

# ARKANSAS STATE PLANT BOARD



ANNUAL REPORT  
2012 - 2013

**THE  
ARKANSAS STATE PLANT BOARD**

**MISSION**

**The mission of the Arkansas State Plant Board is to protect and serve the citizens of Arkansas and the agricultural and business communities by providing information and unbiased enforcement of laws and regulations thus ensuring quality products and services.**

**VISION**

**The vision of the Arkansas State Plant Board is to become a competent, friendly, cooperative, efficient agency that is willing and able to promptly serve the agricultural and business communities and the general public in a credible, professional manner.**

## GENERAL REMARKS

The following report covers in a brief way the work accomplishments of the State Plant Board during the 2012-13 fiscal year. Activities of the six administration divisions and nineteen sections are covered. Each report covers only the most pertinent points.

## FIELD WORK

The field work is divided into thirty-one work categories as follows:

1. Abandoned Pesticide Program, 2. Apiary, 3. Aquaculture, 4. Boll Weevil SE, 5. Bureau of Standards, 6. Commercial Pest Control, 7. EPA Certification, 8. EPA Endangered Species Program, 9. EPA Enforcement, 10. EPA Fumigation, 11. EPA Ground Water Program, 12. EPA Worker Protection, 13. Feed, 14. Fertilizer & Lime, 15. Fruit and Vegetable Inspection, 16. GAP/GHP (Good Agri Practices/Good Handling Practices), 17. Grain Warehouse, 18. LLRice/GMO Rice (Genetically Modified Organism Rice), 19. Nursery & Vegetable Inspection, 20. Peanut Grading, 21. Pesticides & P.U.A.A., 22. Private Applicators, 23. Seed, 24. Survey & Quarantine, 25. CORE, 26. Emeral Ash Borer (EAB), 27. Forest Outreach (FIPO), 28. Honeybee Survey, 29. Imported Fire Ant (IFA), 30. Pine Commodity Survey, and 31. Walnut Twig Beetle (WTB).

A good balance of the workloads was maintained again this year. This was achieved through a program of goals for each of the thirty-one work areas. This program was established years ago and is based on the volume of products and services in each work area. Some of the goals have been altered to coincide with the available volume of products and to establish an equitable work load and flow of samples for the laboratories. A majority of the field staff met or exceeded their goals and the goals for all products and services were exceeded.

For cost accounting purposes, records are kept of the amount of time devoted to each work category. This, along with sample and inspection goals, helps to achieve a good balance of the work and helps to insure that all industries are served fairly and adequately.

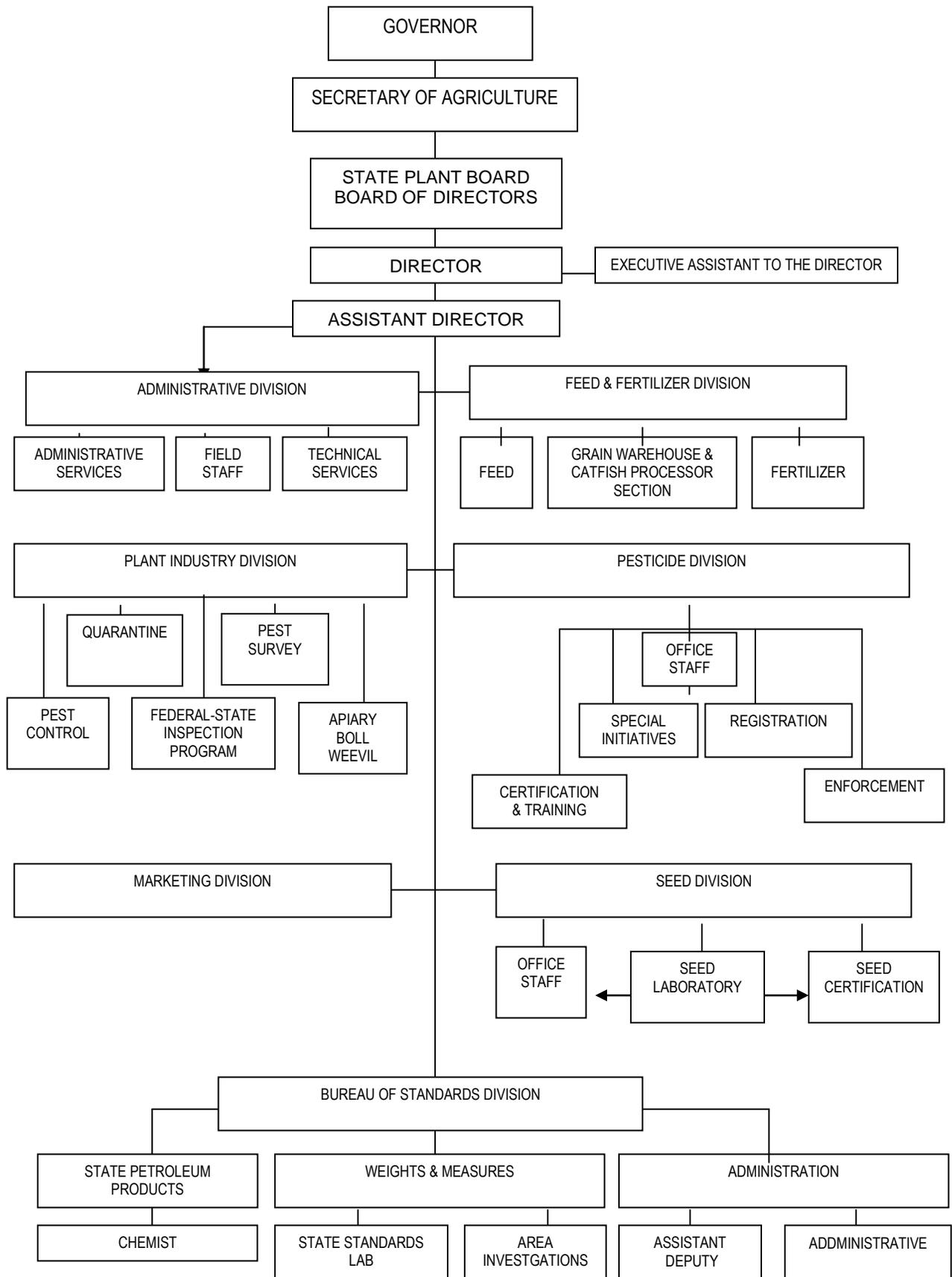
Seed programs dominated the work load again this year. This work includes seed certification, seed service, and seed regulatory enforcement. This was followed by EPA Enforcement, Feed, and Pesticides and Pesticide Use and Application.

