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**Rules of**  
**Department of Agriculture**  
**Division 70—Plant Industries**  
**Chapter 40—Missouri Treated Timber Products**  
**Law Rules**

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**Title 2—DEPARTMENT OF  
AGRICULTURE**

**Division 70—Plant Industries  
Chapter 40—Missouri Treated  
Timber Products Law Rules**

**2 CSR 70-40.010 Treated Timber License**  
(Rescinded February 1, 1981)

*AUTHORITY: 280.050, RSMo 1978. Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed April 18, 1974, effective April 28, 1974. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.*

**2 CSR 70-40.015 Standards for Treated Timber**

*PURPOSE: Section 280.050 states that the director shall promulgate rules to establish standards for preservatives used in the treatment of timber products. This rule establishes these standards to be used by anyone selling or offering for sale treated timber products in the state of Missouri.*

*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) The preservatives and preservative solution used shall meet the American Wood Preservers' Association (AWPA) Standard P-Preservatives, as published in the *AWPA Book of Standards* (1985).

(2) Standards for Treatment of Coniferous, Softwood Species. The requirements for retention and penetration of preservatives used shall not be less than the American Wood Preservers' Association Standards except that—

(A) For ponderosa pine, red pine and southern yellow pine wood for farm use under standard C16, the minimum net retention levels of copper naphthenate shall be 0.04 pounds per cubic foot copper as metal for above ground use and 0.06 pounds per cubic foot copper as metal for ground contact use. (The copper naphthenate solution used for the treatment of wood products under these standards shall be in conformance to AWPA standard P8 as required under section (1) of this rule.) All other requirements under AWPA standard C16 shall apply. This section

shall expire when AWPA C16 standards for copper naphthenate are established and thus the AWPA standards will take precedence.

(3) Standards for Treatment of Deciduous, Hardwood Species. The requirement for retention and penetration of preservatives used shall not be less than the AWPA Standard except that—

(A) For standard C2 the minimum net retention for oil-borne pentachlorophenol in the treatment of hardwoods, other than white oak, shall be 0.20 pounds of active ingredient per cubic foot or equal to 4.0 pounds of five percent (5%) solution. This standard shall become effective April 1, 1988. White oak shall be treated to refusal;

(B) For standard C2 the minimum net retention for water-borne copper chromated arsenate in the treatment of hardwoods, other than the white oak, shall be 0.264 pounds of active ingredient per cubic foot if treated under AWPA ground contact standards or 0.25 pounds of active ingredient per cubic foot if treated under AWPA above ground standards. White oak shall be treated to refusal;

(C) For standard C2 the minimum net retention for copper naphthenate in the treatment of hardwoods, other than white oak, shall be 0.033 pounds per cubic foot copper as metal. White oak shall be treated to refusal;

(D) Effective April 1, 1988, all hardwoods, four inches (4") and greater in thickness, and treated according to subsections (3)(A)–(C) or up to the levels of AWPA standards C2, shall be labeled with a tag as follows:

1. Hardwoods listed in the AWPA manual shall be labeled with a tag stating the percentage of AWPA ground contact or above ground contact retention level guaranteed and a statement of treatment to refusal for white oak. For example, a mixed bundle of white and red oak timbers, five inches (5") in thickness and greater, treated with a five percent (5%) solution of pentachlorophenol to 0.20 pounds of active ingredient per cubic foot, for ground contact, shall be tagged "Treated to 66% of AWPA Ground Contact Standards. White Oak Treated to Refusal." Furthermore, the same mixed bundle of white and red oak timbers, treated under the same conditions to 0.25 pounds of active ingredient per cubic foot could also be tagged, "Treated to 100% of AWPA Above Ground Contact Standards. White Oak Treated to Refusal;"

2. Hardwoods not listed in the AWPA manual shall be labeled "Treated with a wood preservative but not recommended for structural purposes;" and

3. All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

A. Tags shall remain attached at each point of sale and may only be removed by the final purchaser;

B. Each tag shall be placed on the surface of each product so that it is readily visible to the purchaser;

C. Each tag shall be legible;

D. Tags shall bear the required information in print of not less than ten (10)-point type;

E. Tags shall be constructed of water resistant material; and

F. Tags shall have minimum dimensions of one inch (1") in width and two inches (2") in length;

(E) For the treatment of hardwood posts, other than white oak, the minimum net retention for oil-borne pentachlorophenol shall not be less than 0.20 pounds of active ingredient per cubic foot or equal to 4.00 pounds of five percent (5%) solution. White oak posts shall be treated to refusal;

