

Title 2. Agriculture

Chapter II. State Plant Board, Department of Agriculture

Subchapter B. Diseases and Pests

Part 55. Pink Bollworm Rules

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"This circular contains the rules of the Arkansas State Plant Board which are effective on and after July 1, 2012. Address communications to Head, Pink Bollworm Section of Plant Industry Division, State Plant Board, Box 1069, Little Rock AR 72203, or to State Plant Health Director, USDA-APHIS- PPQ, 1200 Cherry Brook Drive, Suite 100, Little Rock, Arkansas 72211."

"Pink Bollworm Rules

Made under authority of A.C.A. 2-16-201 thru 2-16-214 and 2-16-301 thru 2-16-310."

Subpart 1. General Provisions

2 CAR § 55-101. Definitions.

For the purpose of this part, the following words, names, and terms shall be construed respectively as follows:

(1) "Pink bollworm" means the pink bollworm of cotton (*Pectinophora gossypiella* (Saunders)) in any state of development;

(2) "Cotton" means all parts of cotton and cotton plants of the genus *Gossypium*, except cotton products;

(3) "Cotton products" means:

(A) Seed cotton;

(B) Cotton lint;

(C) Linters; and

- (D) All other forms of:
- (i) Unmanufactured cotton fiber;
 - (ii) Oil mill waste;
 - (iii) Gin waste;
 - (iv) Gin trash;
 - (v) Cotton seed;
 - (vi) Cottonseed hulls;
 - (vii) Cottonseed cake; and
 - (viii) Cottonseed meals;

(4) "Seed cotton" means all forms of cotton lint from which the seed has not been separated;

(5) "Lint" means all forms of raw ginned cotton except linters and waste;

(6) "Linters" means all forms of unmanufactured cotton fiber separated from cottonseed after the lint has been removed;

(7) "Gin waste" means all forms of unmanufactured cotton fiber (including gin notes) produced at cotton gins, other than baled cotton lint;

(8) "Oil mill waste" means lint waste products derived from the milling of cottonseed;

(9) "Gin trash" means all of the waste material produced during the cleaning and ginning of cotton;

(10) "Okra (*Hibiscus esculentus*)" means all parts of okra plants, including seeds and edible and dry pods;

(11) "Kenaf (*Hibiscus cannabinus* L.)" means all parts of kenaf plants, including seeds and pods;

(12) "Restricted articles" means products and articles that may move under the restrictions in this part;

(13) "Approved or designated" means officially sanctioned by the State Plant Board and/or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program;

(14) "Certificate" means an approved document issued by an inspector evidencing apparent freedom of restricted articles from the pink bollworm;

(15) "Limited permit" means an approved document issued by an inspector to allow movement of noncertified, restricted articles to or from authorized and designated:

- (A) Gins;
- (B) Oil mills;
- (C) Processing or manufacturing plants; or
- (D) Cottonseed warehouses;

(16)(A) "Infestation (infested)" means the presence of the pink bollworm.

(B) "Infested" shall be construed accordingly;

(17) "Moved (movement and move)" means shipped, offered for shipment to a common carrier, received for transportation or transported by common carrier, or carried, transported, moved, or allowed to be moved by any person within or from any regulated area;

(18) "Inspector" means an authorized inspector of the State Plant Board or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program; and

(19) "Compliance agreement" means an approved document issued jointly or severally by the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program and the State Plant Board to persons:

(A) Engaged in ginning, processing, or handling restricted articles for subsequent movement from regulated areas; or

(B) Moving restricted articles from regulated areas.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-102. Defining state quarantine.

(a) The state is hereby divided into two (2) areas:

(1) Area A; and

(2) Area B.

(b) Area A consists of all counties or parts of counties in which the pink bollworm has been found or in which it is suspected of being present because of proximity thereto.

(c) Area B consists of the remainder of the state.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-103. Rules applying to both Area A and Area B.

(a) The owners of the land on which the cotton is grown, the operators, and the tenants are jointly and severally responsible for compliance with this section.

(b) **Cotton fields — Deadline for stalk destruction — Clean-up of seed cotton storage areas and handling equipment.**

(1) All cotton fields must be treated in a manner that will bury or destroy all cotton bolls and locks by April 15 of each year.

(2)(A) All seed cotton storage areas, including handling and harvesting equipment, must be cleaned of all bolls and locks.

(B) Such bolls and locks must be treated in a manner that will either bury or destroy them.

(3) Any untreated seed cotton to be held over on farms must be fumigated under the supervision of the State Plant Board or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program.

(4) Should any fields, storage areas, or handling or harvesting equipment be found not in compliance by the April 15 deadline, the Director of the State Plant Board

may cause the destruction of all bolls and locks of cotton, the expense thereof to be charged against the owner, custodian, or occupant as provided by law.

(c) Fields or farms infested or believed to be infested.

(1) If pink bollworm is found in a field or on a farm, or if on inspection it appears probable that a field or farm is infested, said field or farm must be sprayed, dusted, or otherwise treated in any manner which the director may direct.

(2) The cost of any treatment other than that required in subdivision (c)(1) of this section is to be at public expense unless other arrangements can be made.

(d) Gins. The owners, and if leased, the lessees, are responsible for compliance with the following:

(1) All gins, before starting to gin, must secure a compliance agreement issued on the following conditions:

(A) The compliance agreements expire June 30 of each year, unless extended by mutual agreement between the board and the gin or lessees; and

(B) Compliance agreements may be refused to gins which failed to comply with all regulations the previous ginning season;

(2)(A) Gins must close at midnight, February 5, of each year, and no cotton may be ginned thereafter, except by special permission from the board.

(B) The gin must be thoroughly cleaned before midnight, February 15, and any remaining seed cotton or refuse must be burned in accordance to subdivision (d)(3) of this section or otherwise destroyed or fumigated before midnight, February 15, except by written permission from the board.

(C) An inspection will be made to verify cleanup;

(3) All gin trash must be put through an approved fan to kill pink bollworm larvae, or it must be burned daily in a manner that is in compliance with all state and federal agency regulations, such as, but not limited to:

(A) The United States Environmental Protection Agency; and

(B) The Division of Environmental Quality;

(4)(A) Each year the board shall list any owners, operators, or tenants who have failed to meet the stalk destruction or other requirements through reasons other

than extreme hardship, and at the beginning of the ginning season will send such lists to all gins.

(B)(i) Ginners are prohibited from ginning cotton from persons whose names appear on said lists until said persons present to the ginner a written release from the board or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program.

(ii) Such release shall be given only after adequate assurance has been given by said persons to the board that the rules will thereafter be complied with.

(C) Ginning for said persons without said release is grounds for cancellation of the gin's compliance agreement by the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program or the board;

(5)(A) Gins shall make their records available to inspectors on request.

(B) Records must be kept of all cotton received and ginned and all cottonseed handled.

(C) Gin records must show disposition of seed acquired through ginning operations;

(6) Apparatus and arrangements specified in section subdivisions (d)(2) and (d)(4) of this section must have been inspected and approved after installation;

(7) Gins must agree to observe all regulations of the board and the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program pertaining to pink bollworm;

(8) Gins must agree to permit inspections of gin premises at any time; and

(9) Gins must not gin cotton from Texas, Oklahoma, New Mexico, Arizona, or infested areas of Louisiana and California, except by written permission from the board.

(e) **Processing plants.** The owners, operators, and, if leased, the lessees will be jointly and severally responsible for compliance with the following:

(1)(A) Cotton gins, warehouses, oil mills, cleaning plants, delinting plants, and other plants must obtain a compliance agreement before accepting cotton seed or cotton.

(B) Compliance agreements expire June 30 of each year.

(C) The applicant must agree in writing to comply with all rules, including treatment of cotton products and byproducts by an approved method, prior to movement within the state;

(2)(A) All records must be made available to inspectors upon request.

(B)(i) Records must be maintained for all products:

(a) Received;

(b) Treated;

(c) Handled; or

(d) Processed.

(ii) All products received must be authorized by rules, and must be handled in accordance with such rules;

(3)(A) The entire plant and premises must be kept in such sanitary condition as to prevent contamination of products eligible for certification.

(B) All trucks, cars, and other conveyances must be thoroughly cleaned immediately following unloading of untreated products and prior to loading out certified products; and

(4) Cotton warehouses, compresses, oil mills, and other processing plants must not receive regulated products (such as cotton and cotton seed) from gins unless the gin has a valid compliance agreement issued by the board.

(f) **Okra.** Commercial plantings of okra are placed in the same category as cotton with regard to stalk destruction and plowing under the residue.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-104. Rules applying only to Area A.

(a) See also 2 CAR § 55-103, Rules applying to both Areas A and B.

(b) Ginning.

(1)(A) All cotton produced on farms in Area A (infested) must be ginned at gins in Area A, or at designated gins in Area B (noninfested) in close proximity.

(B) Designated gins in Area B must comply with rules applied to gins in Area A.

(2) If a cotton field lies on both sides of or bordering the quarantine area, cotton from the entire field may be ginned in Area B, if there is no reason to suspect the presence of the pink bollworm in or near the field.

(c) Movement of cottonseed from Area A to Area B.

(1) Movement of cottonseed from Area A to Area B is prohibited, unless it has been heat-treated or fumigated or is moving to a designated mill for crushing.

(2) In either case, the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program or the State Plant Board permit must accompany each load shipped.

(d) Cottonseed not for crushing.

(1)(A) Cottonseed not moved to a designated oil mill for crushing must be either heat-treated or fumigated, or upon permission from the board and/or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program, cottonseed may be returned to the farm of origin without treatment for planting purposes only, provided seed will be held until a designated date, and provided further that no pink bollworm infestation is found in the area concerned during the current survey.

(B)(i) If a pink bollworm infestation is found during the current survey in the area concerned, all cottonseed must be returned to a designated location to be either heat-treated or fumigated.

(ii) Any required treatment must be performed under the supervision of an inspector, and costs for required treatment shall be borne by the ginner or owner of the cottonseed.

(2)(A) Prior arrangements for monitoring shall be made in advance of such treatment.

(B) Cottonseed may be fumigated only after such seed is sacked, or bulk lots of seed may be loaded into a suitable container (i.e. trailer) containing the necessary circulatory system for adequate dispersal of fumigant or stored in approved seed houses or containers.

(e) Movement from Area A into Area B of any material which might carry pink bollworms is prohibited. This includes:

- (1) Seed cotton and cottonseed (unless under limited permit);
- (2) Cotton bolls;
- (3) Cotton locks;
- (4) Cotton refuse;
- (5) Pick sacks;
- (6) Used gin or harvesting machinery;
- (7) Trucks;
- (8) Trailers; and
- (9) Any other vehicles used to carry cottonseed or seed cotton unless cleaned

of all:

- (A) Cottonseed;
- (B) Bolls;
- (C) Locks;
- (D) Seed cotton; and
- (E) Cotton refuse.

(f) Mechanical pickers and harvesting equipment.

(1) Must be fumigated or cleaned and inspected by the board or the United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program.

(2) Such equipment must be accompanied by a certificate before moving from Area A to Area B.

(g) **Live pink bollworms, grabbots, unbaled gin waste, and unbaled oil mill waste.** Movement is prohibited from Area A to Area B.

(h) **Samples of lint and linters weighing not more than one and a half pounds (1 1/2 lbs.) each.** Movement from Area A is not restricted if produced in a plant holding a compliance agreement and protected from contamination.

(i) **Baled or unbaled lint, baled or unbaled linters, and gin waste.**

(1)(A) These may be moved from Area A only under permit or compliance agreement.

(B) They may be moved in Area A without permit.

(C) Also, flat-baled lint cotton or flat-baled lint cleaner waste produced at an approved gin where lint has passed through one (1) or more saw-type lint cleaners, and linters produced at any approved oil mill are eligible to move to any destination when kept free from contamination and identity of each bale is maintained.

(2) Gin waste may move only as follows:

(A) Under limited permit;

(B) From the gin where produced to a designated plant; and

(C) After approved treatment.

(3) Gin trash produced in Area A, when treated by an approved fan, can be moved under certificate to Area B.

