1978. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985.

2 CSR 70-10.025 Nonprofit Nursery Dealer Defined

PURPOSE: This rule defines a nonprofit nursery dealer.

(1) A nursery dealer registered with the state as a nonprofit organization overseeing membership entities which may offer nursery stock for sale. The sale of such nursery stock is limited to not more than two (2) sales events conducted in a certificate year (October 1 to September 30) for each membership entity, with each sales event lasting a maximum of two (2) days. Nonprofit nursery dealers and their membership entities shall be subject to the provisions of 263.010 to 263.180, RSMo. Nonprofit nursery dealers shall submit notification to the department for each membership entity sale at least thirty (30) days prior to the sale. Notification shall include, but not be limited to, the name, contact name, address, phone number, sale location(s), and sale date(s) for the membership entity.

AUTHORITY: section 263.040, RSMo 2016. Original rule filed Oct. 22, 2019, effective May 30, 2020.*

**Original authority: 263.040, RSMo 1939, amended 1984.*

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) The state entomologist may cause any plants, plant products, things or substances under the jurisdiction of the Missouri Plant Law to be held for inspection, regardless of whether labeled according to the statutes and rules. These plant products shall not be held for over twelve (12) hours if proper inspection is available.

AUTHORITY: section 263.040, RSMo 1986. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Refiled March 11, 1976. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985. Readopted: Filed Sept. 12, 1984, effective Jan. 1, 1985.*

**Original authority 1939, amended 1984.*

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. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Refiled March 11, 1976. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985. Readopted: Filed Sept. 12, 1984, effective Jan. 1, 1985.*

**Original authority 1939, amended 1984.*

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 or posted online by their state plant regulatory agency. Nurseries in states that fail to file this directory individually must file a copy of their certificate of inspection with the office of the Missouri state entomologist.

AUTHORITY: section 263.040, RSMo 2016. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Refiled March 11, 1976. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985. Readopted: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed Oct. 22, 2019, effective May 30, 2020.*

**Original authority: 263.040, RSMo 1939, amended 1984.*

2 CSR 70-10.060 Inspection of Noncommercial Plant Material

(Rescinded January 1, 1985)

AUTHORITY: section 263.040, RSMo 1978. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Rescinded: Filed Aug. 14, 1984, effective Jan. 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.

*AUTHORITY: section 263.040, RSMo 1986.**

Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Refiled March 11, 1976. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985. Readopted: Filed Sept. 12, 1984, effective Jan. 1, 1985.

**Original authority 1939, amended 1984.*

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, fifty dollars (\$50); one-half to one (1/2-1) acre of salable stock, seventy-five dollars (\$75); each additional acre or fraction of an acre, five dollars (\$5). Grass sod inspection fees shall be as follows: for less than one-half (1/2) acre of salable stock, fifty dollars (\$50); one-half to one (1/2-1) acre of salable stock, seventy dollars (\$70); each additional acre or fraction of an acre, two dollars (\$2). Fees will be paid at the time of initial application and upon annual renewal.

(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, fifty dollars (\$50); one-half to one (1/2-1) acre of salable stock, seventy dollars (\$70); each additional acre or fraction of an acre, four dollars (\$4).

(3) Fees for supervising the fumigation of any plants, plant products, machinery, equipment or any other articles of any nature shall be one hundred dollars (\$100) for the first hour worked while on the premises with a one hundred dollar (\$100) minimum fee and forty dollars (\$40) 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 one hundred dollars (\$100) for the first hour worked while on the premises with a one hundred dollar (\$100) minimum fee and forty dollars (\$40) 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 fifty dollars (\$50) for the first hour worked while on the premises with a fifty dollar (\$50) minimum fee and forty dollars (\$40) for each additional hour or fraction of an hour worked while on the premises. There shall be a fifty dollar (\$50) 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 fifty dollars (\$50).

(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 twenty-five dollars (\$25) for the inspection and fifty dollars (\$50) for each certificate issued.

(8) Payment of inspection and certification fees may be made at the time of inspection, or upon receipt of an invoice from the department. Certificates will not be issued until application has been made, certification requirements have been verified, and previous inspection and certification fees have been paid. Failure to qualify for certification does not remove the obligation of the 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, fifty dollars (\$50); for twenty-five thousand one to fifty thousand (25,001-50,000) square feet, seventy dollars (\$70); for each additional twenty-five thousand (25,000) square feet or portion, twenty dollars (\$20). Fees shall be paid at the time of the fall inspection or upon receipt of an invoice from the department for both inspections performed during the year.

(10) Nursery dealer registration-inspection certificates shall be one hundred twenty-five dollars (\$125) annually per outlet and this fee is payable at the time of making application. Restricted nursery dealer registration-inspection certificates shall be fifty dollars (\$50)



annually per outlet and this fee is payable at the time of making application. Nonprofit nursery dealer registration-inspection certificates shall be one hundred twenty-five dollars (\$125) annually per nonprofit organization overseeing membership entities 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 shall be issued. This penalty is to recover the costs associated with reinspections.

