

Subpart 3-Bureau of Plant Industry
Chapter 01-Plant Diseases, Insects and Weeds

Declaration Of Pests That Are Public Nuisances and/or especially injurious

100 The Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, does declare certain pests to be public nuisances and/or especially injurious. Accordingly, the Bureau establishes two categories or lists for pests of regulatory concern in sections 101 and 102 below.

(Adopted April 3, 1991; amended June 26, 2008.)

Source: *Miss. Code Ann.* §69-25-1.

Regulated Pests of Non-Quarantine Significance (List A)

101 Regulated Pests of non-quarantine significance (List A): Includes pests of such destructive significance that they shall be controlled to meet general certification of nursery stock and/or other commodities for sale or shipment from wholesale and retail establishments. Plants and other commodities found infested/infected with pests in LIST A shall, at the discretion of the inspector, be declared unfit for sale and subject to immediate stop-sale and/or non-certification until treatment and pest control is achieved or the infested material destroyed to the satisfaction of the state entomologist. Plant material being transported into Mississippi from other states found infested/infected with pests in LIST A may be placed under stop-sale, the shipper notified of such, and arrangements made for the material to be treated and returned to the shipper. No additional quarantine measures shall be in effect unless the pest is officially placed on List B. Nursery stock and other commodities in order to meet general certification standards must be apparently free of the following pests:

1. Insects/Arthropods and some plants they will attack:
 - a. Asian cycad scale, *Aulacapsis yasumatui*;
 - b. Black parlatoria scale, *Parlatoria zizyphus* (*Lucus*);
 - c. Brown marmorated stink bug, *Halyomorpha halys* (*Stal*) – Fruit trees (apples, pears, peaches, figs, mulberries, citrus, persimmon), shade trees, ornamentals and soybeans);
 - d. Brown soft scale, *Coccus hesperidum* (*Linnaeus*)
 - e. Cereal leaf beetle, *Oulema melanopus* (*Linnaeus*)- grasses, corn and small grains;
 - f. Chaff scale, *Parlatoria pergandii* Comstock – citrus, *P.camelliae* on camellia;
 - g. Chilli thrips, *Scirtotohrips dorsalis* (Hood) – various vegetables, fruits and ornamentals;
 - h. Chrysanthemum gall midge, *Rhopalomya chrysanthemi* (Ahlberg) – Chrysanthemum;
 - i. Citrus blackfly – *aleurocanthus woglumi* Ashby – avocado, citrus, coffee, guava, mango, and other plants;

- j. Citrus mealybug, *Plannococcus citri* (Risso) – begonia, bottle bush, citrus, coleus, cotton, English ivy, ferns, fuchsia, oleander, peony, poinsettia, pumpkin, Wandering Jew, and other plants;
- k. Citrus red mite, *Panonychus citri* (McGregor) – citrus;
- l. Citrus root weevils, *Pachnaeus litus* (Germar), *Pachnaeus opalus* (Olivier), *Pachnaeus azurescens* (Gyllenhal) – citrus;
- m. Citrus scale of various species, citrus and other shade trees and ornamental plants;
- n. Citrus white fly, *Dialeurodes citri* (Ashmead) – blackberry, ivy, button bush, cape jasmine, cherry laurel, Chinaberry, citrus, honeysuckle, japonica, oleander, Osage orange, pomegranate, smilax, scrub palmetto, trumpet flower, water oak, and other plants;
- o. Cloudy-winged whitefly, *Dialerurodes citrifolii* (Morgan) – citrus, Indian laurel;
- p. Cottony-cushion scale, *Icerya purchase* (Maskell) – acacias, apple, apricot, careless weed, castor bean, citrus, coleus, fig, goldenrod, grapes, locust, magnolia, mulberry, myrtle, nettle, nightshade, oak, peach, pecan, pepper, pine, pomegranate, potato, quince, geranium;
- q. Cuban laurel thrips, *Gynaikothrips ficorum* (Marchal) – *Ficus retusa* L, *F. microcarpa*, viburnum citrus, *F. axillaris*, *F. aurea*, *F. benjamina*, *F. elastica*, *F. retusa*, *Codiaeum variegatum*, *Melicocca bijuga*, *Nicotiana tabacum*, *Viburnum suspensum*, *Eucalyptus*, *Gliricidia*, *Calocarpum* spp. and orchids;
- r. Dictyospermum scale, *Chrysomphalus distyospermi* (Morgan) – arborvitae, camphor, cape jasmine, citrus, rose, and other plants;
- s. Dogwood borer, *Thamnosphesia scitula* (Harris) – chestnut, dogwood, hickory, oak, and pecan;
- t. European corn borer, *Ostrinia nubilalis* (Huber) – favorite food plant is corn, but also feeds on any succulent plant;
- u. Florida red scale, *Chrysomphalus aonidum* (Linnaeus) – banana, begonia, camphor, citrus, japonica, oleander, palm, rose, rubber plant, and other plants;
- v. Florida wax scale, *Ceroplastes floridensis* (Comstock) – citrus, euonymus, myrtle, oleander, pomegranate, quince, and other plants;
- w. Glover scale, *Lepidosaphes gloverii* (Packsard) – citrus, magnolia, fuscata, and other plants;
- x. Green shield scale, *Pulvinaria psiddii* (Maskell) – citrus, fig, loquat, and other plants;
- y. *Gynaikothrips uzelli* – pest on Ficus;
- z. Hemispherical scale, *Saisetia coffaea* (Walker) – camellia, ferns, jasmine, oleander, orange, sago palm and other plants;
- aa. Obscure scale, *Melanaspis obscura* (Comstock) – Oak and pecan;
- bb. Oriental fruit moth, *Grapholitha molesta* (Busck) – apple, cherry, peach, pear, plum, and quince;
- cc. Peach tree borer, *Samninoidea exitosa* (Say) – peach and plum;
- dd. Pear thrips, *Taeniothrips inconsequens* (Uzel) – Pear;
- ee. Pecan bud moth, *Gretchena bolliana* (Slingerland) – hickory and pecan;

- ff. Pecan leaf casebearer, *Acrobasis juglandis* (LeBaron) – Hickory, pecan, walnut and wild crab;
 - gg. Pecan nut casebearer, *Acrobasis caryae* Grote – Pecan;
 - hh. Plumeria Whitefly, *Paraleyrodes perseae* (Quaintance);
 - ii. Purple scale, *Lepidosaphes beckii* (Newman) – Citrus, eleagnus, fig, oak, olive, and other plants.
 - jj. Putnam scale, *Aspidiotus ancylus* (Putnam) – Apple, ash, beech, cherry, currant, hackberry, linden, maple, oak, Osage orange, peach, pear, pecan, plum, quince, snowball, and willow.
 - kk. Pyriform scale, *Protopulvinaria pyriformis* (Cockerell) – Cape jasmine, English ivy, and other plants.
 - ll. Red-banded thrips, *Selenothrips rubrocinctus* (Giard) – Avocado, guava, and mango.
 - mm. San Jose scale, *Aspidiotus perniciosus* (Comstock) – Acacia, alder American linden, apple, apricot, ash, black walnut, citrus trifoliolata, crab apple, dogwood, elm, English willow, euonymus, gooseberry, huckleberry, Japan walnut, laurel, lemon, lime, Lombardy poplar maple, orange, Osage orange, peach, pear, pecan, persimmon, poplar, plum, quince, raspberry, rose, snowball, spirea, spruce, strawberry, sumac, willow, and other plants.
 - nn. Six-spotted mite, *Eotetranychus sexmaculatus* (Riley) – Citrus.
 - oo. South American rice leaf miner, *Hydrellia wirthi* Korytkowski – Rice.
 - pp. Strawberry crown borer, *Tylocladia fragariae* (Riley) – Citrus.
 - qq. Strawberry root aphid, *Aphis forbesi* Weed.
 - rr. Strawberry root weevil, *Brachyrhinus ovatus* (Linnaeus) – Strawberry.
 - ss. Striped citrus root weevil, *Exophthalmus vittatus* (Linnaeus) – Citrus.
 - tt. Sugarcane borer, *Diatraea saccharalis* (Fabricius) – Sugar cane, corn, sorghum, and grasses.
 - uu. Sugarcane mealybug, *Pseudococcus boninsis* – Sugar cane.
 - vv. Sugarcane rootstalk weevil/Diaprepes root weevil, *Diaprepes abbreviatus* – Sugar cane.
 - ww. Sweetpotato whitefly, Q biotype, *Bermisia tabaci* (Gennadius) – Various ornamentals, vegetables and agronomic crops.
 - xx. Walnut scale, *Aspidiotus juglansregiae* (Comstock) – Apple, apricot, cherry, Japan plum, locust, maple, peach, pear, pecan, and walnut.
 - yy. White-fringed beetles, species of the genus *Graphognathus* – Irish potatoes, peanuts, cotton, tomatoes, velvet beans, snap beans, lima beans, turnips, and many other plants.
 - zz. Whitefly, *Paraleurodes perseae* (Quaintance) – Citrus and avocado.
2. Diseases and some plants they are likely to infect:
- a. Bacterial citrus Variegated Chlorosis, *Xylella* – Citrus.
 - b. Bacteria gumming disease, *Xanthomonas campestris* pv. *Vasculonum* – Sugarcane;
 - c. Begomo viruses – Various
 - d. Blueberry shock ilarviru – blueberries;
 - e. Burrowing Nematode, *Radopholus similis* (Cobb) Thorne – citrus, Ornamental Foliage Plants;

- f. Corn cyst nematode, *Heterodera Zeae* – Corn;
 - g. Crown Gall, *Agrobacterium tumefaciens* (Smith and Townsend) – roses and many other hosts;
 - h. *Cucurbit yellow stunting disorder crinivirus* – cucurbits;
 - i. Downy Mildew, Various *Peronospora spp.*, *Bremia spp.*, *Plasmopara spp.*, and *Basidiophora spp.* attacking various woody ornamentals;
 - j. Fire Blight, *Erwinia amlovora* (Burill) – apple and pear;
 - k. Gladiolus rust, *Uromyces gladioli*, *Uromyces nyikensis*, *Uromyces transversalis*, *Puccinia gladioli* – Gladiola;
 - l. High Plains virus (sometimes complexed with wheat streak mosaic virus) – Cereals;
 - m. Late Blight, *Phytophthora infestans* (Montagne) – tomato and Irish potato;
 - n. Lettuce infectious yellows Crinivirus – lettuce and cucurbits;
 - o. Maize stripe – corn, wheat, barley and sorghum;
 - p. Oak disease, *Phytophthora Quercina sp nov* –oak;
 - q. Oak Wilt, *Ceratocystis fagacearum* (Bretz) – Quercus spp;
 - r. Pepino mosaic virus – tomato (esp greenhouse), cucumber and Irish potato;
 - s. Pine twist rust, *Melampsora pinitorqua* – pine;
 - t. Phony peach disease, *Nanus mirabilis* (Holmes) – peach nectarines and other stone fruits;
 - u. Root-knot nematode, *Meloidogyne spp.* – many plants;
 - v. Scleroderis canker, *Gremmeniella Abietina* – pine, others;
 - w. Sweet Potato Russel Crack Virus, Sweet Potato Feathery Mottle Virus – sweet potato;
 - x. Tomato Spotted wilt Virus – bedding plants, tomato, peanuts, many others;
 - y. Watermelon Fruit Blotch, *Acidovorax avenge subsp. Citrulli* (Schaed et al.) – watermelon;
 - z. Wilt ant root disease, *Leptographium truncatum* – pine.
3. Emergency actions, regulatory stop/sale removal orders may be instituted at the discretion of the state entomologist upon the discovery of other especially injurious pests to prevent their spread until such time they may be officially listed.

(Amended April 3, 1991, amended January 22, 2002; amended June 26, 2008.)

Source: *Miss. Code Ann.* §69-25-7.

Regulated Pests of Quarantine Significance (List B)

- 102 Regulated pests of quarantine significance (List B): include pests requiring more restrictive actions to meet special requirements in order to prevent the introduction and spread of such pests into, out-of and within Mississippi. Such requirements may include quarantines, surveys, special restrictions on regulated articles, or other emergency actions for which special rules or quarantines may be officially adopted under the Mississippi Plant Act (“Act”). List B includes exotic species not yet detected in Mississippi posing an economic threat to the environment as well as horticultural and agricultural crops in Mississippi and includes additional pests on USDA/APHIS/PPQ’s

“Regulated Plant Pest List,” as determined by the state entomologist to meet the purpose of the Act and the following:

1. Insects/Arthropods and the plants they are likely to infest:
 - a. Africanized Honeybee, *Apis mellifera scutellata* Lapeletier. (See Mississippi Bee Disease Act, Sections 69-25-101 through Section 69-25-109 and Regulations- Subpart 3 - Bureau of Plant Industry , Chapter 06;
 - b. Argentine Ant, *Iridomyrmex humilis* (Mayr) (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 129);
 - c. Asian Longhorned wood borer, *Anoplophora glabripennis* (Motschulsky);
 - d. Blueberry maggot, *Rhagoletis mendax* Curran – Blueberry;
 - e. Boll Weevil, *Anthonomus grandis* (Boheman) – Cotton (See Mississippi Boll Weevil Management Act, Sections 69-37-39 and Regulations- Subpart 03 - Bureau of Plant Industry, Chapter 13, Sections 100-114;
 - f. Brown-tail-moth, *Nygmia phaeorrhoea* (Donovan) – Apple, apricot, ash, beech, cherry, elm, grape, maple, oak, peach, pear, plum, quince, rose and many other trees and plants;
 - g. Cactus Moth, *Cactoblastis cactorum* (Berg) – Species of cacti;
 - h. Cotton square weevil (Peruvian), *Anthonomus vestitus* Boheman – Cotton;
 - i. Emerald ash borer, *Agrilus planipennis* (Fairmaire) – All species of ash trees;
 - j. European wood wasp, *Sirex noctilio* (Fabricus) – *Pinus* spp;
 - k. Formosan termite, *Coptotermes formosanus* (Shiraki) (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 134);
 - l. Spongy Moth, *Lymantria dispar* (Linnaeus) – Apple, beech, cherry, elm, gum, hickory, maple, oak, pine, pear, willow, and many other trees and plants;
 - m. Imported fire ant, *Solenopsis saevissima v. richteri* (Forel), Black Imported Fire ant, *Solenopsis richteri* (Forel) – Meadows, pastures, potatoes, okra, and other plants. (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 131);
 - n. Japanese beetle, *Popillia japonica* (Newman) – Feeds on a large number of fruit, shade and timber trees, small fruit, and ornamental plants, truck and field crops and weeds;
 - o. Light Brown Apple Moth, *Epiphyas postvittana* (Walker) LBAM has been recorded from over 200 plants in 120 plant genera in 50 families. Some notable trees are apple, pear, peach, apricot, nectarine, citrus, persimmon, cherry, almond, avocado, oak, willow, walnut, poplar, cottonwood, coast redwood, pine, and eucalyptus. Some common shrub and herbaceous hosts are grape, kiwifruit, strawberry, berries (blackberry, blueberry, boysenberry, raspberry), corn, pepper, tomato, pumpkin, beans, cabbage, carrot, alfalfa, rose, camellia, jasmine, chrysanthemum, clover, and plantain;
 - p. Mediterranean fruit fly, *Ceratitidis capitata* (Wiedemann) – Apple, apricot, bean, citrus, eggplant, fig, grape, Japanese persimmon, peach, red peppers, tomato and other plants;
 - q. Mexican fruit fly, *Anastrepha ludens* (Loew) – Guava, mango, orange, peach, plum, sapodilla, and sweet lime;
 - r. Pine shoot beetle, *Tomicus piniperda* (Linnaeus) – *Pinus* sp.;