PERSONNEL

Agency Turn Over July 1, 2012 through June 30, 2013

This represents 40 changes out of a total of 145 full-time positions.

<b>New Hires</b>	<b>Rehires</b>	<b>Terminations</b>	<b>Retirement</b>	<b>Internal Activity</b>
7	3	12	6	9 - Promotions 3 – Extra Help to Regular Hourly



ORGANIZATION OF THE PLANT BOARD

(Fiscal Year 2012-13)

THE BOARD

**Chairman**  
**Vice-Chairman**  
**Secretary**

**George E. Tidwell, Lonoke**  
**Otis Howe, Little Rock**  
**Wayne Owen, Monticello**

Dr. Rick Bennett, Fayetteville  
Russell Black, Fayetteville  
Russell Bragg, Fort Smith  
Rick Bransford, Lonoke  
Dr. Richard Collins, Conway  
Terry Dabbs, Stuttgart  
Danny Finch, Jonesboro

Terry Fuller, Poplar Grove  
Jerry Hyde, Paragould  
Larry Jayroe, Forrest City  
Noal Lawhon, Sherwood  
Ray Vester, Stuttgart  
Dr. Rob Wiedenmann, Fayetteville

Darryl Little, Director  
Terry Walker, Assistant Director

Divisions and Personnel

1. Administration -- Terry Walker, Director

A. Information and Personnel – Terry Walker

Executive Assistant to the Director - Linda Bell

Human Resources Program Representative - Tammy Winsor

Administrative Specialist II (Receptionist): Carol Foreman

Agri Program Coordinators: Robert Banks, Black Oak  
David Fort, Beebe  
David Blackburn, Holiday Island  
Wendy Spakes, Beebe

Plant Board Agriculture  
Specialists:

Steve Bostian, Fort Smith  
Kevin Cauley, England  
Ben Collins, Russellville  
Scott Derrick, Tilly  
Lindsay Dobbins, Taylor  
Skip Downing, Beebe  
Aaron Gifford, Wheatley  
Jerri Nichols Gann, Keiser  
Hunter Gipson, McCrory  
Michael Hill, Osceola  
Tommy James, Greenbrier

Marvin Johnson, Red Field  
Shawn Johnson, Jonesboro  
John Lansdale, Hermitage  
Phillip Martin, Brinkley  
Laura Ashley Metheny-Smith  
John Pickering, Jonesboro  
Rick Qualls, Evening Shade  
Scott Sharpe, Paragould  
Lonnie Smith, Hoxie  
Jayla Standridge, Springdale  
Josh Wells, Mabelvale  
Dan Wicker, Portland  
Larry Wilson, Pocahontas

