



Rules of
Department of Agriculture
Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication

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**Title 2—DEPARTMENT OF
AGRICULTURE**

**Division 70—Plant Industries
Chapter 13—Boll Weevil Eradication**

2 CSR 70-13.010 Definitions

PURPOSE: This rule defines terms used in the boll weevil eradication program.

(1) As used in 2 CSR 70-13.010 to 2 CSR 70-13.040 the following terms mean:

(A) Eradication program—any unified regional or statewide program designed to eliminate the boll weevil as an economic pest within the specified area;

(B) Certified Cotton Growers Organization—a cotton growers' organization certified by the Department of Agriculture for the purpose of entering into agreements with the state of Missouri, other states, federal agencies, and any other agency of Missouri or another state as may be necessary to carry out the purposes of this rule;

(C) Compliance agreement—a written agreement between the Department of Agriculture and any person engaged in growing, dealing in, or moving regulated articles wherein the latter agrees to comply with specified provisions to prevent dissemination of the boll weevil;

(D) Eradication zone—that portion of Missouri where eradication of the boll weevil is undertaken as an objective;

(E) FSA—United States Department of Agriculture, Farm Service Agency;

(F) Gin trash—all material produced during the cleaning and ginning of seed cotton, bolls or snapped cotton except lint and cottonseed;

(G) Region—a specific cotton growing area within the state as defined by the Certified Cotton Growers Organization;

(H) Regulated area—any county, township, city or other civil division or part thereof in any state or territory as being placed under quarantine, and such other areas as may become infested or deemed to present a hazard of spread of the boll weevil;

(I) Seed cotton—cotton as it comes from the field prior to ginning;

(J) Used cotton equipment—any cotton equipment previously used to harvest, strip, transport, or process cotton; and

(K) Waiver—a written authorization which exempts an individual from compliance with one (1) or more specific requirements of a statute or rule, as it pertains to the boll weevil eradication program.

AUTHORITY: section 263.505, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995.*

2 CSR 70-13.015 Regions

PURPOSE: This rule identifies the regions of Missouri, by county, for the purpose of implementing a boll weevil eradication program.

(1) The eradication program shall be implemented in the following identified state regions:

(A) Southeast Missouri Region: including the counties of Bollinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard; and

(B) Out-State Region: all other counties in Missouri not listed in the Southeast Missouri Region.

AUTHORITY: sections 263.505 and 263.527, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995 and 263.527, RSMo 1995, amended 1998.*

2 CSR 70-13.020 Boll Weevil Intrastate Quarantine

PURPOSE: This rule is to eradicate and prevent reintroduction and spread of the boll weevil within this state.

(1) In order to eradicate and prevent future reintroduction, upon implementation of an eradication program, a quarantine is hereby established against boll weevil throughout the entire state of Missouri.

(A) The following areas are hereby regulated and the movement of regulated articles within this area is prohibited without proper certification:

1. The counties of Bollinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and any other counties in Missouri where cotton is grown.

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

1. The boll weevil;
2. Gin trash;
3. Cotton plants and parts of plants;
4. Seed cotton;
5. Used cotton equipment; and
6. Any other products, articles, means of conveyance, or any other item whatsoever

is determined by the director to present a hazard in the spread of the boll weevil, and the person in possession of such item has been so notified.

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

1. Regulated articles moving from a regulated area into, or through the eradication zone of the state of Missouri shall be accompanied by a certificate or permit issued by an authorized regulatory official in the state where such articles originated. Nothing contained in this paragraph shall be deemed to require a permit for movement of a regulated article solely within the eradication zone; and

2. Regulated articles originating outside a regulated area may be moved into or through Missouri, including the eradication zones, without a certificate or permit, if accompanied by documentation of the point of origin, and if, to the satisfaction of the director, such articles have been adequately protected from boll weevil infestation during movement through all regulated areas.

(D) Issuance of Certificates and Permits.