- s. Pink bollworm, *Pectinophora gossypiella* (Saunders) – Cotton;
 - t. Pink hibiscus mealybug, *Maconellicoccus hirsutus* (Green) – Citrus, vegetables, beans, cabbage, cucumber, pumpkin, tomato, various ornamental plants, avocado, fig, mango, sugarcane, peanuts, forest trees;
 - u. Rice Mite/Rice Panicle Mite, *Steneotarsonemus spinki* (Smiley) – Rice, *Oryza sativa* L., wild rice, *Oryza latifolia* (Desy), Weed: *Schoenoplectus articulatus*, family Cyperaceae;
 - v. Spotted Lanternfly, *Lycorma delicatula* (White) – Soybean, grapes, stonefruits, *Malus spp.*
 - w. Swede midge/cabbage midge, *Contarinia nasturti* (Keiffer) – Various species of brassica;
 - x. Sweetpotato weevil, *Cylas formicarium elegantulus* (Summers) – Sweet potato, morning glory and bindweed (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 125);
 - y. Viburnum leaf beetle, *Pyrrhalta viburni* (Paykull) – Viburnums;
 - z. West Indian sweet potato weevil, *Euscepes postfasciatus* (Fairmaire) – Sweet Potato;
 - aa. Woolly hemlock adelgid, *Adelges tsugae* – hemlock *spp.*;
2. Diseases and the plants they are likely to infect:
- a. Black rot, *Ceratocystis fimbriata* (Ellis and Halsted) – Sweet Potato;
 - b. Chrysanthemum white rust, *Puccinia horiana* (P. Henn) – Chrysanthemum *spp.*;
 - c. Citrus canker, *Xanthomonas citri* (Hase) – Grapefruit, kumquat, lemon, lime, sweet orange, trifoliolate orange, and other citrus plants;
 - d. Citrus greening or Huanglongbing or Yellow Dragon Disease, *Candidatus liberobacter, africanus, asiaticus, American strains* – Citrus;
 - e. Foolish Seedling Disease of rice/Bakanae disease, *Gibberella fujikuroi* Sawada var. *fujikuroi* – Rice;
 - f. Golden nematode, *Heterodera rostochiensis* (Wollenweber) – Irish potato, tomato, pepper, eggplant, carrots, and other vegetables;
 - g. Karnal Bunt, *Tilletia indica* – Wheat;
 - h. Lethal yellowing disease of palms, (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 130);
 - i. Ozonium root rot or Texas root rot, *phymatotrichum omnivorum* (Shear) – Cotton;
 - j. Peach mosaic, *Marmor persicae* (Holmes) – Peach;
 - k. Pecan bunch disease, (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 128);
 - l. Philippine Downy Mildew, *Peronosclerospora philippinensis* (W. Weston) – Corn;
 - m. Phony peach disease, (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 127);
 - n. Plum Pox Potyvirus – Stone fruits;
 - o. Potato cyst nematode, *Globodera pallida*, the white or pale PCN, and *Globodera rostochiensis*, the yellow or golden PCN – Irish potato;
 - p. Potato wart, *Synchytrium endobioticum* (Schilbercky) – Irish potatoes;
 - q. *Ralstonia solanacearum* race 3 biovar 2 – Solanaceous vegetables (eggplant and

- tomato) and certain ornamentals. Causes brown rot of potato, bacterial wilt of tomato and eggplant, southern wilt of geranium;
- r. Red Palm Mite, *Raoiella indica* – Various species of palm;
 - s. Rice Bacterial leaf blight, *Xanthomonas oryzae* pv. *Oryzae* – Rice;
 - t. Scurf, *Monilochaetes infuscans* (Elliott and Halston) – Sweet Potato;
 - u. Southern wilt, Bacterial wilt, Brown Rot of potato, *Ralstonia solanacearum* race 3 biovar 2 – Solanaceous crops, and Petunia, geranium and other ornamentals;
 - v. Sudden oak death or ramorum dieback, *Phytophthora ramorum*, various oaks (live oak, pin & red oak), rhododendron, azalea, Douglas fir, bay laurel, buckeye, maple, viburnum, and Japanese magnolia (See Federal order, federal host lists and regulations);
 - w. Sweet Potato Soil Rot, *Streptomyces ipomoea* (Person and Martin) – Sweet Potato;
 - x. Sweet Potato Stem Rot, *Fusarium oxysporum* f. *batatas* (Wollenweber) – Sweet Potato;
 - y. *Tomato Yellow Leaf Curl Virus Geminivirus* – Tomato and ornamental, vegetable;
 - z. Wheat stem rust (especially) Ug99, *Puccinia graminis* (especially) Ug99 – Wheat;
 - aa. X disease of peach, *Carpophthora lacerano* (Holmes) – peach;
3. Mollusks and some plants they are likely to infest:
- a. Applesnails, Family Ampullaridae – Nursery stock, rice and other plants, (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 133);
 - b. Brown Garden Snail, *Helix aspersa* (Muller) – Nursery stock and vegetables, (See Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 132);
 - c. Giant African Snails, *Achatina fulica*- Various ornamental plants and agronomic crops;
 - d. Snails of Genus, *Zachrysia* not known to occur in Mississippi;
4. Other pests as determined by the State Entomologist to be especially destructive for which emergency regulatory/quarantine actions are necessary to protect the agricultural and horticultural interests of the state.

(Amended June 26, 2008; Amended September 11, 2008; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Terms

103 The Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, under provisions of *Miss. Code Ann.* §§69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §69-25-1 and §69-25-7, does declare the following words or terms to have the following meaning as used in this chapter:

1. Balled and burlapped stock – means that nursery stock which has been removed from the growing site with a ball of soil, containing the root system left intact and

encased in burlap or other similar material to hold the soil in place.

2. Bare-root stock – means that nursery stock which has been removed from the growing site with the root system free of soil.

3. Collector of native plants – means any person collecting native wild plants or plants not nursery grown for the purpose of resale.

4. Container stock – means that nursery stock which has been placed in a metal, clay, plastic or other rigid container, in soil or other potting mixture capable of sustaining normal plant growth remaining intact when removed from said container.

5. Nursery – means any grounds or premises on or in which nursery stock is propagated, grown, or procured for resale and held for sale throughout the year.

6. Nursery agent or salesman – means any person who solicits, takes orders, or sells nursery stock in this state for a nurseryman, nursery dealer or grower of nursery stock, but not on the premises or place of business.

7. Nursery dealer – means any person, firm partnership, association, corporation, or company other than a nurseryman who buys or collects nursery stock for the purpose of reselling or reshipping or otherwise dealing in nursery stock on a seasonal basis (usually three or four months each season), independently of the control of any nurseryman or nursery – e.g., chain stores, department stores, grocery stores, etc.

8. Nurseryman – means any person, firm, partnership, association, corporation, or company, owning, leasing, managing or in charge of a nursery.

9. Nursery stock – means all plants commonly known as nursery stock, whether field grown, greenhouse grown, or collected native plants, consisting of palms and woody perennial, trees, shrubs, seedlings, vines, roses, strawberry, blackberry and other brambles, budwood, cuttings, grafts, scions, bulbs, corms, rhizomes, or roots thereof; also other such plants and plant products grown or collected or kept for propagation, sale or distribution; excepting field, vegetable and flower seeds, cut flowers, cut ferns, cut foliage and other plant material not intended for propagation and when apparently free from injurious insect pests and plant diseases.

10. Packaged stock – means bare-root nursery stock either in bundles or as single plant with the roots in peat, wood shavings, or other moisture retaining material, not toxic to the plants, encased in plastic film or other material designed to retard evaporation and hold the moisture-retaining material in place.

11. Place of business – means each separate nursery, store, stand, sales ground, lot, or any location or vehicle from which nursery stock is being sold, offered for sale, or distributed.

(Amended March 1, 2004; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Advance Written Requests Required For Nursery Inspection

104 Under the provisions of *Miss. Code Ann.* §§ 69-25-1 to 69-25-47 and more especially *Miss. Code Ann.* §69-25-7 and §69-25-19, persons or firms desiring certification of nursery stock shall file a request for inspection with the State Entomologist at Mississippi State, at least sixty days in advance of the date upon which they desire to move or sell such nursery stock. Persons or firms requesting certification on shorter notice may be

charged with the fee covering the expenses of inspection and certification as provided for in *Miss. Code Ann.* §69-25-19.

(Amended July 1, 1971.)

Source: *Miss. Code Ann.* §69-25-7 and §69-25-19.

Providing For The Inspection Of Orchards, Nurseries, Etc.

105 Inspectors employed by the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, under provisions of *Miss. Code Ann.* §69-25-7, §69-25-9, §69-25-25, §69-25-35, shall examine trees, plants, and plant products in nurseries, orchards and other places within the State of Mississippi, in order to determine whether such trees, plants and plant products are infested or infected with any insect pest or disease declared to be or listed by the Bureau of Plant Industry as being either a public nuisance or an especially injurious insect pest or disease, and shall report their findings to the State Entomologist of the Bureau of Plant Industry.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7, §69-25-19, §69-25-25 & §69-25-35.

Conditions For Issuing Nursery Certificates

106 Under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-9, 69-25-17, 69-25-19, and 69-25-25, no certificate shall be issued for the movement of any nursery stock until such stock shall have been inspected by an agent of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, and found to be apparently free from especially injurious insect pests or diseases. Should any especially injurious insect pest or disease be found, either on the nursery stock or on the premises, no certificate shall be issued until such insect or disease has been suppressed to the satisfaction of the inspector. No certificate shall be issued when the nursery stock is exposed to infestation or infection from any especially injurious insect pest or disease that occurs within one-fourth mile from where any part of said nursery stock is located; provided, however, that the nurseryman may remove such stock under the direction of the inspector, and under such precautions as he may specify, and provided, further, that nothing in this rule shall be construed as preventing the enforcement of quarantines to be greater distance than one-fourth mile in the case of properties declared by the Bureau of Plant Industry to be infested with any insect pests, or diseases declared to be a public nuisance.

(Amended April 3, 1991; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §§69-25-7, §69-25-9, §69-25-17, §69-25-19 & §69-25-25.

Use Of Nursery Certificates

107 Under the provisions of *Miss. Code Ann.* §§69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §§69-25-7, 69-25-17, 69-25-19, & 69-25-21, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, does declare the movement of all trees and plants commonly known as nursery stock, as defined in

Regulations - Subpart 3, Bureau of Plant Industry, Chapter 01, Section 103 (9), which are not accompanied by a proper certificate, issued by the Bureau of Plant Industry, and which have not been prepared for movement in accordance with the Rules and Regulations of the Bureau, to be prohibited; except on stock which is sold or distributed directly to the customer for planting on his own property within the state. A nursery certificate must be issued for all nursery stock which is to be resold.

(Amended April 3, 1991; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §§69-25-7.

Conditions Under Which Certificates May Be Revoked

108 Any certificate may be revoked and all certificates recalled, at any time, for any violation of the provisions of *Miss. Code Ann.* §§69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §69-25-19, of the Rules and Regulations of the Bureau of Plant Industry, Mississippi Department of Agriculture of the requirements of the Director and/or State Entomologist.

(Amended April 3, 1991; Amended July 1, 1997; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §§69-25-7.

Form For Nursery Certificate

109.01 The Director and/or State Entomologist, Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, shall be required to have prepared and shall arrange that any person entitled thereto may obtain, under such conditions as the State Entomologist may name, certificates in proper form, to be affixed to any nursery stock, the movement of which is permissible under the provisions of *Miss. Code Ann.* §§69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §69-25-17 and §69-25-19.

109.02 The State Entomologist shall be further required to keep in his office exact records covering the issuance of all such certificates, and the persons by whom such certificates have been obtained shall be required to provide the State Entomologist at any time and in such manner as he may designate, with the information necessary for the keeping of such records.

109.03 The State Entomologist shall have the authority to call for the return of any unused certificates at his discretion.

109.04 The cost of printing such certificates shall be paid by the persons requesting same.

109.05 The forms of certificates to be issued to cover the movement of nursery stock from the

grower shall be as follows:

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
BUREAU OF PLANT INDUSTRY
MISSISSIPPI STATE, MISSISSIPPI 39762

NURSERY CERTIFICATE

The undersigned hereby certifies that the nursery stock in the nurseries of _____ located at _____, Mississippi, has been thoroughly inspected. The stock, premises, and adjacent properties have been found to be apparently free from especially injurious pests and diseases.

The use of this certificate upon nursery stock, which has not been inspected by a duly authorized nursery inspector of the Bureau of Plant Industry, is a violation of the law and will be prosecuted.

State Entomologist
(Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Requiring Nurserymen To Furnish Lists of Consignees, Contents of Shipments, Etc.

110 Under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-9, 69-25-15, 69-25-17, 69-25-19 and 69-25-35, the owners, officers and employees of any nursery which may be found at any time to be infested or infected with an especially injurious insect pest or disease, or which has heretofore been so infested or infected, shall, on demand of the State Entomologist of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, furnish a list of all shipments and sales of nursery stock from said nursery from any date set by the State Entomologist up to and including the date of such demand. Said list shall show the names and addresses of all purchasers, the names and addresses of all consignees and a complete description of the stock included in each and every shipment.
(Amended July 1, 1997.)

Source: *Miss. Code Ann.* §69-25-7.

111 Intentionally omitted.
(Amended July 1, 1997' Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Form For Nursery Dealer Certificates

112 Under the provisions of *Miss. Code Ann.* §69-25-17 and §69-25-19, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce does declare that any person who buys and resells nursery stock independent of any control of a nursery shall be classed as a nursery dealer. A list of all nurseries from which a dealer will buy stock during the ensuing shipping season must be filed with the State Entomologist at Mississippi State on a blank form furnished by the State Entomologist, and if said list is satisfactory, a Dealer's Certificate may be issued. A new agreement form must be filed with the State Entomologist on or before September 1, each year. Nursery Dealer certificates shall be valid until September 1, subsequent to the date of issuance, unless revoked for cause; provided, department stores, and other stores handling nursery stock as a side line shall not be required to use nursery dealer certificates, but shall comply with all other nursery dealer requirements of the Bureau of Plant Industry. The nursery dealer certificate form shall be as follows:

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
BUREAU OF PLANT INDUSTRY
MISSISSIPPI STATE, MISSISSIPPI 39762

Nursery Dealer's Certificate

The undersigned hereby certifies that the nursery stock sold by _____ of _____
The undersigned further declares that _____ has furnished him with
names and addresses of the persons from whom, and the localities where he
purchased or obtained the nursery stock sold under this certificate.

VOID AFTER SEPTEMBER 1, _____.

State Entomologist
(Amended April 3, 1991; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Use of Quarantine "Q" Tags

113 Under the provisions of *Miss. Code Ann.* §69-25-17 and §69-25-19, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce does declare that a quarantine tag shall be attached to all shipments of plants passing an inspection in transit, and shall also be used to certify all in-state plant shipments from any person not regularly engaged in the nursery business after such plants have passed a satisfactory inspection. The form shall be as follows:

(Serial Number) Q

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
BUREAU OF PLANT INDUSTRY
MISSISSIPPI STATE, MISSISSIPPI 39762

Quarantine "Q" Tag

This is to certify that the undersigned has this day inspected the contents of this package from _____ consigned to _____ and has found them apparently free from especially injurious insect pests and diseases. No plants or plant products were found therein, the importation of which is prohibited by the Rules of the Bureau of Plant Industry, under *Miss. Code Ann.* §§69-25-1 to 69-25-47.

All persons are warned, under penalty of law, not to use this certificate tag upon any shipments, or upon any plant products other than those described and inspected as above.

Inspector

State Entomologist

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Cottony Cushion Scale-Treatment Required

114 The movement of any and all host plants of cottony-cushion scale from a property on which cottony-cushion scale is known to have been present or from a property in a locality in which cottony-cushion scale is known to have been generally distributed, under provisions of *Miss. Code Ann.* §69-25-7, §69-25-15, §69-25-17, §69-25-19, §69-25-23, §69-25-25 and §69-25-35, it is hereby prohibited, until after such plant or plants have been treated in accordance with recommendations of authorized personnel of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, and the scale infestation pronounced as having been eradicated.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

San Jose Scale-Treatment Required

115 All apple, pear, plum and peach nursery stock and all other host plants of San Jose scale, if originating from a nursery in which San Jose scale has been found, under provisions of *Miss. Code Ann.* §69-25-7 and §69-25-15, must be thoroughly treated by spraying or dipping the above ground portions of the nursery stock with a 3 percent oil of emulsion or other insecticide approved by a representative of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Requiring The Posting Of Properties Infested Or Infected With Insects Or Diseases Which Have Been Declared To Be A Public Nuisance

116 Every grove, field, nursery, or other property in which has been found any disease or insect pest which has been declared a public nuisance by the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce under the provisions of *Miss. Code Ann.* §§69-25-1 to §69-25-47, and more especially *Miss. Code Ann.* §69-25-7, §69-25-9 and §69-25-25, shall be conspicuously posted and signs warning all parties against trespassing, said signs to read as follows: “NO TRESPASSING” to be in letters no less than four inches in height and the words “Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce” to be in letters not less than two and one-half inches in height, such letters to be of prominent bold-faced type, easily read. The mutilation, defacing, removing or destroying of such signs by any parties whomsoever is hereby prohibited. Provided, that the posting of such notices shall not be required in the case of any property which has been declared by the Bureau of Plant Industry to be no longer a danger center.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Providing For Inspection Of Plants In Transit And Treatment Or Disposition Of Same When Infested Or Infected Or Moved In Violation Of Bureau Of Plant Industry Rules

117 Any and all plants or plant products subject to the provisions of *Miss. Code Ann.* §§69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §69-25-17, §69-25-19, §69-25-21 and §69-25-25, whether in transit or in the hands of the possessor, may be held for inspection regardless of whether they are certified or not, and if such plants or plant products are found to have been moved or transported in violation of the rules or regulations of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, or if found infested or infected with any injurious insect pest or disease, such plants or plant products must be deported, sprayed or otherwise treated upon the order of the Director and/or State Entomologist, if in his opinion this is necessary for the protection of the agricultural or horticultural interests of the State.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Transportation Agents To Notify Bureau Of Plant Industry Regarding Prohibited Shipments

118 It shall be the duty of any common carrier, operating within the State of Mississippi, its agents or employees, to notify the State Entomologist, or his duly authorized agent, immediately upon receipt by such common carrier of any shipment of any article or thing coming under the provisions of *Miss. Code Ann.* §69-25-1 to 69-25-47, and more especially *Miss. Code Ann.* §69-25-7, §69-25-9, and §69-25-17, and offered to such

common carrier for transportation and delivery as to which the requirements of *Miss. Code Ann.* §§69-25-1 to 69-25-47, or any of the rules and regulations of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, have not been complied with; and such common carrier shall not transport or deliver such illegal shipments but shall hold same safe pending instructions from the State Entomologist or his duly authorized representative as to the disposition to be made of such illegal shipment.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Providing For The Disposition Of Shipments Of Nursery Stock, Etc., Found Infested Or Infected With Injurious Insects Or Diseases

119 Whenever an authorized Inspector of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, under authority granted in *Miss. Code Ann.* §§69-25-17, 69-25-19, 69-25-21, and 69-25-35, shall find in the possession of any common carrier in this State any shipment, article or product that is infested or infected with any insect pest or disease, the dissemination of which under the law or rules of this Bureau, now or hereafter further transportation or delivery of such shipment, article or product so infested or infected shall cease. Articles determined to be in violation shall be destroyed or otherwise returned to the shipper to be by him dealt with or treated as the law may provide. At the time of such inspection, such inspector shall deliver to such common carrier a certificate in substantially the following form:

REPORT OF PROHIBITED ARTICLES INTERCEPTED IN POSSESSION OF CARRIERS

To _____ and all Whom It May Concern:
_____ (Name of Carrier)

This is to certify that on the _____ day of _____, 20____, the undersigned inspected while in your possession at _____, Mississippi, a shipment of _____ (Kind and Nature) consisting of _____ bundles or packages, shipped by _____ of _____ State of _____ to _____ at _____, State of Mississippi, and found the same to be infested or infected with _____ (Name of insect pest or disease)

and you are hereby notified that the transportation and delivery of said shipment so infested or infected, within the State of Mississippi, is prohibited by law and the Rules of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, thereunder, except for the purpose of returning said shipment to the shipper, to be by him dealt with or treated as the law may require.

This _____ day of _____, 20____.

Inspector
(Amended April 3, 1991; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

Each Article, Box, Bundle, Etc., Intercepted To Have Attached To It A “Hold Out Tag” Of The Bureau Of Plant Industry; Prohibiting The Movement Or Shipment Of Any Article When A “Hold Out Tag” Is Attached

120.01 Under provisions of *Miss. Code Ann.* §69-25-17, §69-25-19, §69-25-21 and §69-25-35, any article or any box, bundle, parcel or other container which has been intercepted while in transit, by an agent of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, and is being held subject to examination or determination as to final disposition shall have attached to it a tag clearly indicating to employees of the transportation companies and the public, that the article or container to which the tag is attached is being held subject to the rules and regulations of the Bureau. This tag shall be known as the “Hold Tag”, and shall be in substantially the following form:

HOLD OUT FOR INSPECTION

Do not remove this package from this station until this tag has been removed, and the contents of package inspected and certified by the Inspector of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce.

(Over) WARNING

This package and its contents are being held in quarantine. All persons are hereby warned not to open, destroy, or remove the same under penalty of prosecution.

By order of

State Entomologist

(Inspector)

(Over)

The use of this tag or the removal of same from any article or container, to which it is attached, by any person other than an authorized agent of the Bureau of Plant Industry, is forbidden.

(Amended April 3, 1991; Amended July 1, 2023.)

Source: *Miss. Code Ann.* §69-25-7.

120.02 Under authority of *Miss. Code Ann.* §§69-25-17, 69-25-19, 69-25-21 and 69-25-35, the movement of or tampering with any article, any box, bundle, parcel or other container having attached thereto a “Hold Out Tag”, which has been attached by an agent of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, is prohibited until such article or the contents of such box, bundle, parcel or other container shall have been inspected, the “Hold Out Tag” removed therefrom and the article or container officially released by an agent of the Bureau.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Importation Of Plants And Plant Products Into Mississippi

121 The introduction into the State of Mississippi through the ports thereof of plants, fruits, vegetables or other material that is likely to introduce insect pests, or diseases especially injurious to the agricultural and horticultural interests of the State is hereby prohibited under the provisions of *Miss. Code Ann.* §69-25-17, §69-25-21 and §69-25-23, provided, however, that plants, parts of plants, fruits or vegetables, the importation of which into the State has not been specifically prohibited, and which shall be found upon inspection by a properly appointed agent of the Bureau of Plant Industry to be apparently free from such especially injurious insect pests and diseases shall be permitted to enter the State and be transported, sold, or exchanged within the State.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Prohibited Plants May Enter Mississippi Under Special Permit

122 Under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-17, 69-25-19 and 69-25-35, special permits may be issued by the Bureau of Plant Industry, for the entrance into Mississippi of any quarantined plants, seeds, or plant products that are needed for experimental purposes by the United States Department of Agriculture or by the Mississippi Agricultural and Forestry Experiment Station. These special permits will be issued only after careful investigation by the State Entomologist of the Bureau of Plant Industry, and only when the State Entomologist is assured that there is no danger in admitting the plants, seeds, or plant products in question.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Providing For A Review Before The Bureau Of Plant Industry Of Any Rule, Regulation, Etc., On Request Of The Party Affected.

123.01 Any person affected by any rule or regulation made or notice given, pursuant to *Miss. Code Ann.* §§ 69-25-1 through 69-25-47, and especially §69-25-37, may have a review

thereof, for the purpose of having such rule, regulation or notice modified, suspended or withdrawn, by filing a written request with the Director and/or State Entomologist of the Bureau of Plant Industry, Mississippi Department of Agriculture, stating the particular rule, regulation or notice regarding which action is desired and setting forth the objections to the enforcement of said rule, regulation or notice.

123.02 At the time of filing said written request, the person asking for such review shall deposit a certified check for one-hundred dollars (\$100) with the Director and/or State Entomologist of the Bureau of Plant Industry, or, in the case the destruction of property is involved, with the agent of the Bureau responsible for the carrying out of the provisions *Miss. Code Ann.* §§69-25-1 through 69-25-47, in the locality in which the property is located. Said sum of \$100 is to be applied towards defraying the expenses of a special meeting of the Bureau providing the Commissioner or the Director considers the exigencies of the case require action before the next regular meeting.

123.03 In case such special meeting is called, the Director and/or State Entomologist of the Bureau shall present an account of the expenses incurred for holding said meeting and if these expenses are less than \$100, the balance shall be returned to the person requesting the review.

123.04 On such review, all facts and representatives offered on behalf of the applicant or on behalf of the Bureau may be presented to the Director and/or State Entomologist of the Bureau in the form of affidavits.

123.05 The operation or enforcement of any rule or regulation made or notice given by the Bureau is not to be held in abeyance pending a review thereof but is to remain in full force and effect until modified, suspended or withdrawn by action of the Bureau. Providing, that where the enforcement of a rule requires the destruction of the property of the party making the appeal to the Bureau in the manner aforesaid and the said sum of \$100 to cover costs having been deposited with an agent of the Bureau, such destruction shall be suspended until the party shall have had the opportunity of being heard on his appeal; provided, that the party thus appealing complies with the instruction of the agent of the Bureau to the end that no especially injurious insect pests or diseases shall be disseminated.

(Section 123 amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Regulations Governing Certification Of Mississippi Seed Sweet Potatoes And Plants

124.01 In order to prevent the dissemination of soil rot, stem rot, sweet potato mosaic, black rot, scurf, nematodes, sweet potato weevil and other injurious diseases and insects of the sweet potato, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-15, 69-25-17, 69-25- 19, 69-25-25, and 69-25-37, does hereby promulgate, declare and give public notice hereof of the following regulations governing the movement or shipment within

the state of Mississippi of sweet potatoes for planting purposes, sweet potato plants or vines; PROVIDED, that no sweet potatoes, sweet potato plants, or vines within the areas which have been designated by the Bureau of Plant Industry as infested with the sweet potato weevil shall be eligible for certification, except as provided for APPROVED GRADE in section 126(5)(a)

124.02 Application for inspection. Each person or firm growing sweet potatoes in Mississippi and desiring to sell, exchange or give away seed sweet potatoes or sweet potato plants or vines is hereby required to make written application to the Bureau of Plant Industry, Mississippi State, Mississippi, for the necessary inspections on or before June 1 of each year, giving complete instructions for locating premises. All fields must be in a clean state of cultivation and in such condition that all plants can be easily seen by the inspector. The inspector may refuse to make inspection if the crop is not in proper condition.

124.03 Use of and issuing certificate tags and tape. The sale, movement or shipment of seed sweet potatoes, vines, or plants for propagation is prohibited except when a valid certificate tag is attached to each crate or container. Plants or vine cuttings must be tied with official certificate tape in bundles of 50 or 100 plants or vines; such certificate tags and tape to be issued by the Bureau of Plant Industry. The bundles of plants or vine cuttings must be labeled to show the number of plants or vine cuttings per bundle. Individual potted plants or rooted vine cuttings may be offered for sale provided a valid certificate tag is attached to each display crate or container in which individual plants or vine cuttings are displayed, or in lieu thereof, individual potted plants or rooted vine cuttings may be offered for sale provided each pot or growth container has tied around such container official certificate tape as is required for bundles of plants. Certificate tags or tape shall be issued only after the seed sweet potatoes or plants have passed the proper inspections in field, storage, or plant beds and the grower has complied with regulations hereinafter prescribed by the Bureau of Plant Industry to prevent the spread of injurious plant diseases and insects. The provision hereof shall not be construed to prohibit the possession or movement of certified seed, plants or vines for use within the limits of a farm where grown or of noncertified seed, sweet potatoes, plants or vines for use within the limits of a farm where grown. Certificate tags, tape and dealer tags may be recalled for cause by the Bureau of Plant Industry and are valid for use only by the person to whom issued. The Bureau of Plant Industry shall refuse to issue tags and tape to growers or dealers who fail to make refunds to customers for seed or plants confiscated by Bureau of Plant Industry inspectors on account of injurious diseases and insects.

124.04 Certified seed sweet potatoes, plants, and vines shall be divided into two grades as follows:

1. GRADE A shall be seed, plants or vines which showed no stem rot, soil rot, or mosaic in field inspections and which are visibly free in storage and plant bed inspection from black rot, scurf, soil rot, nematodes, or other serious diseases and insects.
2. MISSISSIPPI CERTIFIED GRADE shall be seed, plants, or vines which shall

not exceed the disease and insect tolerances as follows:

- a. Stem rot. No more than one-tenth (1/10) of one (1) percent of the hills found in the field inspections; the vines and tubers of which shall be dug and destroyed by the grower at time of inspection under supervision of the district entomologist of the Bureau of Plant Industry.
- b. Sweet Potato Mosaic. No tolerance.
- c. Black Rot. No more than one (1) percent of sweet potatoes showing black rot in storage inspection.
- d. Scurf. No more than five (5) percent of sweet potatoes showing the presence of scurf in storage inspection.
- e. Soil Rot. No more than one-tenth (1/10) of one (1) percent found in field inspection, the vines and tubers of which must be dug and destroyed by the grower at time of inspection under supervision of the district entomologist and no more than one (1) percent of sweet potatoes in storage inspection.
- f. Nematodes. No more than one (1) percent showing visible presence of nematodes in storage inspection.

124.05 Inspection requirements.

1. Two or more inspections, while growing in the field, must be made of sweet potatoes; provided that only one inspection is required of varieties, which are known to be highly resistant to sweet potato diseases. One or more inspections shall be made of all seed sweet potatoes in storage and one or more plant bed inspections.
2. All fields worked with the same implements and teams shall be considered as one property for the purpose of certification or determination of the proper grade. Areas separated by roads, fences or other barriers which the district entomologist considers satisfactory shall be considered separate fields and the finding of any disease whatever in any field shall prevent any sweet potatoes produced on that property from being classed as Grade A. If more than 50% of the sweet potato acreage of a property fails to pass inspection, the entire property shall be condemned, unless special conditions exist, which in the judgment of the district entomologist warrant the certification of a smaller percentage of the acreage.
3. The storage house or other place, if previously used for storing sweet potatoes, shall be thoroughly cleaned and disinfected before the new crop is stored.
4. If certified seed are stored in a building with other sweet potatoes, they must be separated by a solid wall or walls from all other potatoes. The grower must make such arrangements as are necessary for the seed sweet potatoes to be easily accessible for inspection, or no inspection for certification will be made.
5. The finding of black rot, scurf, soil rot, or nematodes on any sweet potatoes in a storage house or other place where seed potatoes are stored will prevent any potatoes therein from being classed as Grade A.
6. At bedding time, seed sweet potatoes shall be carefully handculled, discarding all potatoes showing black rot, scurf, soil rot, or other diseases, and then treated with a disinfectant approved by the Bureau of Plant Industry. If an old bedding location is used, all of the old soil must be removed and hauled away from the bedding site and the remaining soil treated with a formaldehyde solution prepared by mixing 1

gallon of 40 percent formaldehyde solution in 50 gallons of water and approximately 1 gallon of the diluted mixture applied to each square foot of soil. All of the framing of the bed should be thoroughly soaked also. The treated area should be covered with wet sacks and kept wet for a period of 48 hours. The sacks should then be removed and the soil allowed to dry for approximately 10 days to 2 weeks. A temperature of approximately degrees F or above will be needed for aeration, and a temperature of 50 degrees F or above is necessary for application of the chemical for best results. After treatment is completed, new soil should be placed back in the bed from a noncontaminated source.

7. Plants must be produced from certified seed which has been inspected, handculled, and disinfected as prescribed. Failure to disinfect seed at bedding shall make plants ineligible for certification and issuance of certificate tags and tape. If it is discovered after the issuance of tags and tape, such tags and tape will be recalled.
8. The location and material of the plant beds must be approved by a Bureau of Plant Industry district entomologist. If lumber used in the construction of the beds has been previously used for the same purpose, it must be thoroughly disinfected by being allowed to soak for at least thirty minutes in a solution of copper sulphate, one pound in 25 gallons of water or the formaldehyde solution mentioned in paragraph 5 above, or other disinfectant approved by the Bureau of Plant Industry.
9. Whenever black rot or soil rot is found in sweet potatoes in storage on any property, the handculling, disinfection and bedding of such potatoes shall be done under the supervision of a Bureau of Plant Industry district entomologist. All plants produced on such properties or from such seed must be dipped in a Bordeaux mixture composed of 20 pounds hydrated lime, 20 pounds copper sulphate (bluestone) and 50 gallons water, or other disinfectant approved by the Bureau of Plant Industry.
10. All tools needed in the construction of plant beds, and which have previously come in contact with materials used in old beds, shall be dipped in a solution of the copper sulphate or other approved solution.
11. Beds generally infected with black rot, stem rot, or other serious disease will be condemned and sale of plants prohibited.
12. If black rot or stem rot is found in a limited portion of a bed, the infected potatoes and the soil covering them, and the soil and potatoes not less than two feet from the outermost limits of the infection in all directions must be removed from the infected bed under the supervision of a district entomologist of the Bureau of Plant Industry and the spot from which soil and potatoes were removed thoroughly disinfected with a solution of copper sulphate prepared by using 1 pound of copper sulphate in 25 gallons of water; or by soaking the affected area with formaldehyde using one quart of formaldehyde in 12 gallons of water. Keep the affected area covered with wet sacks for a period of 48 hours. All plants sold thereafter from the grower's bed must be dipped in the 20-20-50 Bordeaux mixture previously mentioned, or other disinfectant approved by the Bureau of Plant Industry.
13. If a plant grower beds both Grade A and Mississippi Certified seed potatoes, all of the plants certified for him shall be Mississippi Certified Grade.
14. Where more than one variety of sweet potatoes are grown, each variety must be

separated in the field a distance of at least fifteen (15) feet, and stored separately in storage and bedded in separate beds. If found mixed in field, storage, or seed beds, such mixtures shall automatically cause the potatoes to be classed as Mississippi Certified Grade and certificate tags issued as mixed varieties.

15. Anyone not growing certified seed, but who wished to sell plants may purchase certified seed from a certified grower and bed them. At time of purchase, he must obtain from the certified grower a certificate tag as proof of source of seed, so the source of seed and bedding location may be approved by a district entomologist of the Bureau of Plant Industry. Such plant grower would be subject to the same requirements of other growers outlined in this regulation.

124.06 The following regulations apply to dealers in seed sweet potatoes and sweet potato plants:

1. Persons or firms in Mississippi engaged in the business of buying and reselling seed sweet potatoes or sweet potato plants grown by others are defined as dealers.
2. Dealers in seed sweet potatoes or sweet potato plants are hereby required to file with the Bureau of Plant Industry an agreement on a form furnished by the Bureau, pledging compliance with rules and regulations applying to the sale of seed sweet potatoes or plants.
3. A dealer's tag shall accompany all seed or plants sold to other dealers or shipped by mail express or by other common carrier. The same regulations shall apply to the use of these tags as those prescribed for growers of certified seed and plants.
4. A dealer shall not be required to attach dealer tags to packages of seed or plants sold locally or over-the-counter, provided that the seed or plants remain until sold in the original package as received from the grower and with the grower's certificate attached.
5. Certificate tags from the original growers must be preserved by dealers when seed or plants are sold in lots other than the original package and these tags shall be delivered to the Bureau of Plant Industry upon request.

(Amended November 2, 2024)

Source: Miss. Code Ann. §69-25-7.

Regulation Governing The Shipment Of Seed Sweet Potatoes And Sweet Potato Plants Into Mississippi

125.01 The movement or shipment into the State of Mississippi of seed sweet potatoes, sweet potato plants and vines, and all morning-glory plants or parts of plants from points outside of the State of Mississippi is prohibited under *Miss. Code Ann.* §69-25-7, §69-25-15, §69-25-17, §69-25-19, §69-25-23, and §69-25-35, except when such shipments have attached to each container a permit certificate tag of the Bureau of Plant Industry. All out-of-state sweet potato plants, vines and cuttings sold in Mississippi must be tied in bundles of 50 or 100 plants or vine cuttings with valid certificate tape issued either by the Bureau of Plant Industry or the proper inspection official of the state of origin. The bundles must be labeled to show the number of plants or vine cuttings per bundle.

Individual potted plants or rooted vine cuttings may be offered for sale provided a valid certificate tag is attached to each display crate or container in which individual plants or rooted vine cuttings may be offered for sale provided each pot or growth container has tied around such container official certificate tape as is required for bundles of plants.

125.02 Permit certificate tags and official certificate tape may be obtained by filing with Bureau of Plant Industry a certificate of inspection from the proper inspection official of the state wherein the shipments originate showing that the sweet potatoes, plants, sweet potato fields, beds, and the premises of the person desiring to make shipments have met the same requirements specified by the Bureau of Plant Industry as necessary for the certification of seed sweet potatoes or plants in Mississippi; PROVIDED, that whenever sweet potato diseases become so widely distributed in any state that the Bureau of Plant Industry shall consider shipments from that state as unsafe or dangerous, the Bureau of Plant Industry shall decline to issue permit certificates for the movement of seed sweet potatoes or plants from that state into Mississippi. Permit certificate tags and certificate tape may be recalled for cause by the Bureau of Plant Industry.

(Section 125 amended April 3, 1991.)

Source: Miss. Code Ann. §69-25-7.

Sweetpotato Weevil Quarantine

126 Whereas it has been determined that the very serious insect pest known as the sweetpotato weevil *Cylas formicarius elegantulus* (Summers) has been found in the State of Mississippi and certain other states, and under provisions of *Miss. Code Ann.* §69-25- 9, has been declared to be a public nuisance. Now, therefore, the Director, Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, by virtue of powers vested in him by the Commissioner, by authority granted under *Miss. Code Ann.* §69-25-7, does establish a quarantine to prevent the spread of sweetpotato weevil and under provisions of *Miss. Code Ann.* §§69-25-15 to -25 and §69-25-35 does declare and give public notice of the establishment of a quarantine (1) Regulated articles; (2) Conditions governing handling, movement, and sale of regulated articles from other states; (3) Conditions governing production, handling, movement and sale of regulated articles within Mississippi; and (4) Regulated areas.

1. Definitions. For the purpose of this quarantine the following shall be construed respectively to mean:
 - a. Certificate (Green Tag). A tag, green in color, issued by the State Entomologist of Mississippi or plant quarantine officials of the state of origin, stating that the sweet potatoes on which such tag is issued were grown, stored, and inspected in a sweetpotato weevil free area.
 - b. Certificate (Pink Tag). A tag, pink in color, issued by the State Entomologist of Mississippi or plant quarantine officials of the state of origin, stating that the sweet potatoes on which such tag is issued were grown, stored, and surveyed by trapping in a regulated area and are found free of the sweetpotato weevil.
 - c. Commissioner. The Commissioner of the Mississippi Department of Agriculture

and Commerce.

- d. Container. A crate, box, basket, sack, or any other type of packaging used to handle or move sweet potatoes or other regulated articles.
- e. Control area. That portion of any regulated area which is generally infested where control measures are being carried on to retard or prevent the spread of the sweetpotato weevil, but where eradication is not the immediate objective.
- f. Compliance agreement. A written agreement between an individual, company, or other person engaged in growing, dealing in, processing, or moving regulated articles, and the Bureau of Plant Industry, wherein the farmer agrees to comply with conditions specified in the agreement to prevent the dissemination and spread of the sweetpotato weevil.
- g. Director. Executive Secretary and Director and/or State Entomologist of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce.
- h. Eradication area. That portion of any regulated area where active work and control measures are being applied where eradication is the immediate objective.
- i. Fumigation. For the purpose of this quarantine, fumigation means the confinement of sweet potatoes in a gas tight chamber, vault, railroad car, van-type truck or under a gas tight tarpaulin (such as polyethylene plastic) or other satisfactory gas tight enclosure for a period of 4 hours at 70° F. into which methylbromide is released at a rate of 3 pounds per 1,000 cubic feet and the methyl bromide circulated immediately after release, for a period of 30 minutes by means of an electric fan placed in the enclosure to be fumigated before beginning fumigation or by other approved means of circulation. Sweet potatoes to be fumigated must be well cured and free of rot and must be held in a dry, cool, well aerated place for 24 hours following fumigation.
- j. Infestation. The presence of the sweetpotato weevil in any stage of development, or the existence of circumstances which make it reasonable to believe that the sweetpotato weevil is present.
- k. Inspector. Any authorized employee of the Bureau of Plant Industry or any other person authorized by the State Entomologist of Mississippi to enforce the provisions of this quarantine.
- l. Master Certificate. A document issued by an authorized inspector other employee of the Bureau of Plant Industry, or a plant quarantine official of another state, usually covering one shipment or load of sweet potatoes in bulk or in containers destined to a particular point or place in Mississippi for special handling or processing or to cover movement through Mississippi to other states when permitted by other states. Such Master Certificate shall specify place where grown, name and address of distributor or consignor, car number if by rail, tag number of truck and/or trailer and state or registration if by truck and name and address of consignee.
- m. Moved, movement, move. Shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by any means whatsoever, by any person directly or indirectly.

- n. Person. This term includes any corporation, partnership, firm, company, joint stock company, society, or association, as well as any individual.
 - o. Pest. The insect known as the sweetpotato weevil, *Cylas formicarius elegantulus* (Summers), in any stage of development.
 - p. Regulated area. Any county, parish, township, city, or other civil division or part thereof in any state or territory listed in the regulations supplemental hereto as being placed under quarantine, and such other areas as may become infested or deemed to present a hazard of spread of the sweetpotato weevil.
 - q. Regulated articles. Sweetpotato weevil, sweet potatoes, plants, roots, tubers, vines, or any parts thereof, vines or roots of other plants belonging to the genus *Ipomoea*, or other products and articles of any character whatsoever, the movement of which is regulated by this quarantine.
 - r. Scientific permit. A document issued by the Director and/or State Entomologist to allow the movement to a specific destination of regulated articles for scientific purposes.
2. No person shall move from any Regulated Area of this or any other state any of the articles listed in this subsection except in accordance with the conditions prescribed in subsections 3 and 4 below.
 - a. The sweetpotato weevil *Cylas formicarius elegantulus* (Summers) in any stage of development;
 - b. Sweet potato plants, roots, tubers, vines, or parts thereof;
 - c. Vines or roots of other plants belonging to the genus *Ipomoea*; or
 - d. Any other articles or means of conveyance of any character whatsoever not covered by the above, when it is determined by an inspector that they present a hazard of spread of the sweetpotato weevil, and the person in possession thereof is so notified.
 3. Conditions governing handling, movement, and sale of regulated articles from other states:
 - a. From weevil free areas of other states.
 - i. Sweet potatoes entering Mississippi from noninfested states or the sweetpotato weevil free areas of other states, must have attached to each container a Certificate (Green Tag) as defined in paragraph (1)(a), of this quarantine, certifying that the sweet potatoes were grown, stored, and inspected in a sweetpotato weevil free area. It shall be the duty of each store manager or other person purchasing sweet potatoes to inquire of the seller or distributor, the area or source where the sweet potatoes were produced and stored, and if the sweet potatoes were grown or stored in sweetpotato weevil free areas of other states, such store manager or other person making such purchase shall not purchase such sweet potatoes unless there is attached to each container a Certificate (Green Tag) as described herein.
 - ii. Under certain conditions involving the shipment or movement of sweet potatoes from weevil free areas of other states, such as to canning plants, military installations or other designated places for special handling or immediate processing, sweet potatoes may be moved in bulk loads. In such cases, a Master Certificate as defined in paragraph (1)(l.) of this quarantine must be issued on each load.

- iii. Sweet potatoes produced, stored, and inspected as outlined in paragraphs i. and ii. immediately above, may be moved to any point in Mississippi; PROVIDED, however, that if such sweet potatoes are moved into the sweetpotato weevil Regulated Area of Mississippi or any other state, it shall be unlawful for them to be moved back into the weevil free area of Mississippi-, except under all of the following conditions:
 - Sweet potatoes are shipped to a non-grower wholesale distributor.
 - Sweet potatoes are shipped in a sealed container.
 - Sweet potatoes are stored in a climate-controlled warehouse where only non-regulated articles are stored.
 - b. From regulated areas of other states.
 - i. It shall be unlawful for any person to bring into, or cause to be brought into or knowingly purchase or receive sweet potatoes or other Regulated Articles from Regulated Areas of other states except as provided in paragraph ii immediately following.
 - ii. Sweet potatoes originating in Regulated Areas of other states may enter the Regulated Area of Mississippi PROVIDED, there is attached to each container a Certificate (Pink Tag). In the event sweet potatoes moving under the Certificate (Pink Tag) are found infested with the sweet potato weevil, such sweet potatoes shall be destroyed immediately at the expense of the owner or possessor, or at his expense may be fumigated as defined in paragraph (1.)(i.) of this quarantine.
 - iii. The transportation through Mississippi of Regulated Articles from Regulated Areas of other states, en route to other states is hereby prohibited, except when transported by common carriers on through bills of lading or by other than common carriers; PROVIDED, however, that in either case the trucks or other means of transportation must be officially sealed and accompanied by a Master Certificate as defined in paragraph (1.)(l.) of this quarantine.
4. Conditions governing production, handling, movement, and sale of regulated articles within Mississippi.
- a. Sweet potatoes produced in sweet potato weevil free area of Mississippi shall have affixed a Certificate (Green tag) PROVIDED, however, that if such sweet potatoes are moved into the Regulated Area of Mississippi or any other state it shall be unlawful for them to be moved back into the weevil free area of Mississippi except under the conditions set forth in regulation 126(3)(a)(iii).
 - b. Sweet potatoes produced within a Control Area of Mississippi shall meet the following conditions:
 - i. Owners and/or persons in charge of properties within one mile of an infestation of the sweetpotato weevil occurring within the current calendar year and one complete crop year previous shall not save seed sweet potatoes nor produce slips, draws, vines, cuttings, or any parts thereof for propagation purposes.
 - ii. Owners and/or persons in charge of properties infested with the sweetpotato weevil and properties within one mile of an infestation occurring within the current calendar year and the previous complete crop year may make field

plantings using the APPROVED GRADE of plants as specified in SECTION 5 of this quarantine or by using plants certified under the provisions of the section 124 of this chapter; PROVIDED, however, such owner and/or person agrees to and signs a Compliance Agreement as defined in paragraph (1.)(f.) of this quarantine to carry out all recommended sanitary, cultural, or insecticidal procedures as recommended by the Bureau of Plant Industry. Failure to sign and comply with such Compliance Agreement will result in nonplanting restrictions.

- iii. Owners and/or other persons in charge of infested properties shall not plant sweet potatoes closer than 300 yards of the previous year's field.
- iv. All sweet potatoes remaining on infested properties shall be destroyed by February 1. All sweet potatoes within the Regulated Area shall be harvested by December 1, and the fields thoroughly surface cleaned by the owner or tenant within 15 days of the time of harvesting and in addition such fields shall also be thoroughly plowed or disced at least once by January 15 following the year of production.
- v. Owners and/or persons in charge of noninfested properties beyond the one mile limit may save and bed his own seed sweet potatoes for use on his own property; PROVIDED, however, such owner and/or person agrees to and signs a Compliance Agreement as defined in paragraph (1.)(f.) of this quarantine to carry out all recommended sanitary, cultural, or insecticidal procedures recommended by the Bureau of Plant Industry. Failure to sign and comply with such Compliance Agreement will result in nonplanting restriction. Plant beds shall be destroyed by July 1.
- vi. Owners and/or persons in charge of property in the Eradication Area at least two miles from the nearest infested property are eligible for production of the APPROVED GRADE of seed sweet potatoes and plants under the provisions of paragraph 5 of this quarantine.
- vii. Sweet potatoes grown in the Control Area, after being surveyed (trapped) and found free of the sweetpotato weevil may be moved (1) to points within the Regulated Area of Mississippi and (2) to such areas of other states where such movement is permissible; PROVIDED, there is attached to each container a Certificate (Pink Tag) as defined in paragraph (1)(b) of this quarantine.
- viii. Sweet potatoes produced in the Control Area may be transported through the weevil free area of Mississippi en route to northern markets when transported by common carriers on through bills of lading or by other than common carriers; PROVIDED, however, that in either case the trucks or other means of transportation must be officially sealed and accompanied by a Master Certificate as defined in paragraph (1)(l) of this quarantine.
- ix. Sweet potatoes or other regulated articles originating in the Control Area of Mississippi may be moved to any point if fumigated as defined in paragraph (1)(i) of this quarantine; PROVIDED, there is attached to each container a Certificate (Pink Tag) showing that such sweet potatoes have been fumigated.

5. An "approved grade" of seed sweet potatoes and plants is established as follows:

- a. “Approved” seed sweet potatoes and plants
 - i. In order to allow production of seed sweet potatoes or plants for use only within the Regulated Areas, both Eradication and Control Areas, a special grade of certification for seed and plants is hereby established, to be designated as “APPROVED”. Such seed or plants may be produced only in the Eradication Area on noninfested properties at least two miles from the nearest sweetpotato weevil infested property.
 - ii. This grade of seed or plants is not to be confused with “GRADE A” or “MISSISSIPPI CERTIFIED GRADE” produced in the weevil free area of Mississippi under the provisions of section 124 of this chapter. Such APPROVED seed or plants shall not be moved, offered for sale, or used outside of the Regulated Area for any purpose and shall be produced under conditions specified below:
 - A. Growers who expect to produce APPROVED seed or plants must make written application to the Bureau of Plant Industry by June 1, of each year on an official application form furnished by the Bureau of Plant Industry. All sales of APPROVED seed and plants must be accompanied by a sweetpotato tag, pink in color, marked APPROVED, and in addition the plants must be tied in bundles of 50 or 100 plants each with valid APPROVED certificate tape, provided the bundles are labeled to show the number of plants per bundle. Individual potted plants or rooted vine cuttings may be offered for sale provided a valid APPROVED grade certificate tag is attached to each display crate or container in which individual plants or vine cutting are displayed, or in lieu thereof, individual potted plants or rooted vine cuttings may be offered for sale provided each pot or growth container has tied around each container official APPROVED certificate tape as is required for bundles of plants. Such APPROVED tags and tape must be obtained from the office of the Bureau of Plant Industry. The APPROVED tag shall give the name and address of the grower and the year of production and shall become void on August 31, of each year.
 - B. Sweet potato fields from which APPROVED seed are to be produced must be inspected twice during the growing season at about 30 day intervals by a District Entomologist of the Bureau of Plant Industry. Such fields must be located at least two miles from the nearest known sweetpotato weevil infestation occurring within the current crop year and the previous full crop year. Such fields may be required to be treated with an approved insecticide at rates and intervals recommended by the Bureau of Plant Industry. If, during field inspections, sweetpotato weevils are found or if more than one-tenth (1/10) of one percent (1%) of the plants are found to be infected with stem rot, or soil rot, the sweet potatoes shall be refused certification as APPROVED GRADE.
 - C. All APPROVED GRADE of seed sweet potatoes at time of storage may be required to be treated with an approved insecticide recommended by the Bureau of Plant Industry. APPROVED seed sweet potatoes shall be inspected at least twice while in storage by a District Entomologist of the Bureau of Plant Industry. If, during storage

inspection, sweet potato weevils are found or if more than one percent (1%) by weight is infected with black rot or soil rot, certification as APPROVED seed shall be refused.

- D. The location of seed beds for production of APPROVED plants must be approved by a District Entomologist of the Bureau of Plant Industry. In preparing APPROVED seed sweet potatoes for bedding, they shall be carefully handculled, discarding all sweet potatoes showing black rot, soil rot, or other diseases and then treated with a seed treatment approved by the Bureau of Plant Industry.
 - E. The Bureau of Plant Industry may require treatment of the seedbeds several times with an approved insecticide to prevent the plants from becoming infested with the sweetpotato weevil.
 - F. Inspection of plant beds must be made at ~~least~~ least once by a District Entomologist of the Bureau of Plant Industry while plants are in production. Plant beds shall be destroyed after plants are no longer being pulled and no later than July 1.
6. Conditions under which regulated articles may be removed from quarantine:
- a. Control Area. No property located within the Control Area is eligible to be removed from quarantine until general infestations have been cleared up to such an extent that the Control Area or the portion thereof concerned can be reclassified as an Eradication Area.
 - b. Eradication Area. For an area or property within the Eradication Area to be eligible to be removed from quarantine, no sweetpotato weevils shall have been found within a five-mile radius during the current calendar year and one complete crop year previous.
7. Waiver of Liability. In recommending or authorizing the use of chemicals as a basis for control and eradication of the sweet potato weevil, it is understood that no liability shall be attached either to the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, or any of its employees or cooperators in the event of injury to the treated product or to the operator, or any other thing.
8. Sweet Potato Weevil Quarantine. Areas Quarantined or Regulated.
Regulated Area: Claiborne, Jefferson, Hinds, Copiah, Simpson, Lauderdale, Clarke, Adams, Lawrence, Jones, Wayne, Wilkinson, Amite, Pike, Walthall, Marion, Lamar, Forrest, Perry, Pearl River, Stone, George, Jackson, Harrison, Hancock, and any other county which becomes infested with the sweet potato weevil as designated by the State Entomologist.

(Amended November 2, 2024)

Source: *Miss. Code Ann.* §69-25-7.

Regulation on seed Irish potatoes

127 In order to prevent the further introduction into and dissemination within Mississippi of mosaic, scab, leaf roll, spindle tuber, late blight, wilt, wart, and other diseases of Irish potatoes, under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-15, 69-25-17, 69-25-19, 69-25-25, and 69-25-35, the Bureau of Plant Industry, Mississippi Department of

Agriculture and Commerce, does declare and give public notice thereof that the sale of Irish potatoes for seed purposes in Mississippi is prohibited except when such potatoes bear certificates from the legally constituted inspection officials of the state in which they were grown, or from such other agencies as may be approved by the Bureau of Plant Industry, to the effect that they have been inspected and found to meet the required certification standards of the state of origin; PROVIDED, that potatoes which have not met the following minimum standards for certification shall not be sold for seed purposes in Mississippi:

1. Field Inspections. At least two field inspections shall be made each year at such time as, in the judgement of the certifying agency, is most appropriate. On each and every such inspection pest tolerance shall not exceed the following percentages:

<u>Pest</u>	<u>Tolerances</u>
Rugose Mosaic	2%
Spindle Tuber	2%
Leaf Roll	2%
Total of above virus disease not to exceed	3%
Mild Mosaic	5%
Other diseases known or suspected to be Of virus origin, such as yellow dwarf, witches' broom, haywire, giant hill, rosette, spinach leaf, curly dwarf	2%
<u>Sclerotium rolfsii</u> blight	1%
Tuber Moth, Potato Wart, Ring Rot, Late Blight	0%

2. Tuber Inspection – at the time of shipment tolerances shall not exceed:

<u>Pest</u>	<u>Tolerances</u>
Stem End Discoloration	4%
Hair Sprout	5%
Spindle Tuber	1%
Scab and <u>Rhizoctonia solani</u>	6% of the tubers by weight, that have more than 5% of the surface covered by scab or rhizoctonia
Net Necrosis	5%
<u>Sclerotium rolfsii</u> blight	1%
Tuber Moth, Late Blight, Nematodes, Potato Wart, Ring Rot	0%

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Phony Peach Disease Quarantine

128 Under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-15, 69-25-17, 69-25-19, and 69-25-35, in order to prevent the further introduction and spread within Mississippi of the virus disease known as the phony peach disease, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, does hereby declare and give public notice of the establishment of a quarantine on the following states in which the disease has been found:

ALABAMA	MISSISSIPPI
ARKANSAS	MISSOURI
FLORIDA	SOUTH CAROLINA
GEORGIA	TENNESSEE
LOUISIANA	TEXAS

The transportation by any means whatever of peach trees, peach roots, plum trees, plum roots, almond trees, apricots, nectarine trees, nectarine roots, or any tree or shrub budded on peach or nectarine roots from the infected areas heretofore listed into, within, or from the State of Mississippi is permitted only when accompanied by a valid nursery inspection certificate of the state of origin and when in addition, the authorized plant inspection official of the state of origin has certified in advance of each shipping season that all nurseries receiving inspection have met the following requirements:

1. That each nursery in the phony peach infected areas producing the regulated products has applied to the State quarantine official for approval of the proposed nursery-growing site on or before August 15, of each year.
2. That selected nursery sites are a least 300 yards from species of wild or domesticated prunus, one-half mile from phony infected commercial orchards, and one-half mile from urban areas.
3. That the one-half mile environs of the nursery site have been inspected prior to October 1, and all phony infected trees found within such environs removed prior to November 1.
4. That all budding has been restricted to the slip-bud method.
5. That none of the stock has been propagated by means of rooted cuttings.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Pecan “Bunch Disease” Regulation

129.01 In order to prevent further introduction and dissemination within Mississippi of Pecan Bunch Disease, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, under provisions of *Miss. Code Ann.* §§69-25-7, 69-25-15, 69-25-17, 69-25-19, 69-25-23, 69-25-25 and 69-25-35, does declare and give public notice hereof that pecan nurseries shall be isolated from bunch disease pecan, hickory and black walnut trees, by a distance of one-half mile and there shall be no record of bunch disease having occurred in the nursery area for a period of at least three years. Owing to the fact that black walnut is known to be a symptomless carrier of bunch disease, no black walnut trees shall be propagated in pecan nurseries.

129.02 Infected trees found within the one-half mile isolation zone from pecan nurseries shall be properly pruned or destroyed, depending on degree of infection.
(Section 129 amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Argentine Ant Quarantine

130 Under *Miss. Code Ann.* §§69-25-7, 69-25-15, 69-25-17, 69-25-19, 69-25-25 and 69-25-35, in order to prevent the further introduction into and spread within Mississippi of the destructive insect known as the Argentine ant *Iridomyrmex humilis* (Mayr), the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce does declare and give public notice thereof that the movement into or within Mississippi of potted plants or any other plants with soil around them, from areas which are known to be infested with the Argentine ant, is hereby prohibited, except when the Bureau of Plant Industry shall receive satisfactory information from the plant inspection officials of the state in which the shipment originates, or shall find by inspection, that the property on which the plants were grown is free from this insect, or the ants are being successfully controlled, and the plants shall in other respects conform to the rules and regulations of the Bureau of Plant Industry.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Lethal Yellowing Quarantine

131 In order to prevent the introduction and spread within the state of Mississippi of a mycoplasma-like organism (MLO), which apparently causes the Lethal Yellowing disease of palms in certain counties in Florida, and as Lethal Yellowing is not known to occur in the state of Mississippi, the Bureau of Plant Industry under the provisions of *Miss. Code Ann.* §69-25-7, §69-25-11, §69-25-15, §69-25-17, §69-25-19, §69-25-21, §69-25-23, §69-25-29, §69-25-35, §69-25-37 does declare and give public notice thereof that the movement into or within the state of Mississippi of hosts of Lethal Yellowing is hereby prohibited. The following apply to this quarantine:

1. Pest – Lethal Yellowing mycoplasma-like organism.
2. Quarantined Areas – The entire counties in Florida, as designated, and any additional counties that are confirmed to be counties which contain palms infected with Lethal Yellowing: Broward, Collier, Dade, Hendry, Martin, Palm Beach, and portion of Monroe not considered mainland.
3. Regulated Articles – Palm hosts of the Lethal Yellowing MLO, as designated, but not limited to the following:
 - a. *Arikuryrob schizophylla* (Mart.) Bailey (Arikury palm)
 - b. *Borassus flabellifer* L. (Palmyra palm)
 - c. *Caryota mitis* Lour. (Cluster fish-tail palm)
 - d. *Chrysalidocarpus cabadae* H. E. Moore (Cabada palm)