- B. Accounting and Purchasing Section – Inoussa Yahouza-Zaki, Agency Fiscal Manager  
Fiscal Support Supervisor: JoAnn McDade  
Fiscal Support Analyst: Kendra Bellott  
Fiscal Support Specialist: Vacant
- C. Office Management Section -- Linda Bell, Head  
Also Executive Assistant to Plant Board Director
- D. Printing and Mailing Section -- Brittany Moragne, Duplication Assistant  
Data Entry Specialist: Vacant
- E. Laboratory Section -- Elvira Thompson, Chemist Supervisor  
Software Support Analyst: Vacant  
System Coordination Analyst II: Richard Moix  
Chemist: Carrie Binyon, Bart Davenport, Don Hinson  
Michael Miller Martin Sharum and Michael Stage  
Laboratory Technician: Richie Henson and Darwin Moss
2. Pesticides -- Micheal Thompson, Agri Plant Board Division Manager  
Agri Program Manager: Dana McGinty, Susie Nichols,  
Brandi Reynolds and Jason Robertson  
Plant Board Agriculture Specialist: Annelie Browder  
Administrative Specialist II: Debra Crane, Kria Milholland,  
Tobi Rowley and Cynthia Steele  
Plant Board Agriculture Specialist: Zach Heathscott, Leigh Gibson and  
Jessica Walters
3. Feed and Fertilizer -- Jamey Johnson, Agri Plant Board Division Manager  
Administrative Specialist III: Franz Oliver  
Administrative Specialist II: Vacant  
Medicated Feed Mill Inspector: Ashley Turner  
Plant Board Agriculture  
Specialist

- A. Grain Warehouse Section -- Mike Churchwell, Agri Program Manager  
Program/Field Audi Specialist: Jonathan Burns and Steve Priest  
Administrative Specialist III: Martha Wilson
- 4. Marketing -- Vacant, Agri Plant Board Division Manager
- 5. Plant Industry -- Scott Bray, Agri Plant Board Division Manager  
Administrative Specialist III: Kathryn Irving
  - A. Apiary Section -- Mark Stoll, Agri Program Manager  
Administrative Specialist II: Dana Jones  
Plant Board Inspector: Aman Minick and Betty Scott
  - B. Commercial Pest Control Section – Seth Dunlap, Agri Program Manager  
Administrative Specialist II: Tracy Riggs, Donna Wilkerson and  
Maggie Woodyard  
Plant Board Inspector Supervisor: James Clark  
Plant Board Inspector: Johnny Bell, Joshua Dement, Lyndall Hamilton,  
Greg Hearnberger and Andrew Simpson
  - C. Plant Inspection and Quarantine Section -- Paul Shell, Agri Program Manager  
24 Agricultural Specialists
  - D. Pink Bollworm Section -- Mark Stoll, Agri Program Manager  
24 Agricultural Specialists
  - E. Survey Program Section -- Vacant, Agri Program Manager
  - F. Special Projects Inspections -- Steve Bowlan, Plant Board Agriculture Specialist
  - G. Aquaculture Programs – Mark Stoll, Agri Program Manager  
24 Agriculture Specialist
  - H. Boll Weevil Eradication Program – Mark Stoll, Agri Program Manager  
24 Agriculture Specialist
- 6. Seeds -- Mary Smith, Agri Plant Board Division Manager  
Administrative Specialist III: Brenda Randolph-Bland  
Administrative Specialist II: Marchall Caster
  - A. Seed Certification Section -- James Chastain, Agri Program Manager
  - B. Seed Laboratory -- Aaron Palmer, Agri Program Manager  
Senior Seed Analyst: Pamela Bingham, Margaret Breard,  
Deborah Hill, Minta James and  
Barbara Moore  
Seed Analyst: Gordon Baldrige
- 7. Bureau of Standards -- Tom Pugh, AR Bureau of Standards Director  
Administrative Specialist III: Sheila Carter  
Administrative Specialist II: Oretha Bonds and Jessica Lain

- A. Laboratory Standards – Nikil Soman, Chemist Supervisor  
Agri Program Manager: Vacant  
Metrologist: Charles Hawkins  
Agri Program Coordinator: Randy Burns  
Plant Board Inspector: Dorothy Lawson
- B. Petroleum Quality – Wilford Jones, Chemist Supervisor  
Chemist: Teresa Dillard, Daniel Greene, Fred Harris  
and Ronald Phillips
- C. Weights and Measures -- Vacant, Plant Board Agriculture Specialist  
Plant Board Inspector: Tammy Beck, Mark Bell,  
Virgil Bellott, Tim Chesser,  
Stanley Cottrell, Mike  
Harris, Gary Howard,  
Charles Richard Johnson,  
Louis G. King, Shelby  
Mross, