

UNIVERSITY OF MISSOURI

COLLEGE OF AGRICULTURE

Agricultural Experiment Station

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CIRCULAR No. 63

**INSPECTION SERVICE,
CONTROL OF INSECT PESTS AND PLANT DISEASES.**

F. B. MUMFORD,

Director of Experiment Station.

L. HASEMAN,

Chief Inspector.

The Forty-seventh General Assembly of Missouri recognized the importance of protecting the agricultural and horticultural interests of the State from the introduction and distribution of dangerous plant diseases and insect enemies, and passed a law providing for the inspection of plants by the Agricultural Experiment Station.

The purpose of this law is to prevent the further introduction of San Jose scale and other dangerously injurious insects and plant diseases, and to suppress as far as possible those pests which may have secured a foothold in this state.

For the information of all persons interested, there is published herewith an exact copy of the law which was approved by the Governor on March 27, 1913. This law provides fully for the most careful inspection of suspected plants. It further provides for the destruction of badly diseased plants, the distribution of which might result in serious consequences to the farmers and fruit growers of Missouri.

Under the provisions of this law, Mr. L. Haseman has been appointed Chief Inspector, and all communications in reference to this law should be addressed to Mr. L. Haseman, Chief Inspector, Columbia, Missouri.

TEXT OF THE NURSERY INSPECTION LAW.

Section 1. That it shall be the duty of the agricultural experiment station at Columbia, with the assistance of the state board of horticulture to seek out, suppress and eradicate San Jose scale and other dangerous insect pests and plant diseases affecting the agricultural and horticultural interests of the state of Missouri. The agricultural experiment station shall make necessary regulations and shall be vested with all powers necessary to carry into effect the provisions of this act and all expenses incurred shall be paid from funds as hereinafter provided. In order that the provisions of this act which affect the horticultural interests of the state shall be enforced in an effective manner, the state board of horticulture is hereby constituted an advisory council to assist in carrying into effect the provisions of this act. While in no way limiting the power of the experiment station in carrying out the provisions of this act, the state board of horticulture as a body shall at least once each year examine into the affairs of the agricultural experiment station as relates to the enforcement of the provisions of this act affecting the horticultural interests of the state, including the rules and regulations of the experiment station, the qualifications of those employed in carrying out the provisions of this act, and the character of the work done, and it shall submit to the director of the experiment station a report in the form of recommendations for improving the effectiveness of the work. It shall publish in the annual report of its secretary a list of the nurseries inspected, the number and kinds of certificates issued and a summary of the results of the work for the year. This report shall be furnished by the director of the agricultural experiment station to the secretary of the state board of horticulture. All inspectors and other assistants appointed to carry out the provisions of this act shall be regular employees of the agricultural experiment station, appointed by the board of curators as other employees of the station are appointed.

Sec. 2. That in order to accomplish the purposes of this act, the inspectors and other assistants are hereby authorized to enter upon any public premises, parks, cemeteries, or other premises, or upon any land of any firm, corporation, or private individual within the state of Missouri, for the purpose of inspection, treatment or destruction of the insects or diseases aforesaid. The agricultural experiment station shall provide for carrying on demonstrations and experiments for the control of the aforesaid insects and diseases,

and for distributing, through lectures and printed literature, information on the abating of said pests and diseases.

