



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
Intrastate 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(Rescinded August 15, 1980)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 Rescinded: Filed May 5, 1980, effective Aug. 15, 1980.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**

(Rescinded January 30, 2019)

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. Rescinded: Filed June 14, 2018, effective Jan. 30, 2019.

**2 CSR 70-11.030 Pink Bollworm Intrastate
Quarantine**

(Rescinded January 30, 2019)

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 Rescinded: Filed Jan. 28, 1977, effective May 15, 1977.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. Rescinded: Filed June 14, 2018, effective Jan. 30, 2019.

**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 arti-*

cles 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
(Rescinded January 30, 2019)

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. Rescinded: Filed June 14, 2018, effective Jan. 30, 2019.

2 CSR 70-11.060 Thousand Cankers Disease of Walnut Exterior Quarantine

PURPOSE: This rule prevents the introduction into Missouri of a newly-described destructive pest complex known as Thousand Cankers Disease of Walnut, consisting of an



*insect pest, the Walnut Twig Beetle, **Pityophthorus juglandis**, and a fungal pathogen, **Geosmithia morbida sp. nov.***

(1) It has been determined that Thousand Cankers Disease of Walnut, a lethal insect-fungal pathogen pest complex of walnut (*Juglans spp.*) has been detected in at least nine (9) states (Arizona, California, Colorado, Idaho, New Mexico, Oregon, Tennessee, Utah, and Washington). The Walnut Twig Beetle is known from several western states and Mexico; however, the fungus is a newly-described fungus with a proposed name of *Geosmithia morbida sp. nov.* Thousand Cankers Disease has not yet been found in Missouri, but its introduction could cause an estimated \$851 million in losses over a twenty (20)-year period to the state economy, as well as inestimable, long-term ecological and sociological impacts. 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 introduction of this pest complex into Missouri and now sets forth the name of this pest complex against which the quarantine is established, the quarantined area, the articles regulated, 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) Compliance agreement is a written agreement between the state entomologist and a person or entity moving regulated articles from or through a quarantined area into Missouri;

(C) Firewood for the purposes of this quarantine shall be defined as wood, either split or unsplit, in sections less than four feet (4') in length;

(D) State entomologist refers to the Missouri Department of Agriculture Plant Pest Control Bureau Administrator; and

(E) State plant regulatory official refers to the National Plant Board member of the state of origin.

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

(A) The Walnut Twig Beetle, *Pityophthorus juglandis*, in any living stage of development;

(B) The fungal pathogen, *Geosmithia morbida sp. nov.*;

(C) Firewood of any non-coniferous (hardwood) species;

(D) All plants and plant parts of the genus *Juglans*, including but not limited to nursery stock, budwood, scionwood, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips. Specific exceptions are nuts, nut meats, hulls, processed lumber (one hundred percent (100%) bark-free, kiln-dried with squared edges), and finished wood products without bark, including walnut furniture, instruments, and gun stocks; and

(E) Any article, product, or means of conveyance when it is determined by the state entomologist to present the risk of spread of the Walnut Twig Beetle, *Pityophthorus juglandis*, or the fungal pathogen, *Geosmithia morbida sp. nov.*

(4) Regulated articles from the areas listed below are prohibited entry into Missouri under any circumstances.

(A) Arizona.

(B) California.

(C) Colorado.

(D) Idaho.

(E) Nevada.

(F) New Mexico.

(G) Oregon.

(H) Tennessee.

(I) Utah.

(J) Washington.

(K) Any other areas of the United States as determined by the state entomologist to have Thousand Cankers Disease of Walnut.

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

(A) All regulated articles are prohibited movement into or transiting through the state of Missouri;

(B) Articles listed in section (3) originating in an area not known to have Thousand Cankers Disease but transiting through an area known to have Thousand Cankers Disease will be considered to be regulated articles; and

(C) Regulated articles to be used for research purposes, at the discretion of the state entomologist, may move under a compliance agreement between the state entomologist and the Missouri recipient. At minimum, the compliance agreement shall require inspection of the regulated articles at the point of origin, a state phytosanitary certificate issued by the state plant regulatory official in the state of origin, and at least twenty-four (24) hours' pre-shipment notification.

(6) Regulated articles transported in violation of this quarantine may be destroyed, or returned to the point of origin, at the discre-

tion 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 known infested areas.

AUTHORITY: sections 263.040, 263.050, and 263.180, RSMo 2000. Emergency rule filed April 2, 2010, effective April 12, 2010, expired Jan. 19, 2011. Original rule filed Sept. 24, 2010, effective Jan. 30, 2011.*

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

2 CSR 70-11.070 Pine Shoot Beetle Intra-state Quarantine

*PURPOSE: This rule establishes a quarantine against the spread of a serious insect pest, known as the pine shoot beetle, **Tomicus piniperda** Linnaeus, to other uninfested areas of the state of Missouri, and other states, and establishes those articles and areas which are to be regulated.*

(1) It has been determined that the pine shoot beetle, native to Europe, and a destructive pest of pine (*Pinus spp.*) has become established in Missouri. 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/her authorized representative;

(E) Established refers to the presence of a reproducing population of the pine shoot beetle;

(F) 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;

(G) Limited permit means a document which an inspector, or person operating under a compliance agreement, affirms that the regulated article identified on the document is eligible for intrastate and/or interstate movement in accordance with this quarantine to a specified destination and only in accordance with specified conditions; and

(H) Pine shoot beetle is the insect classified as *Tomicus piniperda* Linnaeus in any life stage.

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

(A) The pine shoot beetle, *Tomicus piniperda* Linnaeus, in any living stage of development;

(B) Nursery stock, Christmas trees, bark products, raw pine materials for pine wreaths and garlands, lumber with bark attached, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Pinus*;

(C) Any item made from or containing pine wood that is capable of spreading the pine shoot beetle; and

(D) Any article, product, or means of conveyance when it is determined by the director to present the risk of spread of the pine shoot beetle.

(4) The director may designate any area of Missouri as quarantined for the pine shoot beetle by listing the designated area on the Missouri Department of Agriculture website (www.mda.mo.gov). The director will notify affected counties upon designation.

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

(A) Movement Within a Quarantined

Area—Movement of the regulated article within a quarantined area is allowed;

(B) Movement Out of a Quarantined Area—Movement of the regulated article from any quarantined area to any destination outside the quarantined area is prohibited, except under the following conditions:

1. Pine Christmas trees and brush—Movement of Christmas trees and brush during October, November, and December, or when ambient air temperature is below ten degrees Celsius (10 °C) (fifty degrees Fahrenheit (50 °F)), is allowed under a limited permit, certificate, or compliance agreement if—

A. Visual inspection of the trees or brush in a shipment or the plantation does not detect the presence of the pine shoot beetle. The number of trees selected for inspection is determined by the size and type of shipment, in accordance with 7 CFR, Ch. III, Part 301.50;

B. The Christmas tree plantation is under and adhering to the conditions of a compliance agreement; or

C. The shipment of Christmas trees or brush is treated using one (1) of the fumigation methods as outlined in accordance with 7 CFR, Ch. III, Part 301.50; or

2. Pine logs and lumber with bark attached—Movement of pine logs or lumber with bark attached out of the quarantine area is prohibited, except under the following conditions:

A. If the shipment is taking place from July 1 through October 31, and the source of the pine was felled during the same period, the shipment may move unrestricted; or

B. If the shipment is taking place from November 1 through June 30 movement is allowed under the following conditions:

(I) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. III, Part 301 and issued a certificate attesting to such; or

(II) The shipment will be moved under a limited permit to a receiving facility that is operating under, and meeting the standards set forth in, a compliance agreement approved by the director. The compliance agreement will specify the conditions for handling, processing, and/or utilizing pine bark to prevent the spread of the pine shoot beetle; or

3. Pine bark and pine mulch—Movement of pine bark and pine mulch out of the quarantine area is prohibited, except under the following conditions:

A. If the shipment is taking place from July 1 through October 31, and the

source of the pine was felled during the same period, then the shipment may move unrestricted after the issuance of a certificate by an inspector attesting to such; or

B. If the shipment is taking place from November 1 through June 30, movement is allowed under the following conditions:

(I) The shipment has been treated at the point of origin under the supervision of an inspector with the approved method of fumigation as outlined in accordance with 7 CFR, Ch. III, Part 301.50 and issued a certificate attesting to such; or

(II) The pine bark or pine mulch shipment will be meeting the standards set forth in a compliance agreement approved by the director. The compliance agreement will specify the conditions for the handling and processing of the pine bark which will prevent the spread of the pine shoot beetle; or

4. Pine nursery stock—Movement of pine nursery stock is allowed under a certificate or compliance agreement if—

A. A visual inspection of one hundred percent (100%) of the trees in a shipment is conducted. Evidence of infestation in any one (1) tree will result in the rejection of that tree; or

B. The pine tree nursery is under, and adhering to the conditions of, a compliance agreement; and

(C) Transiting Quarantined Areas—Movement of the regulated article from an area outside the quarantined area to any destination outside the quarantined area that transits through the quarantined area is allowed under the following conditions:

1. The point of origin must be indicated on the waybill, invoice, or shipping document that accompanies the shipment; and

2. The shipment must move through the quarantined areas without stopping except to drop-off loads, refuel, or for traffic conditions such as traffic lights or stop signs. If the regulated article is transiting a quarantined area during the period of January 1 through September 30, and the temperature is higher than ten degrees Celsius (10 °C) (fifty degrees Fahrenheit (50 °F)), the article must be shipped in an enclosed vehicle or completely covered (such as with plastic, canvas, or other closely woven cloth) so as to prevent access by the pine shoot beetle.

(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, 263.130, 263.140, and 263.180, RSMo 2000. Emergency rule filed Oct. 2, 2012, effective Oct. 12, 2012, expired April 9, 2013. Original rule filed Oct. 2, 2012, effective April 30, 2013.*

**Original authority: 263.040, RSMo 1939, amended 1984; 263.050, RSMo 1939, amended 1984, 1993, 1995; 263.130, RSMo 1939, amended 1984; 263.140, RSMo 1939, amended 1984; and 263.180, RSMo 1939, amended 1984.*