



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- (1/2-) 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

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PURPOSE: This rule establishes a quarantine against the spread of a serious insect



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.*