Sec. 3. Should the agricultural experiment station have reason to suppose or learn by any notification whatsoever that any nursery, orchard, fruit plantation or other property or place in this state is infested by dangerous insects or infected with contagious plant diseases, it shall cause to be inspected from time to time, such nursery, orchard, fruit plantation or other property, and for the purpose of such inspection the chief inspector and other assistants under the direction of the agricultural experiment station are authorized, during reasonable hours, to enter into or upon the aforesaid premises or grounds, and, if it is found by inspection as aforesaid, that any person, firm, or corporation is maintaining a nuisance as described in this section, said inspector is to mark or tag, in some conspicuous way, all trees, vines, shrubs, and other plants or plant products found infested or infected and the agricultural experiment station shall notify in writing the owner or occupant of the premises containing the nuisance so disclosed of the fact that such nuisance exists. He shall include in such notice a statement of the conditions constituting such a nuisance, and order that the same be abated within a specified time, and directions, written or printed, pointing out the methods which should be taken to abate the same. Such notice or order may be served personally or by depositing the same in the postoffice, properly stamped, addressed to the owner or occupant of the land or premises on which such nuisance exists and the direction for treatment may consist of a printed circular, bulletin, or report of the agricultural experiment station or extract from the same. If the person so notified shall refuse or fail to abate said nuisance in the manner and within the time prescribed in said notice, the agricultural experiment station, through the chief inspector, assistants or employees, shall cause such nuisance to be abated by destroying or treating all such infested or infected stock or other property, and it shall certify to the owner or person in charge of the premises the cost of abatement and if not paid to it within 60 days thereafter, the agricultural experiment station shall transmit a copy of such statement and account of such expenditure, with the proper affidavit attached thereto, to be made by the inspector under whose supervision said destruction or treatment was done, which shall be sufficient evidence to prove the claim to the prosecuting attorney of the county wherein such premises are located, and said attorney is directed to collect the same, and account to the agricultural experiment station. In no case shall trees, shrubs, vines, or other plants, plant parts, or

plant products be destroyed in order to abate a public nuisance where such nuisance can be safely abated by a recognized treatment known to science, but when a public nuisance, in the form of infested or infected trees, vines, shrubs, or plants, plant parts or plant products, cannot be abated without the destruction of such infested or infected stock, said stock must be destroyed and the agricultural experiment station is hereby fully empowered to cause such stock to be destroyed or, through its duly appointed assistants or employees, to destroy such stock or other property and the owner thereof shall not be reimbursed for such destruction.

Sec. 4. That on or before the first day of July of each year, each nurseryman or other person or corporation within the state engaged in growing nursery stock for distribution, sale or for use in public parks, shall file in the office of the agricultural experiment station an application for the inspection of such nursery stock. Before September 15th of each year or as often as the agricultural experiment station deems necessary, it shall cause to be examined by the chief inspector and other assistants the nursery stock of each person whose application for inspection has been filed. The failure to file such application or the disposal of uninspected stock by sale or gift shall be a violation of this section. Each nurseryman or other person importing plants or nursery stock from foreign countries shall notify the agricultural experiment station of such shipment, the date of arrival, nature of the shipment, name and address of the shipper and shall hold such shipments until duly inspected and released by the agricultural experiment station. Such inspection to be made as soon as notification of arrival of shipment is received by the agricultural experiment station: Provided that perishable stock may be unpacked but not disposed of until released. The provisions of this section shall not apply to greenhouse plants grown wholly under glass, and cuttings thereof, bulbs, flowers and vegetable plants. If, upon examination, the nursery stock and premises of such applicant appear to be free from dangerous insect pests and dangerous plant diseases, the agricultural experiment station shall before September 15th issue to the owner or lessee thereof a certificate of inspection valid for one year from that date unless revoked for reasons as hereinafter stated provided there has been received from each applicant the sum of \$5.00 and the actual necessary expenses incurred in making such inspection. If, upon examination, any dangerous insect pests or plant diseases are found upon such nursery stock, the agricultural experiment station shall order and enforce such treatment as it deems sufficient. As soon thereafter as the efficiency of treat-