1. Certificates for movement of regulated articles may be issued by the director when such articles—

A. Originated in noninfested areas in the state of Missouri and have not been otherwise exposed to infestation;

B. Have been treated to destroy infestation in accordance with approved procedures;

C. Have been grown, manufactured, stored or handled in such a manner that, in the judgement of the director, they would not transmit infestation; and

D. Have been found, upon examination by the director to be free of any infestation.

2. Permits may be issued by the director to allow the movement of noncertified regulated articles from the regulated area to locations outside the regulated area for particular handling, utilization, processing, or treatment in accordance with approved procedures, when the director has determined that such movement will not result in spreading of the boll weevil.

(E) Certificates and permits shall be handled as follows:

1. Certificates and permits, when required, shall be securely attached to the outside container in which regulated articles are moved, provided that when the regulated articles are adequately described on the shipping document, the certificate or permit may be attached to the shipping document; and



2. Copies of all certificates and permits shall be furnished by the carrier to the consignee at the final destination.

(F) Any certificate or permit may be canceled by the director upon determination that the holder thereof has failed to comply with any condition for the use of such permit, or with any term of the compliance agreement.

AUTHORITY: sections 263.505 and 263.515, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995 and 263.515, RSMo 1995.*

2 CSR 70-13.025 Boll Weevil Exterior Quarantine

PURPOSE: This rule is to prevent the reintroduction and spread of boll weevil from other states.

(1) In order to prevent the reintroduction of boll weevil from other states, upon implementation of an eradication program, an exterior quarantine is hereby established against boll weevil throughout the following states:

(A) Alabama, Arizona, Arkansas, California, Florida, Georgia, Kansas, Oklahoma, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Virginia and any other area where cotton is grown; and

(B) Any regulated article moving into an eradication zone, or an area declared to be free of boll weevil in the state of Missouri, must be certified free of boll weevil and a copy of the certificate must accompany the article.

AUTHORITY: sections 263.505 and 263.515, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995 and 263.515, RSMo 1995.*

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties

PURPOSE: This rule describes the program cost, fee payment schedule and penalties for nonpayment of fees in the boll weevil eradication program.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorpo-

rated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo 2000, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as defined by the Certified Cotton Growers Organization, shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all cotton growers in an eradication area shall certify their actual cotton acreage with their local Farm Service Agency (FSA) office in accordance with the FSA final certification date;

(B) Each year the boll weevil eradication program is in operation, the Certified Cotton Growers Organization shall set an assessment fee each year, which shall not exceed fifteen dollars (\$15) per acre of cotton as certified with FSA including any non-certified cotton acreage that is trapped and/or treated;

(C) During each year that the eradication program is in operation, all cotton growers shall pay all fees to the Missouri Department of Agriculture by the date set by the Certified Cotton Growers Organization, but in no event shall each year's payment date be set after December 1; and

(D) Upon notification from the department, the grower of any noncommercial or ornamental cotton grown in the state shall file a location registration form with the department.

(2) Failure to pay all assessments due on or before such date as designated by the Certified Cotton Growers Organization will result in a penalty fee of up to five dollars (\$5) per acre. A cotton grower who fails to pay all assessments, including penalties, is subject to all provisions of section 263.534, RSMo 2000.

(3) Any cotton grower may apply for a waiver requesting delayed payment. Any cotton grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by an assignment of payment form (FSA form CCC-36, which is incorporated by reference) designating the

Missouri Department of Agriculture as first assignee. Should a grower not be eligible to use FSA form CCC-36 as required, a financial statement from a bank or lending agency will be required to be submitted with the waiver application. Any cotton grower granted a waiver request and submitting FSA form CCC-36 will not be charged additional penalties or interest for delayed payment. Growers who do not have an FSA CCC-36 form on file with the waiver application will be charged interest payable at a rate equal to one percent (1%) above prime per annum as listed in the *Wall Street Journal* on the date of the waiver application. The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the cotton grower by the director within thirty (30) days after receipt of such application. Failure to file a completed waiver request for delayed payment on or before the designated assessment payment deadline will result in a penalty fee of up to five dollars (\$5) per acre.

(4) At such times as are beneficial to the boll weevil eradication program, the Certified Cotton Growers Organization may authorize credits for early cotton stalk destruction. Such credits shall be applied to the subsequent year's assessment as determined by the Certified Cotton Growers Organization. In order to claim such credits—

(A) The cotton grower must have a completed stalk destruction verification form;

(B) The stalk destruction must be verified by an authorized representative of the Certified Cotton Growers Organization; and

(C) The stalk destruction verification form must be received at the department no later than December 1 of the current growing season.

AUTHORITY: sections 263.505, 263.512, 263.517, 263.527 and 263.534, RSMo 2000. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed March 29, 2001, effective Oct. 30, 2001. Emergency amendment filed Aug. 21, 2003, effective Aug. 31, 2003, expired Feb. 16, 2004. Amended: Filed Aug. 21, 2003, effective March 30, 2004.*

**Original authority: 263.505, RSMo 1995; 263.512, RSMo 1995; 263.517, RSMo 1995; 263.527, RSMo 1995, amended 1998; and 263.534, RSMo 1995.*



2 CSR 70-13.035 Purchase of Cotton for Effectuation of Program Objectives

PURPOSE: This rule describes the instance where the director of the Missouri Department of Agriculture may authorize the purchase of growing cotton in the boll weevil eradication program.

(1) The director may authorize the Certified Cotton Growers Organization to purchase growing cotton when it is deemed in the best interest of the program. Purchase price shall be based on the United States Department of Agriculture, Farm Service Agency (FSA) farm established yield for the current year.

AUTHORITY: section 263.505, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995.*

2 CSR 70-13.040 Cotton Stalk Destruction

PURPOSE: This rule states the date by which cotton fields shall be destroyed and the penalty for not meeting that specific date, and cases in which a penalty will not be issued in the boll weevil eradication program.

(1) All growers in the eradication zone are hereby required to destroy cotton stalks in every field location planted to cotton on or before February 1 of each year. Such cotton stalk destruction shall consist of shredding or discing to the extent of eliminating standing cotton stalks.

(2) Failure to destroy cotton stalks on or before February 1 of each year will result in a five dollars (\$5) per acre penalty fee. In fields with cotton stalks left standing after February 1, the director shall have authority to destroy the standing stalks and assess the grower for actual costs of such destruction in addition to penalty fees. Any grower who cannot destroy cotton stalks before February 1 due to emergency or hardship conditions may apply for a waiver. Any grower applying for a waiver shall make application in writing to the director stating the conditions under which they request such a waiver. The decision of whether or not to waive this requirement shall be made by the director and notification given to the farm operator within two (2) weeks after receipt of such application. The decision shall be based on—

- (A) Meteorological conditions;
- (B) Economic hardship; and
- (C) Any other uncontrollable destructive forces.

AUTHORITY: section 263.505, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

**Original authority: 263.505, RSMo 1995.*

2 CSR 70-13.045 Registration of Apiaries

PURPOSE: This rule states that apiaries within a mile of the eradication zone shall be registered by a specific date, providing site-specific locations and identification on each hive within the apiary.

(1) Every person or owner who is in possession of an apiary, which is located within the eradication zone or within one (1) mile of that zone, in the counties of Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard shall register each apiary location with the Missouri Department of Agriculture. Every person required to register under this regulation, shall do so on or before the first day of May of each year in which they own, maintain, or are in possession of an apiary.

(2) Every person who moves an apiary into the eradication zone or within one (1) mile of that zone or otherwise comes into possession of an apiary or hive that is located within the eradication zone after the first day of May, shall register with the Missouri Department of Agriculture, the number of and location of apiaries prior to movement into, or upon possession within the eradication zone counties.

