
**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.

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo Supp. 1998, 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 growers shall file a cotton acreage reporting form with their local United States Department of Agriculture, Farm Service Agency (FSA) office by August 15, showing actual certified cotton acreage. At this time, a fee not to exceed fifteen dollars (\$15) per acre, shall be assessed and paid based on certified acreage;

(B) Each year the boll weevil eradication program is in operation, the Certified Cotton Growers Organization shall set an assessment fee by January 1 of each year, which shall not exceed fifteen dollars (\$15) per acre; and

(C) All fees paid by growers shall be submitted to the local FSA office and made payable to the Missouri Department of Agriculture.

(2) Growers underreporting by more than ten percent (10%) of the actual planted acreage, as determined by FSA certified or measured acreage, will be assessed a penalty of five dollars (\$5) per acre on that acreage, in addition to the annual assessment fee. Growers underreporting acreage by more than ten percent (10%) due to emergency or hardship, 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 the waiver. The decision of whether or not to waive all or part of these requirements shall be made by the director and notification given to the grower within two (2) weeks after receipt of such application. The director shall base the decision upon the following:

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

(3) Failure to pay all assessments due on or before August 15 deadline of the current growing season will result in a penalty fee of five dollars (\$5) per acre. A grower who fails to pay all assessments, including penalties, within thirty (30) days of notice is subject to all provisions of section 263.534, RSMo Supp. 1998.

(4) A grower may apply for a waiver requesting delayed payment under conditions of financial hardship or bankruptcy. Any 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 a financial statement from a

bank or lending agency supporting such request. No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars (\$15,000). All growers granted waiver requests for financial hardship or bankruptcy will be charged interest payable at a rate equal to one percent (1%) above prime per annum. 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 grower by the director within two (2) weeks after receipt of such application. Failure to pay all fees or file a completed waiver request for delayed payment on or before August 15 of the current growing season will result in a penalty fee of five dollars (\$5) per acre.

(5) 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 grower must complete a stalk destruction verification form. Such forms must be completed at the local FSA office;

(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, 263.517, and 263.527, RSMo Supp. 1998. Original rule filed June 29, 1999, effective Dec. 30, 1999.*

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

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.*