(F) For standard C2 the minimum net retention levels for copper naphthenate, except as modified in subsection (3)(C), in the treatment of hardwood species, other than white oak, shall be 0.04 pounds per cubic foot copper as metal for above ground use and 0.05 pounds per cubic foot copper as metal for ground contact use. White oak shall be treated to refusal. (The copper naphthenate solution used for treatment of wood products under these standards shall be in conformance to AWPA standard P8 as required under section (1) of this rule.) All other requirements under AWPA standard C2 shall apply. This subsection shall expire when AWPA C2 standards for copper naphthenate are established and thus the AWPA standards will take precedence; or

(G) For the treatment of hardwood posts, other than white oak, the minimum net retention for copper naphthenate shall be 0.033 pounds per cubic foot copper as metal. White oak posts shall be treated to refusal. (The copper naphthenate solution used for the treatment of wood products under these standards shall be in conformance to AWPA standard P8 as required under section (1) of this rule.)

(4) Other Treatment Standards. All other standards for treatment of timber or timber products with preservatives not covered by 2 CSR 70-40.015(2)(A) and (3)(A)–(G) shall not be less than the AWPA specifications.

*AUTHORITY: section 280.050, RSMo 1986.\* Original rule filed Oct. 10, 1980, effective*

Feb. 1, 1981. Amended: Filed Sept. 15, 1984, effective Jan. 2, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986. Amended: Filed March 14, 1986, effective June 16, 1986. Amended: Filed March 18, 1987, effective April 1, 1988. Amended: Filed Jan. 12, 1990, effective April 16, 1990.

\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.

## 2 CSR 70-40.016 Producers to Follow Pesticide Label

**PURPOSE:** This rule specifies the federal and state laws that pertain to the wood preservative chemicals as pesticides and clarifies that label directions for these chemicals must be followed in accordance with these laws.

All treated timber producers who treat wood products with a registered pesticide and/or wood preservative, must comply with the directions for use provided by the pesticide label as required by the Federal Insecticide, Fungicide and Rodenticide Act, the Missouri Pesticide Use Act, sections 281.010-281.115, RSMo (1986) and/or by the standards set by 2 CSR 70-40.015.

**AUTHORITY:** section 280.050, RSMo 1986.\* Original rule filed Dec. 16, 1985, effective May 15, 1986.

\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.

## 2 CSR 70-40.020 Standards for Treated Timber Products

(Rescinded February 1, 1981)

**AUTHORITY:** section 280.050, RSMo 1978. Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.

## 2 CSR 70-40.025 Standards for Inspection, Sampling and Analysis

**PURPOSE:** The purpose of this regulation is to establish guidelines for standards of inspection, sampling and analysis of treated timber products.

**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) The standards for inspection procedures shall be in accordance with the AWPAs Standard M2-Inspection of Treated Timber Products as published in the *AWPA Book of Standards* (1985).

(2) The standards for sampling and quality control procedures shall be in accordance with the American Wood Preservers' Association (AWPA) and American Wood Preservers' Bureau (AWPB) except that—

(A) Any core samples taken during an inspection shall consist of one (1) lot. A lot for inspection at the treating plant will normally be a retort charge. A lot for inspection at plant storage yards or at sales yards where the final purchase has not been made, shall be that material available at the time and place of inspection which contains products from any one (1) treating plant and shall contain only one (1) species and one (1) preservative treatment. Lumber, plywood and posts shall not be mixed in one (1) inspection lot.

(B) The number of core samples taken during inspection of coniferous, softwood species shall be twenty (20) per lot. The samples shall be selected randomly from the lot being inspected;

(C) The number of core samples taken during inspection of deciduous, hardwood species shall be eight (8) per lot. The samples shall be randomly selected from the lot being inspected.

(D) The schedule of frequency for tests by the Department of Agriculture inspectors or agents shall consist of four (4) test levels. In the event the treated timber producer has not gained compliance with the required standards at the final test level, the director may suspend or revoke the license of the treated timber producer as provided under section 280.040.3.

(3) The standards for methods of analysis for all type preservatives used shall be in accordance with the AWPAs Standard A-Analysis Methods, as published in the *AWPA Book of Standards* (1985).

**AUTHORITY:** section 280.050, RSMo 1986.\* Original rule filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed Dec. 16, 1985, effective March 13, 1986.

\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.

## 2 CSR 70-40.030 Filing of Treatment Statement with the Director of Agriculture

(Rescinded February 1, 1981)

**AUTHORITY:** section 280.050, RSMo 1978. Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.

## 2 CSR 70-40.040 Branding of Treated Timber

**PURPOSE:** To require each treated timber company to brand, for identification purposes, all treated timber products sold in Missouri.