ment can be determined, such nursery stock shall be reinspected upon the owner filing application for the same. If the agricultural experiment station shall have reason to believe that a nursery is liable, by reason of its proximity to infested or infected premises, to become so infested or infected before the next annual inspection, it may prescribe in writing such conditions as to the use of its certificate, as may in its judgment be necessary, and may withhold said certificate until such conditions have been accepted in writing by the owner of said nursery; and the use of such certificate without taking such measures of precaution or observing such conditions shall subject the owner of said nursery to the penalties prescribed in section 7 for a violation of this act. Whenever any nurseryman or seller of nursery stock shall ship or deliver any such stock he shall place and send on each car, box, bale, bundle or piece a true copy of a valid certificate of inspection issued by the agricultural experiment station of Missouri showing that such stock has been carefully inspected and found apparently free from dangerous insect pests and plant diseases. All persons who shall deliver or consign nursery stock without such certificate attached or who shall use such certificate in connection with nursery stock, any and every part of which has not been inspected and certificated as aforesaid, or who shall alter or deface such certificate or who shall use an imperfect copy of such certificate shall be liable to the penalties prescribed in section 7 for violation of this act. If the agricultural experiment station shall find that its certificate of inspection has been used in violation of the law, it shall have power to revoke or annul said certificate by written notice to the owner thereof and such notice shall take effect forthwith and the use of said certificate after it has been revoked and annulled, and before such revocation has been withdrawn by the agricultural experiment station, shall subject the owner of said certificate to the penalty prescribed in section 7 for a violation of this act. It shall be the privilege of the nurseryman to ship, under the certificate issued to him, nursery stock grown for him elsewhere or purchased by him from other states or countries: Provided, that all such stock be received under a certificate, satisfactory to the agricultural experiment station, stating that it has been inspected where grown and found to be apparently free from dangerously injurious insects and plant diseases. The agricultural experiment station shall send once each year, not later than July first, to all nurserymen in the state known to it, a list of official inspectors of other states and foreign countries whose certificates of inspection may be accepted in this state for one year from date thereof as equivalent to its own certificate. Annually every

nurseryman or firm outside of Missouri shipping nursery stock into Missouri shall file, with the agricultural experiment station, a copy of a valid certificate, issued by a state or government inspector, showing that said stock has been duly inspected and is apparently free from all dangerously injurious insects and plant diseases, together with a statement under oath that no nursery stock will be shipped into Missouri which has not been properly inspected and certified. Annually, each agent, or other person engaged in the sale or delivery of nursery stock within this state, who is the authorized representative of any nursery or dealer in nursery stock, shall file in the office of the agricultural experiment station a statement under oath, that such nursery stock was received by him accompanied with a valid certificate of inspection or fumigation, together with a copy of said certificate, and proper credentials from the nurseryman or dealer represented. Annually, each dealer, person or firm engaged in the sale or delivery of nursery stock within the state, who is not the authorized representative of any nurseryman, shall file in the office of the agricultural experiment station a statement under oath, that such stock will be procured only from nurserymen holding valid official certificates of inspection or fumigation. Such statement shall contain the names of nurserymen or the sources from which stock will be procured and the location of the packing or sale grounds from which the stock will be distributed. This statement must be accompanied by a fee of \$5.00, upon receipt of which a dealer's certificate shall be issued by the agricultural experiment station. This certificate may be attached to all shipments of nursery stock made to points within the state and shall become invalid on July first, following the date of issuance. The failure to pay the required fees, to file such statements or the delivery of nursery stock after the certificate under which it was received has become invalid shall be a violation of this section.

Sec. 5. That whenever any nursery stock is shipped from place to place in Missouri or shipped into Missouri from another state, country or province each car, box, bale, bundle, package or piece thereof shall be plainly labelled on the outside with the name of the consignor, the name of the consignee, brief statement of the contents and a certificate signed by a state or government inspector showing that the contents have been inspected by such inspector or by his authority since the first day of July last preceding and that the nursery stock there present and therein contained appears free from any dangerous insects and diseases. The certificate accompanying nursery stock shipped or conveyed into the state shall be prima facie