(j) **Seed, etc., from infested states.** Untreated cottonseed, seed cotton, bolls, locks, hulls, and any article contaminated therewith, which is brought in from areas infested or thought to be infested, is subject to seizure or treatment on arrival in Arkansas, if not certified to specific designated processing plants or in the area on or west of United States Highway 71.

(k) **Oil mill — Deadline.**

(1) Cottonseed from Area A sent to designated oil mills must be processed, and the mill's premises cleaned up, by June 1 of each year.

(2)(A) Cottonseed to be held after June 1 shall be either heat-treated or fumigated by the June 1 deadline.

(B) **Exception.**

(i) Cottonseed from Area A received at designated oil mills may be processed continuously without treatment, provided no pink bollworm moths are recovered from traps located in oil mill storage areas.

(ii) If a pink bollworm moth is trapped before the end of May, the June 1 deadline would apply.

(iii)(a) If no pink bollworm moths are trapped before the end of May, the mill may continue processing and the deadline will be August 31, unless a pink bollworm moth is trapped.

(b) If a pink bollworm moth is trapped, immediate treatment will be required of all seed on hand.

(l) Okra, kenaf, and any other plants subject to infestation.

(1) May be moved anywhere without permit unless they have been determined to be infested, in which case they may be given approved treatment and moved under certificate.

(2) Okra from infested areas in other states is subject to seizure and/or treatment.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-105. Articles originating in Area B if moved to Area A and back to Area B.

Articles originating in Area B may be moved from Area A under certification without processing, treatment, or sterilization if, while in Area A, the products have been handled and stored in such a manner as to maintain identity and prevent contamination, except that cottonseed and other cotton products whose origin is not readily identifiable or is subjected to contamination while within Area A must be heat-treated or fumigated before moving back to Area B.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-106. Cancellation of certificates and permits.

Any certificate or permit may be canceled by the State Plant Board for violation of this part or when in the judgment of the board further use of such certificates or permits might result in dissemination of the pink bollworm.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-107. Marking and labeling requirements.

(a) To obtain certificates or permits under this part, applications should be made either to the:

- (1) Local inspector;
- (2) State Plant Board, Little Rock; or
- (3) United States Department of Agriculture/United States Department of Agriculture Animal and Plant Health Inspection Service/United States Department of Agriculture Plant Protection and Quarantine program, Little Rock.

(b) Certificates or permits required under this part shall be securely attached to the outside of each bag or other container of the restricted articles, except in the case of restricted articles shipped in bulk, the certificates or permits shall be securely attached to the waybills or other shipping papers which accompany the shipment.

(c) Restricted articles shipped without a container shall have the certificate or permit securely attached to the articles themselves.

(d) When moved, each container of restricted articles, or the restricted article itself when shipped without a container, shall also bear such markings and labeling as may be necessary, in the judgment of the inspector, to identify the material.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-108. Shipments for scientific purposes.

Live pink bollworms in any stage of development and products or articles subject to the requirements of this part may be moved under permit only for scientific purposes.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-109. Violations.

Any person, firm, or corporation found guilty of violating this quarantine and this part is subject to the penalties provided by Arkansas Code §§ 2-16-201 – 2-16-214 and §§ 2-16-301 – 2-16-310.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-110. Charges for special inspections.

When a gin is found on inspection not to have complied with this part and a special inspection is required on that or other account, an inspection fee of fifty dollars (\$50.00) shall be charged for each special inspection.

Example of special inspection:

If an inspection shows the gin has not been satisfactorily cleaned by February 15, in accordance with this part, then additional inspections made thereafter to verify cleaning are "special inspections," and the charge will be fifty dollars (\$50.00) for each.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-111. Special agreement necessary to gin from Area A.

Gins in Area B must not receive seed cotton from Area A unless the compliance agreement under which they operate specifically authorizes them to do so.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.

2 CAR § 55-112. Conveyances hauling bulk cottonseed — Responsibility for compliance.

(a) All conveyances hauling bulk cottonseed must be covered as to prevent scattering of cottonseed.

(b) Gins or any other processing plant from which the cottonseed is hauled, the driver of the conveyance and the transporter are jointly and severally responsible for compliance with this part.

Authority. Arkansas Code §§ 2-16-207, 2-16-212, 2-16-307.