- e. *Cocos nucifera* L. (Coconut palm) – all varieties, including Malayan dwarf
 - f. *Corypha* spp.
 - g. *Dictyosperma album* (Bory) H. Wendl. & Drude (Hurricane or Princess palm)
 - h. *Latania* sp.
 - i. *Mascarena verschaffeltii* (Wendl.) Bailey (Spindle palm)
 - j. *Phoenix canariensis* Hort. Ex Chab (Canary Island date)
 - k. *Phoenix dactylifera* L. (Date palm)
 - l. *Phoenix reclinata* Jacq. (Senegal date palm)
 - m. *Pritchardia pacifica* Seem. & H. Wendl.
 - n. *Pritchardia thurstonii* F. Muell. & Drude
 - o. *Trachycarpus fortunei* (Hook.) Wendl. (Windmill palm)
 - p. *Veitchia merrillii* (Becc.) H. E. Moore (Christmas palm, Manila, or Adonidia)
 - q. And any other palms or other plants that may be confirmed to be host of the Lethal Yellowing MLO.
4. Conditions Governing Shipment – Regulated articles from the quarantined areas will be prohibited entry into the state of Mississippi. All regulated articles originating outside the quarantined areas will be prohibited entry unless each shipment is accompanied by a certificate from the Florida Division of Plant Industry stating the origin of the shipment.
 5. Infected Shipments Arriving in Mississippi – Regulated articles shipped into the state of Mississippi in violation of this quarantine regulation are subject to destruction or return to the point of origin at the discretion of the State Entomologist.
 6. Revision – This quarantine regulation may be revised or amended at any time as conditions and circumstances warrant.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Imported Fire Ant Quarantine

132 Whereas it has been determined that the destructive insects known as the black imported fire ant, *Solenopsis richteri* Forel and the red imported fire ant *Solenopsis invicta* Buren formerly *Solenopsis saevissima richteri* Forel have been established in the State of Mississippi and under provisions of *Miss. Code Ann.* §69-25-9, have been declared to be public nuisance. Therefore, the Director, Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, by virtue of powers vested in him by the Commissioner, by authority granted under *Miss. Code Ann.* §69-25-7, does establish a quarantine to prevent the spread of the imported fire ant and under provisions of *Miss. Code Ann.* §69-25-25, does declare and give public notice of the establishment of a quarantine as set forth in the following subsections

1. Definitions. For the purpose of this quarantine and regulations, the following shall be construed respectively to mean:
 - a. Approved establishment. Any establishment where the operator enters into a compliance agreement.

- b. Certificate. A document issued or authorized to be issued by an inspector to allow the movement of regulated articles to any destination.
 - c. Commissioner. The commissioner of the Mississippi Department of Agriculture and Commerce.
 - d. Compacted soil. Soil attached to equipment that cannot be removed by brisk brushing and/or washing with water under normal city water pressure.
 - e. Compliance agreement. A written agreement executed with persons engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving regulated articles and the Bureau of Plant Industry and/or its cooperators, wherein the former agrees to comply with the requirements identified in the agreement by the inspector or employee who executes the agreement on behalf of the Bureau of Plant Industry and/or its cooperators applicable to the operations of such person.
 - f. Director. Executive Secretary and Director and/or State Entomologist of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce.
 - g. Infestation. The presence of the imported fire ant or the existence of circumstances that make it reasonable to believe the imported fire ant is present.
 - h. Inspector. Any authorized employee of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, its cooperators or any other person authorized by the Commissioner or the Director of the Bureau of Plant Industry to enforce the provisions of the quarantine and regulations.
 - i. Mechanized soil-moving equipment. Mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump trucks.
 - j. Moved, movement, move. Shipped, deposited for transmission in the soil, offered for shipment, received for transportation, carried, otherwise transported or moved, by any means whatsoever, by any person, directly or indirectly.
 - k. Permit. A document issued or authorized to be issued by an inspector to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization or processing, or for treatment.
 - l. Person. This term includes any corporation, partnership, firm, company, joint stock, company, society, or association, as well as any individual.
 - m. Pest. The insect known as the imported fire ant, two species *Solenopsis richteri* Forel and *Solenopsis invicta* Buren in any state of development.
 - n. Regulated articles. Imported fire ants, soil and other products and articles of any character whatsoever, the movement of which is regulated by this quarantine.
 - o. Regulated or quarantined areas. Any area hereafter described or designated as regulated.
 - p. Scientific permit. A document issued by the Director and/or State Entomologist or by USDA to allow the movement to a specific destination of regulated articles for scientific purposes.
 - q. Soil. Soil shall be considered that part of the upper layer of earth in which plants can grow.
2. Regulated articles: No person shall move from any quarantined area of the state any of the articles listed as regulated except in accordance with the conditions prescribed in this section. (See Conditions governing the movement of regulated articles.)

- a. The imported fire ant, two species *Solenopsis richteri* Forel and *Solenopsis invicta* Buren in any stage of development;
 - b. Soil, separately or with other things; (See subsection (3).)
 - c. Plants with roots with soil attached except house plants grown in the home and not for sale;
 - d. Grass sod;
 - e. Hay and straw; (See subsection (3))
 - f. Used mechanized soil-moving equipment; (See subsection (3))
 - g. Any other products, articles or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the imported fire ant and the person in possession thereof has been so notified.
3. Exempted articles - The following articles are exempt from the certification, permit, or other requirements if they meet the conditions prescribed and have not been exposed to infestation after cleaning or other handling.
- a. Potting soil, if commercially prepared, packaged and shipped in original containers.
 - b. Hay and straw, if being used for packing or bedding.
 - c. Used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil. (See definition of Compacted Soil).
 - d. Transplants, if substantially free of soil.
4. Conditions governing the movement of regulated articles:
- a. Certificate or certificates or permits. A certificate or permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles, provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated area, to the satisfaction of an inspector.
 - b. Attachment of certificates or permits. When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.
 - c. Issuance of certificates. Certificates may be issued by an inspector if the regulated articles:
 - i. Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or
 - ii. Have been treated to destroy infestation in accordance with approved procedures; or
 - iii. Have been grown, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.
 - d. Issuance of permits. Permits may be issued by an inspector to allow the movement of noncertified regulated articles to locations outside of the regulated areas for particular handling, utilization, processing, or for treatment in

accordance with approved procedures, provided, the inspector has determined that such movement will not result in the spread of the imported fire ant.

5. There are no restrictions imposed on the movement of regulated articles within regulated areas unless the articles originate on infested properties and an inspector has determined that a hazard of spread exists and the property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by an inspector.
6. In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.
7. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions, provided, a scientific permit is securely attached to the container of such articles or to the article itself.
8. As a condition of issuance of certificates or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the inspector.
9. Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of Mississippi upon probable cause to believe that such means of conveyance or articles are infested with the imported fire ant, and such inspector is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these regulations.
- 10 The Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce and its cooperators disclaims liability for any cost incident to inspection or treatment required under provisions of this quarantine, other than for the services of personnel of the Bureau of Plant Industry and its cooperators.
11. The entire state of Mississippi is designated as imported fire ant regulated within the meaning of the provisions of this regulation.

(Amended June 12, 1996.)

Source: *Miss. Code Ann.* §69-25-7.

Brown Garden Snail Regulation

- 133 In order to prevent the introduction and spread within the state of Mississippi of the destructive plant eating brown garden snail *Helix aspersa* Muller which can seriously affect ornamental and various other types of nursery stock, as well as many other plants, and as it is not known to occur in the state of Mississippi, and in order to eradicate the brown garden snail were it to be introduced, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce under the provisions of *Miss. Code Ann.* §69-25-7, §69-25-9, §69-25-17, §69-25-19, §69-25-23, §69-25-25, and §69-25-35, does declare and give public notice thereof that the movement of live forms of this pest into or

within the state of Mississippi in any stage of development is hereby prohibited. The following paragraphs apply to the movement of the brown garden snail:

1. Pest – Brown Garden Snail *Helix aspersa* Muller
2. Quarantined Area –
California – The entire state and other states or territories hereinafter which may be found to be infested.
3. Regulated Articles – Ornamentals, nursery stock, or any other plants, soil, sand, peat, or other articles which may be responsible for movement of the brown garden snail.
4. Conditions Governing Shipment –
 - a. Regulated articles from the quarantined area will be prohibited entry into the State of Mississippi, unless each shipment is accompanied by a certificate issued by and bearing the signature of the quarantine official of the state where shipment originated, certifying that it has been determined by competent, official survey that the regulated articles contained in the shipment were inspected and found to be free of the brown garden snail and that, further, the pest is not known to exist in the nursery or site from which the shipment or regulated articles originated.
 - b. Each shipment of nursery stock from an infested nursery or other regulated articles from an infested site must be accompanied by a standard Phytosanitary Export Certificate issued by the plant quarantine official of the state of origin where the shipment originated certifying that the shipment has been fumigated in a gas tight chamber with methyl bromide at a rate of 2 ½ pounds per 1,000 cubic feet at 70° F. or above for 2 hours, or with HCN at a rate of 25cc per 100 cubic feet for 1 hour at 50° F. to 85° F.
 - c. A copy of the Phytosanitary Export Certificate must accompany the shipment with the usual state of origin nursery tag or certificate with one copy of the Phytosanitary Export Certificate being mailed to the State Entomologist, Bureau of Plant Industry, P.O. Box 5207, Mississippi State, Mississippi 39762.
5. Infested Shipments Arriving in Mississippi – Nursery stock or other regulated articles arriving in Mississippi from an infested state without proper certification will be held under quarantine for proper certification or returned to the shipper at his expense unless infested with living brown garden snails or other dangerous plant pests. If infested, the shipment will be destroyed or fumigated at the shipper's expense, provided, the infestation can be eliminated without hazard of spread during treatment. If fumigation is necessary, the Bureau of Plant Industry nor its employees or agents, will in any way be held responsible for injury to regulated articles which might result from such fumigation.
6. Revision – This regulation may be revised or amended at any time as conditions and circumstances warrant.

(Amended April 3, 1991.)

Source: *Miss. Code Ann.* §69-25-7.

Applesnail Regulation

134 In order to prevent the introduction and spread within the State of Mississippi of the destructive plant eating applesnails of the family *Ampullariidae* which can seriously

affect ornamental and various other types of nursery stock, as well as many other plants, and in order to eradicate the applesnail were it to be introduced, the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce under the provisions of *Miss. Code Ann.* §§69-25-7, 69-25-9, 69-25-17, 69-25-19, 69-25-23, 69-25-25 and 69-25-35, does declare and give public notice thereof that the movement of live forms of this pest into or within the State of Mississippi in any stage of development is hereby prohibited. The following paragraphs apply to the movement of the applesnail:

1. Pest – Applesnails of the family *Ampullariidae*.
2. Quarantine Area
 - California – The entire state
 - Texas – The entire state
 - North Carolina – The entire state and other states or territories hereinafter which may be found to be infested.
 - Florida – The entire state
 - Hawaii – The entire state
3. Regulated Articles – No common carrier or other person shall move intrastate from any regulated area any of the following articles, except in accordance with the conditions in this regulation. The applesnails (family *Ampullariidae*) in any living stage of development. Ornamentals, nursery stocks, or any other plants, soil, sand, peat, or any other articles which may be responsible for movement of the applesnail.
4. Conditions Governing Shipment
 - a. Regulated articles from the quarantined area will be prohibited entry into the State of Mississippi, unless each shipment is accompanied by a certificate issued by and bearing the signature of the quarantine official of the state where shipment originated, certifying that it has been determined by competent, official survey that the regulated articles contained in the shipment were inspected and found to be free of applesnails and that, further, the pest is not known to exist in the nursery or site from which the shipment or regulated articles originated.
 - b. Each shipment of nursery stock from an infested nursery or other regulated articles from an infested site must be accompanied by a standard Phytosanitary Export Certificate issued by the plant quarantine official of the state of origin where the shipment originated certifying that the shipment has been fumigated in a gas tight chamber with methyl bromide at a rate of 2 ½ pounds per 1,000 cubic feet at 70° F. or above for two hours, or with HCN at a rate of 25cc per 100 cubic feet for one hour at 50° F. to 85° F.
 - c. A copy of the Phytosanitary Export Certificate must accompany the shipment with the usual state of origin nursery tag or certificate with one copy of the Phytosanitary Export Certificate being mailed to the State Entomologist, Bureau of Plant Industry, P. O. Box 5207, Mississippi State, Mississippi 39762.
5. Infested Shipments Arriving in Mississippi: Nursery stock or other regulated articles arriving in Mississippi from an infested state without proper certification will be held under quarantine for proper certification or returned to the shipper at his expense unless infested with living applesnail or other dangerous plants pests. If infested, the shipment will be destroyed or fumigated at the shipper's expense, provided, the infestation can be eliminated without hazard of spread during treatment. If fumigation is necessary, the Bureau of Plant Industry nor its employees or agents, will in any way be held responsible for injury to regulated articles which might result from such fumigation.

6. Revision: This regulation may be revised or amended at any time as conditions and circumstances warrant.
7. This rule shall take effect and be in force thirty days after filing with Secretary of State.

(Adopted January 22, 2002.)

Source: *Miss. Code Ann.* §69-25-7.

Formosan Subterranean Termite Quarantine

135 Whereas it has been determined the destructive insect known as the Formosan subterranean termite, *Coptotermes formosanus* Shiraki which occurs in limited areas in the State of Mississippi and other species of the genus *Coptotermes* which have the potential for being introduced in the State of Mississippi and under provisions of *Miss. Code Ann.* §69-25-9, have been declared to be public nuisance. Now, therefore, the Director, Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, by virtue of powers vested in him by the Commissioner, by authority granted under *Miss. Code Ann.* §69-25-7 does establish a quarantine to prevent the spread of the Formosan subterranean termite and under provisions of *Miss. Code Ann.* §69-25-25 does declare and give public notice of the establishment of a quarantine as set forth in the following subsections:

1. Definitions: For the purpose of this quarantine and regulations, the following shall be construed respectively to mean:
 - a. Bureau. The Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce.
 - b. Commissioner. The Commissioner of Agriculture and Commerce or his duly authorized designee.
 - c. Formosan termite. *Coptotermes formosanus* and all other termites in the genus *Coptotermes*.
 - d. Infested. The presence of live Formosan termites or articles exposed to an infestation with evidence of an infestation.
 - e. Inspector. Any authorized employee of the Bureau of Plant Industry, Mississippi Department of Agriculture and Commerce, its cooperators or any other person authorized by the commissioner or the Director of the Bureau of Plant Industry to enforce the provisions of the quarantine and regulations.
 - f. Scientific permit. A document issued by the Director and/or State Entomologist to allow the movement to a specific destination of regulated articles for scientific purposes.
2. No person shall move from any quarantined area of this or any state any of the articles listed as regulated except in accordance with the conditions prescribed in this section. (See paragraph 3 of this section.)
 - a. Any stage of development of the Formosan termite, *Coptotermes formosanus* and other species of the genus *Coptotermes*.
 - b. Railroad cross ties that have been in contact with soil
 - c. Utility poles that have been in contact with soil
 - d. Firewood that has been in contact with soil

- e. All cellulose material that has been in contact with soil
 - f. Any other products, articles or methods used to transport any type article whatsoever when it is determined by an inspector that they present a risk of spread of the Formosan termite and the person in possession thereof has been notified in writing.
3. Conditions governing handling, movement and sale of regulated articles:
 - a. When an inspector deems the article free of Formosan termites.
 - b. When the article has been properly fumigated by a licensed and/or commercially certified pesticide applicator and proof of treatment is present with article.
 - c. Articles found in violation of these regulations shall be destroyed and/or disposed of in a manner approved by the commissioner at the expense of the person or persons responsible for the regulated article or shipped back to the point of origin. If shipped back to the point of origin, the owner of such materials shall be responsible for payment of all costs associated with the return shipment. Shipments being returned to the point of origin must be sealed in a manner approved by the commissioner and cannot stop until reaching the point of origin.
 4. Regulated areas: All counties or parishes within the state or from another state that are known to be infested with Formosan termites:
 - a. Mississippi: Adams, Amite, Covinton, Forrest, George, Greene, Hancock, Harrison, Hinds, Jackson, Jasper, Jones, Lamar, Lauderdale, Lincoln, Madison, Marion Pearl River, Rerry, Pike, Rankin, Smith, Stone, Walthall, Wilkinson.
 - b. Other States:
 - i. Alabama (Counties) - Baldwin, Calhoun, Lee, Mobile
 - ii. California (County) - San Diego
 - iii. Florida - All of State
 - iv. Georgia (Counties) - Chatham, Cobb, Dekalb, Fayette, Gwinnett, Paulding
 - v. Hawaii – All of State
 - vi. Louisiana (Parishes) - Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, Iberia, Iberville, Jeff Davis, Jefferson, Lafayette, LaFourche, Orleans, Plaquemines, Quachita, Sabine, St. Benard, St. Charles, St. James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terreborne, Vermillion, Washington, and West Baton Rouge,
 - viii. North Carolina (Counties) - Brunswick, Rutherford
 - ix. South Carolina (Counties) - Beaufort, Berkeley, Charleston, Dorchester, Orangeburg, York
 - x. Tennessee (County) - Shelby
 - xii. Texas (Counties) – Angelina, Aransas, Bexar, Dallas, Denton, Galveston, Hidalgo, Harris, Jefferson, Liberty, Nueces, Orange, Smith, Tarrant
 5. Inspection and actions to correct:
 - a. An inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving into, within or from the state when probable cause occurs to believe that such means of conveyance or articles are infested with the Formosan termite.
 - b. An inspector may seize any articles found to be in violation of these regulations.

- c. An inspector may have the articles properly fumigated, destroyed or disposed of in a manner approved by the commissioner. All costs associated with treatments, destruction or disposal shall be paid by the owner.
6. Regulated articles may be moved for experimental or scientific purposes in accordance with specified conditions; provided, a scientific permit is securely attached to the container or the article itself.

(Adopted January 22, 2002. Amended September 1, 2004.)

Source: *Miss. Code Ann.* §69-25-7.

Regulation of Noxious Weeds

136.01 The sale, distribution or movement of noxious weeds into or within the State of Mississippi is prohibited except under special permit by the Bureau for research purposes. The following weeds shall be considered noxious and subject to regulation as deemed necessary by the Bureau and approved by its Advisory Board:

MISSISSIPPI NOXIOUS WEED LIST

Benghal dayflower (*Commelina benghalensis*)*
Brazilian Satintail (*Imperata braziliensis*) *
Chinese Tallow Tree/Popcorn Tree (*Sapium sebiferum*)
Cogongrass (*Imperata cylindrica*) *
Giant Salvinia (*Salvinia molesta*) *
Hydrilla (*Hydrilla verticillata*) *
Itchgrass (*Rottboellia cochinchinensis*) *
Kudzu (*Pueraria montana var. lobata*) *
Torpedograss (*Panicum repens*)
Tropical soda apple (*Solanum viarum*) *

* Also listed on the Federal Noxious Weed List.

(Amended March 7, 2007; March 1, 2018; Amended December 28, 2018.)

Source: *Miss. Code Ann.* §69-25-7.

136.02 Procedures for declaring additional weeds as noxious or for deregulation of weeds listed as noxious are as follows:

1. The Bureau shall accept written petitions requesting that weeds not listed above be regulated as noxious or that a currently listed weed be deregulated. Such petition(s) shall provide justification for listing or de-listing to the Bureau.
2. The Advisory Board to the Bureau, shall decide for or against the petition(s) to list a weed as noxious based on factual information as required by the Bureau for each plant proposed to be added to the noxious weed list. The Advisory Board may hear testimonial evidence for or against said listing at Board meetings or hearings.
3. Justification for de-listing a weed may include, but not be limited to: a. recent factual data not previously presented to the Bureau proving that said weed has not adversely affected agricultural/horticultural production or the environment as previously declared; b. data proving said weed no longer can be regulated, is endemic and control/regulatory activities have not been successful; or c. the regulatory program

has proven to be cost prohibitive. The Bureau Director and/or State Entomologist shall first review and based on data presented determine whether a submitted petition to de-list a weed meets justification for Advisory Board consideration. The Advisory Board may hear testimonial evidence for or against said de-listing at Board meetings or hearings.

4. Other than as described in this subsection, federal noxious weeds may only be listed in subsection 140.01 after being found in Mississippi or after USDA, APHIS, PPQ or another federal regulatory agency having such authority requests the Bureau's assistance in regulating or surveying for such weeds and provides funding through a cooperative agreement to do so.

136.03 Adoption of regulatory requirements for listed noxious weeds. Should the need prevail, the Bureau and with the approval of its Advisory Board may establish separate rules, guidelines and policies for each weed so listed. Implementation of such rules shall be done in order to prevent the spread of noxious weeds into and within the state of Mississippi and to other states which adopt quarantine measures. Having such authority and with the approval of the Advisory Board, the Bureau may determine applicable pathways of spread, regulated areas, articles to be regulated and the disposition of such articles found to be in violation.

136.04 Quarantine Imposed. It is hereby declared under the provisions of *Miss. Code Ann.* §§ 69-25-1 through 69-25-47 of the Mississippi Plant Act that with the approval of the Bureau's Advisory Board a quarantine may be imposed upon specific noxious weeds so listed in subsection 136.01 when detected in the State of Mississippi. However, should a need arise dictating an emergency quarantine on a non-listed noxious weed the Bureau may implement such effective for 90 days during which time the Advisory Board may officially declare the weed as noxious and approve a specific final quarantine rule. Unless otherwise determined and specified in such rules, regulated articles may only be moved out of a quarantined or regulated area under special permit or certificate, which has been issued by the Bureau. Also, unless otherwise specified by regulation, regulated articles moved into the state must enter under a special written permit issued by the Bureau or must be accompanied by a certificate from the state of origin. Such certificate shall be issued based upon an inspection of the article(s) by an authorized inspector in the state of origin declaring such article to be apparently free from seed, vegetative forms or any other living stage(s) of plant growth of any noxious weed listed in subsection 136.01. (Section 136 adopted March 1, 2004.)

Source: *Miss. Code Ann.* §69-25-7.

Fumigation Certificate Required For Shipments Of Pine And Hardwood Seedlings Used For Forestation

137.01 This rule serves to prevent the introduction of exotic plant pests and noxious weeds, including Cogongrass, into and within Mississippi via extensive reforestation and forestation practices common to the state. Any person, firm or entity shipping or transporting pine or hardwood seedlings into or within the state for forestation purposes

must furnish the Bureau of Plant Industry proof that all seedlings are apparently free of infectious diseases, injurious pests and noxious weeds.

137.02 The premises of nurseries growing seedlings for forestation purposes must be inspected by an official inspector and declared to be apparently free of pests, including cogongrass and other noxious weeds listed in subsection 136.01 of this chapter. The preferred method of treatment, to insure pest-free plant material, is fumigation using methyl bromide in seedling plant beds prior to seeding. All such treatments shall be done using state and federally-registered pesticides. An official inspector of the Bureau shall issue certificates prior to any shipment of seedlings grown in Mississippi. Each shipment originating from another state must be accompanied by a certificate of inspection issued by the state of origin to verify inspections and/or treatments.

137.03 Shipments of trees intended for ornamental use must be accompanied by a certificate of inspection from the state of origin declaring them to have been inspected and found to be apparently free of infectious diseases, injurious pests and noxious weeds.

(Section 137 adopted March 3, 2005.)

Source: *Miss. Code Ann.* §69-25-7.

Benghal Dayflower (*Commelina benghalensis*) Quarantine

138 Under the authority of the Mississippi Plant Act, *Miss. Code Ann.* §§ 69-25-1 through 69-25-49 and section 140 of this chapter adopted there under, this rule serves to prevent new introductions into Mississippi and spread of benghal dayflower/tropical spiderwort (*Commelina benghalensis*) within Mississippi to major agricultural lands. The Mississippi Department of Agriculture and Commerce, Bureau of Plant Industry hereby declares *Commelina benghalensis* to be a noxious weed. This rule also establishes procedures to prevent further introduction and spread of benghal dayflower from infested counties.

1. Notice is hereby given that the movement of regulated articles listed below into or within the state of Mississippi in any stage is hereby prohibited:
 - a. All live stages of *Commelina benghalensis*, including seeds, vegetative growth, roots and stolons.
 - b. Soil from known infested fields, whether on commodities, seed or equipment.
 - c. Farming equipment, excavation equipment and vehicles containing or holding soil or vegetative plant material coming from a known infested field, including but not limited to peanut harvesters, combines, tillage equipment, cotton pickers, bulldozers, backhoes, excavators, dump trucks, etc.
 - d. Hay harvested from infested fields, including peanut hay.
2. Quarantined Area
 - a. Fields or premises located in George, Jackson or other Mississippi counties wherein detections of *Commelina benghalensis* have been detected and/or declared infested by the State Entomologist.

- b. The entire state of Georgia, known infested counties in Alabama, North Carolina and Florida and counties known to be infested in other states as determined by the State Entomologist.
3. Conditions governing transport or shipment of regulated articles:
 - a. Equipment listed in paragraph (1)(c) may be certified to be moved out of a regulated/quarantine area from an infested premises or field by one of the following means: (1) once inspected and found to be free of soil and all live stages of *Commelina benghalensis* by an official inspector of the Bureau of Plant Industry (2) or after all the lands on which the piece of equipment has been operating during the last twelve months have been surveyed and found to be apparently free of *Commelina benghalensis*.
 - b. Live stages listed in paragraph (1)(a) may not be moved from an infested premises or field except for research purposes and only with a written permit issued by the Bureau of Plant Industry.
 - c. Soil may only be moved from an infested field or premises after being fumigated with an approved chemical to kill all life stages of *Commelina benghalensis*.
 - d. Farmers harvesting hay who are not under a compliance agreement must have a field inspection prior to cutting hay, or in the case of peanuts prior to digging, in order to ship hay out of the regulated area.
 - e. A copy of certificate or permit issued by an official of the Bureau of Plant Industry or official of the issuing state must accompany each regulated item when moved from a regulated field.
4. Infested or non-certified shipments of regulated articles from a regulated area will be held under quarantine, until certification can be documented, or returned to the shipper at his expense unless live stages of *Commelina benghalensis* are detected in which case it shall be destroyed or fumigated at the owner's expense. If fumigation is required, the Bureau of Plant Industry nor its employees or agents, shall in any way be held responsible for injury to regulated articles which might result from such fumigation.
5. The Bureau of Plant Industry hereby has authority to enter into compliance agreements with affected parties in order to effectively carry out the provisions of this rule.

(Adopted March 7, 2007.)

Source: *Miss. Code Ann.* §69-25-7.

139 Reserved.

Source: *Miss. Code Ann.* §69-25-7.

QUARANTINE REGULATIONS FOR BAKANAE DISEASE OF RICE

140.01 NOTICE OF QUARANTINE: The Bureau of Plant Industry has found and determined and does hereby declare the fungus *Gibberella fujikuroi* (bakanae strains), causal agent of the rice disease Bakanae, commonly known as “foolish seedling disease”, a public nuisance, a pest and a menace to the rice industry. In order to protect the welfare of the public's food supply, the following emergency quarantine is established to prevent the

introduction and dissemination of *Gibberella fujikuroi* (bakanae strains) into rice production areas of Mississippi. The movement of regulated articles cited below in section 140.04 from infested areas into Mississippi is hereby restricted. The Commissioner of Agriculture and Commerce through the Bureau of Plant Industry (BPI), in accordance with *Miss. Code Ann.* Section 69-25-7 paragraph (2), Section 25-43-7, and Subpart 3- Bureau of Plant Industry, Chapter 1; section 102(2)(e) of the regulations adopted there under, does declare and give public notice of the establishment of an emergency quarantine setting forth the following:

140.02 QUARANTINE IMPLEMENTATION:

1. The Bureau of Plant Industry will implement the *Gibberella fujikuroi* (bakanae strains)/Bakanae or Foolish Seedling Disease of Rice-quarantine immediately upon adoption of the regulations.
2. Pest - *Gibberella fujikuroi* (bakanae strains)/Bakanae or Foolish Seedling Disease of Rice.
3. Quarantined Areas- The entire state of California and any other state wherein Bakanae disease is found to occur.

140.03 DEFINITIONS:

1. **Certificate-** A document issued or authorized by the Bureau of Plant Industry or regulatory official of the state of origin, indicating that a regulated article is not contaminated with *Gibberella fujikuroi* (bakanae strains), or has been treated in such a manner as to eliminate the organism. Such articles may be moved to any destination.
2. **Compliance Agreement-** A written agreement between the Bureau of Plant Industry and any person engaged in growing, dealing in or moving regulated articles wherein the latter agrees to comply with conditions specified in the agreement to prevent the dissemination of *Gibberella fujikuroi* (bakanae strains).
3. **Exemptions-** Provisions contained in these Regulations which allow for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.
4. **Farm Operator-** Person responsible for the production, sale and distribution of a rice seed, rice straw, rice grain, or other rice plant derivatives on any individual farm.
5. **Infected-** Presence of the causal organism on or in seed or any plant part that may or may not sustain and support the living and reproduction of the organism.
6. **Infested-** Actually infested with the organism or so exposed to infestation that it would be reasonable to believe that an infestation exists.
7. **Inoculum-** Spores or any other part of the causal organism that might serve to cause the organism to survive and reproduce on any plant or plant part that it comes into contact with.