evidence of the fact therein stated but if the agricultural experiment station has reason to believe that such stock is infested or infected it may cause said stock to be inspected and for such purpose the chief inspector or other duly appointed assistants may enter any car, depot, warehouse, or other structure containing such nursery stock. If found to be infested or infected, with dangerous insect pests or plant diseases the shipper shall be notified and the same shall be declared to be a public nuisance to be abated as prescribed in section 3 of this act. Whenever nursery stock arrives in this state without such certificate plainly fastened to the outside of every package, box, or car containing same the fact must be reported within 24 hours to the agricultural experiment station by the railroad, express or steamboat company or other person or persons carrying the same, and it shall be unlawful to deliver any such property until it has been inspected by a duly appointed agent of the agricultural experiment station and by it certified to be free from dangerous insects or contagious diseases. Any person receiving nursery stock brought into this state from outside this state and not accompanied by a valid certificate as above prescribed shall at once notify the agricultural experiment station of that fact and shall not allow such uncertified stock to leave his possession until it has been duly inspected and released by the agricultural experiment station. Any agent of any railroad, steamboat or express company or any person or persons carrying such property who shall fail to give notice to the agricultural station, as above provided shall be deemed guilty of a violation of this act and subject to the penalty prescribed in section 7.

Sec. 6. Any owner of an orchard or fruit plantation in bearing condition or dealer in plant products may apply to the agricultural experiment station for an inspection of the same with reference to the presence of San Jose scale or other dangerously injurious insects or plant diseases liable to prevent the sale or lessen the value of said fruits or other plant products, and upon receipt of such application and as soon as conveniently practicable the agricultural experiment station shall comply with such request and shall issue to the applicant a certificate to the facts disclosed by the inspection.

Sec. 7. That any person who shall violate the provisions of this act with reference to the sale, shipment, delivery, receipt or transportation of nursery stock, or with reference to the use, alteration or defacement of a certificate of inspection relating to the same, and who shall remove without the written permission of the agricultural experiment station infested or infected property concerning whose condition he has received official notice from said agricultural experi-

ment station, or who shall maintain a nuisance as described in section 3 of this act after notice from the agricultural experiment station, and directions for its abatement, or who shall offer any hindrance or resistance to the carrying out of this act, shall be adjudged guilty of a misdemeanor and upon conviction by a justice of the peace shall be fined not less than \$25 nor more than \$100 for each offense, together with all costs of the procedure, and shall stand committed until the same is paid. It shall be the duty of the agricultural experiment station through the chief inspector and other assistants to furnish to the prosecuting attorney of the county all information in its possession concerning violations of this act and the prosecuting attorney shall prosecute such violation of this act.

Sec. 8. That the term "nursery stock" as used in this act shall include all trees, shrubs, vines and other plants, plant parts or plant products commonly known as nursery stock which are grown or offered for sale or distribution, which may be susceptible to or which may harbor dangerously injurious insect pests and plant diseases which are liable to be spread or transported on such stock to orchards or other premises where said stock is stored or planted. In this act the term "nursery stock" shall not apply to plants, flowers, or cuttings commonly known as greenhouse stock and grown wholly under glass or to vegetables: Provided, that should any plants, flowers, cuttings, vegetables or plant products now exempt from inspection, in the future become the source of a dangerous public nuisance, they shall be considered as nursery stock. The terms "dangerous insect pests" and "plant diseases" as used in this act shall include San Jose scale, brown tail moth, gypsy moth, peach yellows and other dangerously injurious insect pests and plant diseases.

Sec 9. That the enforcement of this act is hereby placed in the agricultural experiment station under the supervision of the director, and he is hereby empowered to appoint a chief inspector and such additional assistants as may be necessary to execute its provisions.

Sec. 10. That section 630, chapter 4, article III, Revised Statutes 1909, sections 623-627 inclusive, chapter 4, article III, Revised Statutes 1909, together with any other acts or portions of acts in conflict herewith are hereby repealed.

Approved March 27th, 1913.