(A) Registration of an apiary, which does not contain active hives with supers, and/or failure to notify the Missouri Department of Agriculture within twenty-four (24) hours that a registered apiary is no longer in use, shall be subject to a penalty of up to five hundred dollars (\$500) per apiary location.

(B) The Missouri Department of Agriculture may limit registration of apiaries based upon number of registered apiaries within a field unit as described within the eradication zone. At such time registration of specific apiary locations may be denied.

(3) Every person or owner who is in possession of an apiary, shall pay, an annual registration fee of five dollars (\$5) per apiary location up to a maximum of three hundred dollars (\$300) to the Missouri Department of Agriculture at the time of registration.

(4) No person shall maintain any apiary which is not registered pursuant to this article within one (1) mile of the eradication zone. Each registration is valid until January 31 of the following year.

(5) Every person or owner who is in possession of an apiary, within the eradication zone or within one (1) mile of that zone shall also provide the global position system (GPS) coordinates of each apiary location. The GPS coordinates shall be updated immediately upon relocation of the apiary. Failure to provide accurate GPS coordinates will void apiary registration.

(6) No person shall maintain an apiary on premises other than that of his or her residence unless the apiary is identified as follows:

(A) By a sign prominently displayed in each apiary that states the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone a statement to that effect. Each hive within the apiary shall be identified by name or brand.

(7) No person shall locate or maintain an apiary on private land not owned or leased by the person unless the person has approval from the landowner or lessee. The approval shall include the name, address and phone number of the person granting approval and shall be included with the registration.

AUTHORITY: section 263.505, RSMo 2000. Emergency rule filed April 12, 2002, effective April 22, 2002, expired Jan. 30, 2003. Original rule filed April 12, 2002, effective Nov. 30, 2002.*

**Original authority: 263.505, RSMo 1995.*

2 CSR 70-13.050 Cotton/Bee Protection Area

PURPOSE: This rule states that all persons in possession of apiaries within the eradication zone or within one (1) mile of the eradication zone shall relocate apiaries out of the eradication zone during cotton bloom or take necessary action to protect bees and defines the policy used during the eradication program.

(1) Beekeepers with apiaries located within a cotton/bee protection area of the eradication zone will be notified of impending spray applications. Upon notification beekeepers shall move apiaries out of the cotton/bee protection area in the eradication zone prior to June 30 of each year. Beekeepers who choose not to move prior to June 30 shall be advised to protect apiaries by confining bees as described in MU publication G7600.

(A) Beekeepers not moving apiaries will be responsible for losses caused by bees foraging



on treated cotton and must indicate on the apiary registration form that apiaries will not be removed from the cotton/bee protection area of the eradication zone by the specified date.

(B) The area within each field planted to cotton and within one (1) mile of any cotton planted is designated as a cotton/bee protection area during the cotton bloom period.

(C) The cotton bloom period, in any cotton field for the purposes of declaring bloom and label interpretation, shall be from July 1 until the first killing frost or defoliation of the cotton plants.

(2) Pesticide applications made in conjunction with the boll weevil eradication program during the cotton blooming period shall follow the procedures specified in the current version of the Boll Weevil Eradication Program Honeybee Policy as designated by the Missouri Department of Agriculture.

(3) Each beekeeper will be notified in advance of applications of pesticides in accordance with the Boll Weevil Eradication Program Honeybee Policy and shall file an agreed upon method of notification with registration form with how, when and where he/she can be contacted.

(4) Each beekeeper with apiaries located within a cotton/bee protection area shall be notified at least twenty-four (24) hours in advance of spray applications in accordance with the Boll Weevil Eradication Honeybee Policy.

AUTHORITY: section 263.505, RSMo 2000.
Emergency rule filed April 12, 2002, effective April 22, 2002, expired Jan. 30, 2003. Original rule filed April 12, 2002, effective Nov. 30, 2002.*

**Original authority: 263.505, RSMo 1995.*