8. **Inspector-** Any authorized employee of the Bureau of Plant Industry, or any other person authorized by the Mississippi Department of Agriculture and Commerce to enforce the provisions of these rules.
9. **Limited Permit-** A document issued or authorized by the Bureau of Plant Industry or a designated regulatory official to provide for the movement of regulated articles to restricted destination for limited handling, utilization or processing or for treatment.
10. **Mill Operator-** A person responsible for the operation of a manufacturing plant, and all facilities of that plant, involved in the processing, packaging or handling of rough rice and rice products.
11. **Milled Rice-** Rice that has been subjected to processing to produce products from rough rice.
12. **Milling Rice-** Rice that has been produced, handled, acquired and destined for processing through a mill.
13. **Person-** Any individual, corporation, company, society, association or other business entity.
14. **Regulated Area-** Any state or any portion of such state that is known to be infested with *Gibberella fujikuroi* (bakanae strains).
15. **Research Rice-** Any rice seed or rice plant parts that are to be used in a recognized research project conducted by a state or federal program under the supervision of a trained and accredited professional staff person utilizing proper safety programs to prevent the accidental release and/or spread of the disease.
16. **Rice Mill-** Any manufacturing plants and all associated facilities that are involved in processing rough rice to produce rice related products.
17. **Rice-** All parts of rice and wild rice plants of the genera *Oryza*.
18. **Rice Hulls-** The outer covering of the rice seed that usually is removed in the milling process.
19. **Rice Production Area-** Any area utilized in the growing of rice plants for production of the plant and/or subsequent seed for harvesting.
20. **Rice Products-** Any commodity or product that has been produced from any part of the rice plant and may contain parts of the original plant structure or they may be unrecognizable as having originated from the rice plant because of being subjected to additional processing.
21. **Rice Mill Waste-** Any trash or discarded material that was originally contained or in contact with rice plants, seed or other plant parts utilized in a milling process.
22. **Rough Rice-** Rice seed harvested, handled and transported in the same form it was in immediately following harvest and removal from the rice plant.
23. **Seed Assay-** Any test available to be applied to a sample, lot or other quantity of seed to determine the presence of *Gibberella fujikuroi* (bakanae strains).
24. **Seed Rice-** Seed removed from the rice plant and subjected to such processing as to make the seed suitable for planting for subsequent rice crops. This processing may include but is not limited to cleaning, treating and bagging. Depending on the handling and products applied to this seed it may or may not be suitable for human consumption.

25. **Treatment-** Any scientifically proven and effective process that may be applied to rice seed or other plant parts to modify/or affect the presence of *Gibberella fujikuroi* (bakanae strains).
26. **Used Rice Equipment-** Any equipment previously used to harvest, strip, transport, destroy or process rice.

140.04 REGULATED AND NON-REGULATED ARTICLES ASSOCIATED WITH RICE:

1. Regulated articles from regulated area(s)
 - a. The causal agent, *Gibberella fujikuroi* (bakanae strains), in any living stage of development.
 - b. Wild Rice
 - c. Rough Rice
 - d. Seed Rice
 - e. Research Rice
 - f. Milling Rice
 - g. Rice Hulls
 - h. Rice Mill Waste
 - i. Used Rice Equipment
 - j. Any other products, articles or means of conveyance, upon notification of the owner of such and after determined by an inspector they present a hazard of spread of *Gibberella fujikuroi* (bakanae strains).
2. Non-regulated articles from regulated area(s).
 - a. Milled/processed rice bagged and labeled for human consumption.
 - b. Bagged and labeled animal feed containing regulated articles not destined for rice production areas.

140.05 CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES:

1. A certificate or limited permit is required to transport regulated articles from a regulated area into or through any rice production area.
2. A certificate or limited permit for movement of regulated articles may be obtained from the Bureau of Plant Industry or an authorized cooperator/collaborator agency.
3. A certificate or limited permit may be issued by an inspector if a regulated article:
 - a. Has originated in the non-infested area of this state or in a non-infested area of any other state and has not been exposed to infestation at any time; or
 - b. Has been treated to eliminate infestation; or
 - c. Has been subjected to a seed assay to determine if the causal agent is present and none is found; or
 - d. Has been grown, manufactured, stored or handled in such a manner that in the judgment of the inspector no infestation will be transmitted thereby.
4. Limited permits may be issued by an inspector to allow the movement of non-certified regulated articles for specified handling, utilization, processing or treatment in accordance with approved procedures, provided the inspector has

determined that such movement will not result in the spread of *Gibberella fujikuroi* (bakanae strains).

5. When certificates or limited permits are required, they shall be securely fastened to the regulated article or to the outside of the container in which the regulated article is being moved.
6. Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents or with any conditions contained in a compliance agreement.
7. Persons requesting certification or a limited permit must request the services from an inspector(s) at least 48 hours before the services are needed. The regulated articles must be assembled at the place and manner in which the inspector designates outside the rice production area. The following information must be provided at the time the request is submitted:
 - a. The quantity of the regulated article to be moved.
 - b. The location of the regulated article.
 - c. The names and addresses of the consignee and consignor.
 - d. The method of shipment.
 - e. The scheduled date of shipment.

140.06 INSPECTION AND DISPOSAL: An inspector is authorized to stop and inspect any regulated article moving into a rice production area. Any article found to be infested with *Gibberella fujikuroi* (bakanae strains) or having originated in an area where *Gibberella fujikuroi* (bakanae strains) is known to occur and not certified, shall be subject to treatment or confiscation and destruction, without compensation, as required by the Bureau of Plant Industry.

140.07 COMPLIANCE AGREEMENT:

1. As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating or moving such articles may be required to sign a compliance agreement stipulating that he/she:
 - a. Maintain such safeguards against the establishment and spread of any infestation.
 - b. Comply with such conditions as to the maintenance of identity, handling and subsequent movement of such articles.
 - c. Cleaning and treatment of means of conveyance and the containers used in the transportation of such articles as may be required by the inspector.
2. Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement. Any compliance agreement may be cancelled when compliance is no longer required.

140.08 REMOVAL OF QUARANTINE MAY BE ACCOMPLISHED BY ONE OF THE FOLLOWING:

Said quarantine, upon approval by the Advisory Board, may be removed if the Commissioner determines that *Gibberella fujikuroi* (bakanae strains) are endemic and no regulatory mechanisms will prove effective in preventing further dissemination of *Gibberella fujikuroi* (bakanae strains) within Mississippi.

140.09 PENALTIES:

1. Persons found in violation of state requirements shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000) per violation or by imprisonment for not more than six (6) months or by both such fine and imprisonment at the discretion of the court having jurisdiction.
2. Each illegal shipment or sale transaction within the state shall be considered a separate violation and subject to prosecution accordingly.

(Section 140 adopted August 26, 2009.)

Source: *Miss. Code Ann.* §69-25-7.

Non-Native Plant Species

141.01. APPLICATION. Anyone seeking a permit from the state to cultivate a nonnative plant species hereinafter referred to as “NPS”, for the purposes of fuel production or purposes other than agriculture, as described in Miss. Code of 1972, §69-25-10, must submit to the state a written application. An amended application for a permit will be required if the planting will exceed five percent (5%) of the acreage of the original permit. No permits shall be issued for any planting of plants that are on the state or federal noxious weed list. No permit shall be issued unless the applicant is the owner of the property or has written permission from the property owner to utilize the land for NPS plantings for the duration of the life of the permit. Separate permits are required for each nonnative plant species to be planted. Permits shall be good for one year and shall be required to be renewed by the permit holder for continued cultivation of the nonnative plant species. Each application must include the name and address of the applicant, the name of the plant to be cultivated, a legal description of the lands to be under cultivation and the estimated cost of removing and destroying such plants along with the basis for calculating such estimate. If the applicant is a corporation, partnership, or other business entity, the applicant must also provide in the application the name and address of a contact person. The applicant shall notify the department within 10 working days of any change of contact information. In evaluating the permit application, the Department along with representatives of Mississippi State University may visit the proposed growing location and meet with the prospective permit holder to determine if feasible measures can be taken to prevent the spread of the plant, or pests associated with said plant, into neighboring ecosystems. The permit will cover the following subjects, which may be conditions upon which the permit is granted, to-wit:

- a. Measures must be taken to prevent spread by seed.

- b. A buffer area, wide enough to properly mitigate plant spread into adjacent areas, shall be required. The fallow area may be used singularly or in combination with a berm surrounding the NPS planting.
- c. Any equipment used on the site must be cleaned of all plant debris before being moved from the property.
- d. Wildfire protection measures will be required to mitigate fire risk and damage to surrounding areas.
- e. Measures must be taken to prevent infestation or spread of certain plant pests in the area.
- f. A compliance agreement containing any additional terms needed to prevent plant or pest spread shall be signed and will be made an addendum to the permit.

Failure to abide by the terms of the permit will be considered to be a violation of these rules.

141.02. BOND. Each permit holder shall maintain for the subject growing location a corporate surety bond in an amount determined by the department, but not less than 150 percent of the estimated cost of removing and destroying the plants cultivated under the special permit, and subject to a cap of \$5,000.00/ac. The original bond shall be filed with the Department. The bond shall be conditioned to secure the permittee's performance of its duties, obligations and responsibilities under the Nonnative Plant Species Law, Miss. Code of 1972, §69-25-10, and these regulations. The bond proceeds shall be used to pay all costs and expenses incurred by the Department in removing and destroying the plants cultivated under the special permit. The surety company shall give the department 30 days' written notice of cancellation by certified mail in order to cancel a bond, but the liability of the surety for the acts or omissions of the permittee shall continue during the thirty days of cancellation notice. Cancellation or expiration of a bond does not relieve a surety company from liability which accrues before the cancellation becomes final, but which is discovered after that date, and which may have arisen at any time during the term of the bond. The bond agreement must include terms binding the instrument to the Department. The bond shall be renewed annually, with documentary proof thereof to be submitted to the Department. The amount of such bond shall be increased or decreased, upon order of the department, at any time if the department finds such increase or decrease to be warranted by the cultural practices of the permit holder.

141.03. DESTRUCTION OF PLANTS. After obtaining a permit, if the permit holder abandons or ceases to maintain or cultivate the plants authorized by the permit, if the permit expires without being renewed or if the permit holder ceases to abide by the conditions of the permit, the permit holder shall immediately remove and destroy the plants that are subject to the permit. The permit holder shall notify the Department of the removal and destruction of the plants within 10 days after such event.

If the Commissioner of Agriculture and Commerce:

- a. Determines that the permit holder has abandoned or is no longer maintaining or cultivating the plants subject to the permit and has not removed and destroyed the plants authorized by the permit;
- b. Determines that the continued maintenance or cultivation of the plants presents an imminent danger to the public health, safety or welfare;
- c. Determines that the permit holder has violated the conditions of the permit;
- d. Receives a notice of cancellation of the surety bond; or

e. Finds that the permit has expired without being renewed, the Commissioner may issue an order of destruction to be effective immediately, prior to notice and a hearing, directing the permit holder to immediately remove and destroy the plants authorized to be cultivated under the permit. A copy of the order of destruction shall be mailed by certified mail to the permit holder and to the surety on his bond.

If, upon issuance of an order of destruction by the Commissioner, the permit holder fails to remove and destroy plants subject to the permit within 30 days after issuance of the order, or such shorter period as may be required by the public health, safety or welfare, the Commissioner or his representatives may enter the cultivated acreage and remove and destroy the plants that are the subject of the permit. The costs and expenses incurred by the Department in removing and destroying the plants subject to the permit shall be reimbursed to the Department by the permit holder within 30 days after the date the permit holder and the surety on his bond have been served with a copy of the department's invoice for costs and expenses incurred in removing and destroying the cultivated plants. Failure of the permit holder to timely reimburse the Department for the incurred costs and expenses entitles the Department to reimbursement from the surety on the bond. However, if the permit holder or the surety objects in writing to the reasonableness of the invoice before the expiration of said 30 day period, the permit holder or the surety is entitled to a hearing before the reviewing officer on this issue. The reasonableness of the invoice issue shall be heard by the reviewing officer in addition to any other issues brought up for hearing by the permittee in accordance with the next immediate paragraph.

141.04. HEARING. The permittee shall have thirty (30) days after receipt of the order of destruction to request an informal administrative review before the Director of the Bureau of Plant Industry, or his designee, who shall act as reviewing officer concerning any issue arising in the case, including the reasonableness of the invoice of NPS destruction. Said informal administrative review shall be conducted within ten (10) days after the request is made. At the informal administrative review, subpoena power shall not be available, and no record shall be made of the proceedings. The rules of evidence shall not apply. The reviewing officer's decision shall be in writing, and it shall be delivered to the parties by certified mail.

If any party is aggrieved by the order of the reviewing officer, he may request a full evidentiary hearing before the hearing committee in accordance with the procedures in Miss. Code of 1972, §69-25-51 and 69-25-53. The request for an evidentiary hearing must be made with the department within thirty (30) days of receipt of the decision of the reviewing officer. Failure to request an evidentiary hearing within the thirty (30) days is deemed a waiver of such right. If any party is aggrieved by the decision of the hearing committee, he shall have the right of judicial review in circuit court and in the Supreme Court as provided in Miss. Code of 1972, §69-25-59.

141.05 EXEMPTIONS. An NPS permit is not required for the following plants or groups of plants:

- a. Any plant that is produced for purposes of human food consumption.
- b. Any plant this is commonly grown for commercial feed, feedstuff or forage for livestock
- c. *Pinus* spp.
- d. Any plant species which, upon extensive review by the department along with Mississippi State University Specialists and supported by experience in the

field, has been determined by the department to not pose a threat of invasiveness.

Adopted: December 19, 2012

Source: Miss. Code of 1972, §69-25-10.

Guava Root Knot Nematode Quarantine

- 142 Pursuant to state law, in order to prevent the introduction and spread of the Guava Root Knot Nematode, *Meloidogyne enterolobii*, within the State of Mississippi, the Bureau of Plant Industry does hereby declare and gives public notice of the establishment of quarantine.
1. The Bureau issues the following quarantine based on the state entomologist's determination that the Guava Root-Knot Nematode, *Meloidogyne enterolobii*, has been found in the following states and may be prevented by quarantine.
 2. Quarantine Areas:
 - a. The States of Florida, North Carolina, and South Carolina.
 - b. Any county within the state of Mississippi that may become infected with the Guava Root-Knot Nematode.
 - c. Exceptions to the Quarantine. Regulated articles may be excepted from the quarantine where the regulated articles are deemed to be free of the nematode by a method or treatment approved by the Bureau.
 3. No regulated articles, as defined in this section, shall be moved into or within any area of this state, except as provided by this section.
 4. The following articles are hosts of Guava Root Knot Nematode or may harbor Guava Root Knot Nematode and are deemed to be regulated articles for purposes of this Subsection:
 - a. The Guava Root Knot Nematode in all of its life stages; plant parts, specifically sweet potatoes, from Florida, North Carolina, and South Carolina that can harbor the Guava Root Knot Nematode; soil from the above-mentioned quarantined states that may harbor the guava root knot nematode; commercial planting and/or harvesting equipment from the above-mentioned quarantined states.
 - b. Nursery crops may not be moved into the state from the quarantine area, whether direct from said area or by diversion or re-consignment from any other point, unless each shipment or lot is accompanied by a certificate issued by the authorized agricultural official of the state, certifying the material to be free from the guava root knot nematode.

- c. Any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading guava root knot nematode and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.
- 5. Commercial planting and/or harvesting equipment may be moved from quarantined areas into Mississippi only if moved under the following conditions:
 - a. The commercial equipment being moved is accompanied by a state of origin certificate issued by the state regulatory agency.
 - b. The commercial equipment must be thoroughly cleaned of any soil and plant debris and inspected by the state regulatory agency. The state regulatory agency must issue a state phytosanitary certificate attesting to the inspection and cleaning of the equipment.
 - 6. Any person violating this quarantine shall be subject to penalties and remedies set forth in *Miss. Code Ann.* §§69-25-45, 69-25-47.
- (Adopted December 28, 2018.)

Source: *Miss. Code Ann.* §69-25-7.