(1) All treated timber, as defined in section 28.010(6), shall be branded clearly and with reasonable permanency, before being sold or offered for sale within the state of Missouri, except sawn lumber of less than two inches (2") in nominal thickness shall have not less than twenty percent (20%) of the pieces in the lot branded.

(2) All brands shall be registered with the director of agriculture and shall not be identical to nor closely resemble any other company's brand or brands registered with the director of agriculture.

(3) The brand used under this regulation shall not be less than one-half inch (1/2") in diameter.

**AUTHORITY:** section 280.050, RSMo 1986.\* Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Amended: Filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985.

\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.

## 2 CSR 70-40.050 Requirements for Treated Timber Invoices and Manifests

**PURPOSE:** To require a company to show an invoice, including the type of treating process, the kind of preservatives and amount of preservatives retained in the material being sold.

(1) Each invoice accompanying each shipment of treated timber shall include, in addition to the provisions of section 280.080, the

percent of preservative, if in solution, used in the treatment process.

(2) Invoices may be mailed provided a manifest giving the information as set forth in section 280.080, accompanies each shipment of treated timber while in transit.

(3) The director or authorized agent or agents may stop a shipment of treated timber while in transit at anytime to check for invoice or manifest accompanying shipment.

*AUTHORITY: section 280.050, RSMo 1986.\* Original rule filed March 8, 1962, effective March 18, 1962. Amended: Filed Sept. 15, 1976, effective Dec. 11, 1976. Amended: Filed Oct. 10, 1980, effective Feb. 1, 1981. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985.*

*\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.*

## **2 CSR 70-40.055 Sale or Distribution of Wood Products Similar in Appearance to Treated Timber—Identification—Penalties**

*PURPOSE: This rule will provide a method of distinguishing between timber products dipped in nonpreservatives and timber products treated according to the Missouri Treated Timber Law. This rule also specifies that a violation is punishable under section 407.110, RSMo 1986, the Missouri Merchandising Practices Act.*

(1) The sale of wood products to which non-preservative solutions have been applied, such as used motor oil, diesel fuel and tar solutions, green or brown stains or any other solutions similar in appearance to acceptable wood preservatives, but not recognized as such under 2 CSR 70-40.015(1) of this law, is prohibited. These products may be sold for outside exposure situations, however, if labeled as follows:

NOT TREATED TIMBER—DOES NOT CONFORM TO MISSOURI TREATED TIMBER LAW. OIL SOLUTION APPLIED WILL NOT SIGNIFICANTLY EXTEND USEFUL LIFE OF PRODUCT. TAG REMOVED BY FINAL PURCHASER ONLY.

(2) All products as defined by this rule shall be labeled with a tag in accordance to the following requirements:

(A) All products one and one-half inches (1 1/2") or larger in thickness shall have each and every piece labeled with the required tag;

(B) Tags shall remain attached at each point of sale and may only be removed by the final purchaser;

(C) Each tag shall be placed on a surface of each product so that it is readily visible to the purchaser;

(D) Each tag shall be legible;

(E) Tags shall bear the required information in print of not less than ten (10) point type;

(F) Tags shall be constructed of water resistant material; and

(G) Tags shall have minimum dimensions of one and one-half inches in width by three inches (1 1/2" × 3") in length.

(3) An invoice shall accompany each shipment of products as defined by this rule and shall include a copy or facsimile of the required tag.

(4) Violation of this rule shall be considered prima facie evidence of violation of the Merchandising Practices Act, chapter 407, RSMo and shall subject the violator to all its enforcement provisions.

*AUTHORITY: section 280.050, RSMo 1986.\* Original rule filed Dec. 16, 1985, effective May 15, 1986.*

*\*Original authority: 280.050, RSMo 1961, amended 1979, 1984, 1993, 1995.*

## **2 CSR 70-40.060 Exceptions to Treated Timber Rules**

(Rescinded February 1, 1981)

*AUTHORITY: section 280.050, RSMo 1978. Original rule filed March 8, 1962, effective March 18, 1962. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.*

## **2 CSR 70-40.070 The American Wood Preservers' Association Standards**

(Rescinded February 1, 1981)

*AUTHORITY: section 280.050, RSMo 1978. Original rule filed Aug. 16, 1976, effective Nov. 11, 1976. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.*

## **2 CSR 70-40.080 Federal Specifications for Wood Preservation**

(Rescinded February 1, 1981)

*AUTHORITY: section 280.050, RSMo 1978. Original rule filed Aug. 16, 1976, effective Nov. 11, 1976. Rescinded: Filed Oct. 10, 1980, effective Feb. 1, 1981.*