(11) Annual fees for fruit tree and grapevine virus-free certification shall be as follows: three dollars (\$3) per registered fruit tree and one dollar (\$1) per registered grapevine. Fees are payable by June 30 for the following year's certification.

(12) 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.

AUTHORITY: section 263.040, RSMo 2016. Original rule filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed Dec. 2, 1991, effective April 9, 1992. Amended: Filed Oct. 22, 2019, effective May 30, 2020.*

**Original authority: 263.040, RSMo 1939, amended 1984.*

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 tree to the Registered Parent Tree growing area; 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 during 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 bearing the Fruit Tree Budwood and Understock Certificate may be indexed at the discretion of the Missouri Department of Agriculture;

7. 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 records of sources of propagating material shall be open for inspection by the Missouri Department of Agriculture; and

8. 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 as virus-certified material;

(F) Nursery stock 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 certification. 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 during normal business hours after reasonable notice; 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 and nursery personnel as virus-certified material; and

(G) Nursery stock or seed bearing the Fruit Tree Understock Virus Certificate shall meet the following requirements:

1. The source of seed bearing this certificate shall be Registered Seed Source Trees as set forth in subsection (2)(C). Seedlings bearing this certificate must be grown from seed of Registered Seed Source Trees as set forth in subsection (2)(C) or from seed bearing the virus certificate of a certifying body acceptable to the Missouri Department of Agriculture. Clonal understocks bearing this certificate must be propagated in Registered Stool Beds as set forth in subsection (2)(D);

2. Seedlings shall be grown in blocks separated from noncertified trees of the same genus by ten feet (10');

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

4. Samples of nursery stock or seed bearing the Fruit Tree Understock Virus Certificate may be indexed at the discretion of the Missouri Department of Agriculture;

5. The nursery shall provide the Missouri Department of Agriculture with charts showing the growing location and quantity of nursery stock and seed produced under this certificate. They also shall provide copies of virus certificates of seed received from outside



Missouri. The records of sources of propagating materials shall be open for inspection by the Missouri Department of Agriculture; and

6. Nursery stock in the field and in storage and seed in storage shall be marked in such a manner as to be easily identifiable to the Missouri Department of Agriculture as virus-certified material.

(3) Grape virus disease certification of nursery stock is optional and is provided for under this section. Grapevines advertised or sold with reference to freedom from virus and virus-like diseases and propagating material for virus-certified grapevines shall meet one (1) of the following classifications:

(A) Foundation blocks shall be registered with the Missouri Department of Agriculture. These will serve as source material for the propagation of registered stock blocks and virus-certified nursery stock and may be located at cooperating nurseries or other locations approved 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 for the viruses listed in paragraph (3)(A)1.;

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;

4. All foundation blocks shall be inspected visually at least twice a year in the spring and in the fall by the Missouri Department of Agriculture;

5. Any foundation block plants found to be infected with virus or virus-like diseases shall be removed under the supervision of the Missouri Department of Agriculture and within ten (10) days of receipt of notice from the department;

6. The Missouri Department of Agriculture shall be provided with charts showing the location and variety of each foundation block plant;

7. The Missouri Department of Agriculture shall be notified before any grapevines are added to a foundation block;

8. Foundation block plants shall be marked in such a manner as to be easily recognizable to the Missouri Department of Agriculture; and

9. The Missouri Department of Agriculture may require such treatments or precautionary measures as may be necessary to protect against infection or infestation with the viruses listed in paragraph (3)(A)1.;

(B) Registered Stock Block—Cooperating nurseries shall register stock block plants with the Missouri Department of Agriculture. These may serve as a source of propagating material for nursery stock. Plantings of these vines will be known as Registered Stock Blocks and shall meet the following requirements:

1. Propagating wood for Registered 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 infection by viruses 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;

(C) Nursery stock bearing the Grapevine Virus Certificate shall meet the following requirements:

1. The source of propagating wood shall be registered stock block vines, foundation block vines or propagating wood which meets the requirements of Registered Stock Block vines;

2. Samples of nursery stock bearing the Grapevine Virus Certificate may be virus-tested at the discretion of the Missouri Department of Agriculture;

3. The nursery stock shall be planted at least one hundred feet (100') from land on which noncertified grapevines have been grown within the past ten (10) years. This also includes container-grown stock;

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) grow-

ing seasons; and

(D) 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:

1. Propagating wood for foundation container grapevines shall have been tested and found to be apparently free from the viruses listed in paragraph (3)(A)1.;

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

3. Nursery stock propagated from foundation container grapevines 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.

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**Original authority: 263.040, RSMo 1939, amended 1984.*

2 CSR 70-10.090 Establishment of a Declared Public Nuisance Insect and Plant Disease List

(Rescinded January 1, 1985)

AUTHORITY: 263.040, RSMo 1978. Original rule filed Aug. 4, 1958, effective Aug. 14, 1958. Amended: Filed April 22, 1965, effective May 2, 1965. Amended: Filed March 25, 1966, effective April 4, 1966. Amended: Filed May 27, 1975, effective June 6, 1975. Rescinded: Filed Aug. 14, 1984, effective Jan. 1, 1985.