

**Title 2—DEPARTMENT OF
AGRICULTURE
Division 70—Plant Industries
Chapter 1—Organization and Description
PROPOSED AMENDMENT**

2 CSR 70-1.010 General Organization. The director is amending sections 1 and 2.

PURPOSE: This amendment updates the listing of programs and locations in the division.

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 Plant Industries Division is a regulatory and service agency of the Missouri Department of Agriculture and is subdivided into the following bureaus and functions:

(A) The Bureau of Plant Pest Control, under the supervision of the state entomologist, is responsible for administering the following statutes:

1. The Missouri Plant Law requires the state entomologist to make mandatory inspections of nurseries and nursery stock including woody plants and perennials. The Act also requires the state entomologist to stay abreast of serious plant pests; to make surveys for and to control the spread of especially serious plant pests; establish and enforce plant pest quarantines; provide inspection service and issue special certification for plants and plant parts to be shipped to foreign countries; and to issue special certification for plants, plant material and other regulated items being shipped from quarantined areas. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Plant Law are filed in Chapter 10 and Plant Law Quarantines are filed under Chapter 11 of this division; and

2. The Missouri Apiary Law empowers the state entomologist to provide inspection of apiaries within the state and issue certificates on colonies found to be free of American and European foulbrood and other serious bee diseases. This inspection service is optional and must be paid for by the beekeeper receiving inspection. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Apiary Act are filed under Chapter 15 of this division;

(B) The Bureau of Pesticide Control is responsible for administering the following statutes:

1. The Missouri Pesticide Registration Act requires the registration of all pesticides distributed, sold or held for sale in the state of Missouri. Any pesticide is defined to be any substance intended for preventing, destroying, repelling or mitigating any insects, rodents, fungi, weeds or other forms of plant or animal life or viruses, except viruses or fungi on or in living men or other animals. The Act establishes labeling requirements and sets penalties for violators. Inspections of retail dealers of pesticides are performed throughout the state to enforce compliance with this Act. *The forms used to administer this law are on file with the secretary of state*; and

2. The Missouri Pesticide Use Act requires the certification and licensing of persons who apply pesticides for a fee. This includes pest control operators and aerial applicators, as well as other custom applicators of agricultural pesticides. The Act also requires the certification of persons applying any pesticides which have been declared restricted due to its environmental impact. This group of pesticide applicators includes—farmers, called private applicators; government employees who apply pesticides in the course of their duties; and persons involved in research and experimental programs. Pesticide technicians are required to attain verifiable training and become licensed. Dealers of restricted use pesticides must also be licensed. The Act sets penalties for violations. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Pesticide Act are filed under Chapter 25 of this division;

(C) Bureau of Feed and Seed is responsible for administering the following statutes:

1. The Missouri Commercial Feed Law provides for regulation of the feed industry through the registration of commercial feeds and commercial feed manufacturers. The Act requires accurate labeling of commercial feed ingredients. The feed control laboratory supports the work of the bureau by performing analytical tests to determine that protein, fat, fiber, minerals, salt, vitamin A, and drugs actually exist in the feed in the same proportions as guaranteed by the label. The Act gives the director of agriculture the authority to stop-sale any feed failing to meet the labeling claims. An inspection fee of ten cents (10¢) per ton is charged to manufacturers for commercial feed inspected under the program in Missouri. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Commercial Feed Law are filed under Chapters 30 and 31 of this division; and

2. The Missouri Seed Law requires the licensing of wholesale and retail seed dealers and requires accurate labeling of agricultural and vegetable seed sold in this state. The statute also provides for personnel and laboratory facilities to determine that the label guarantees for purity, germination, and noxious weeds are within tolerances set by the Act. The test date for seed must be shown on the label and all seed must be sold within nine (9) months of testing. Stop-sales are placed on seed failing to meet the statutory requirements. *[The forms used to administer this law are on file with the secretary of state.]* Rules pertaining to the Missouri Seed Law are filed under Chapter 35 of this division; *[and]*

(D) The following statutes are also administered by the Plant Industries Division:

1. *[The Missouri Treated Timber Products Law requires all companies selling timber products treated with preservatives to register with and be licensed by the Missouri Department of Agriculture. It requires branding of treated timber products and sets standards for retention of preservatives. Core samples of treated timber products are analyzed to determine compliance with the Act. The forms used to administer this law are on file with the secretary of state. Rules pertaining to the Missouri Treated Timber Products Law are filed under Chapter 40 of this division;]* **Hemp extract cultivation and production facility licensing and inspection authority is granted under section 261.265, RSMo. Rules pertaining to this chapter are filed under Chapter 14 of this division; and**

2. The Missouri Johnson Grass Control Eradication Law is a county option law which, after approval by a majority electorate of a county, allows the director of agriculture to appoint a county weed control board and requires the control and eradication of Johnson grass on both private and public lands within the county. Rules pertaining to the Missouri Johnson Grass Control and Eradication Law are filed under Chapter 45 of this division*[; and]*.

[3. Horticultural inspection, both shipping point and receiving point, is performed through statutory authority granted the director of agriculture in the Missouri Standardization, Inspection and Marketing of Agricultural Products Act, Chapter 265, RSMo (1986).

A. Shipping point inspections are provided to determine that quality and grades of fresh fruit and vegetables being packed and shipped are as guaranteed by the producer.

B. Receiving point inspections are made to determine that produce being received by distributors or brokers is of the quality and grade guaranteed by the producer. The Act also gives the director authority to establish grades of fresh fruit and vegetables.

C. All cost incurred in providing shipping point and receiving point inspections, other than supervisory costs, must be paid by companies receiving these services. The forms used to administer this law are on file with the secretary of state. Rules pertaining to this Act are filed under Chapter 50 of this division.]

(2) The Plant Industries Division is administered by the divisional director and administrative staff with the main offices located at 1616 Missouri Blvd., Jefferson City, MO 65109.

(A) The mailing address is: Plant Industries Division, Missouri Department of Agriculture, P. O. Box 630, Jefferson City, MO 65102. Telephone (314) 751-2462 or (314) 751-4310.

(B) The following laboratories and outlying offices are functions of the Plant Industries Division:

1. Feed Control Laboratory, [2634 C Industrial Drive] **115 Constitution Drive**, Jefferson City, Missouri. Mail should be sent to P[.] O[.] Box 630, Jefferson City, MO 65102; **and**

2. Seed Control Laboratory, [1616 Missouri Blvd.] **115 Constitution Drive**, Jefferson City, Missouri. Mail should be sent to P[.] O[.] Box 630, Jefferson City, MO 65102[; and].

[3. Horticultural Inspection Office, Monett, Missouri. Mailing address is P. O. Box 511, Monett, MO 65708;]

AUTHORITY: section 536.023, RSMo 1986. Original rule filed April 9, 1976, effective July 15, 1976. Amended: Filed April 16, 1990, effective Sept. 28, 1990.*

**Original authority: 536.023, RSMo 1975, amended 1976, 1997.*

PUBLIC COST: This proposed amendment will not cost public entities more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, ATTN: John Brunnert, PO Box 630, 1616 Missouri Boulevard, Jefferson City, MO 65102, or online at Agriculture.Mo.Gov/proposed-rules/. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*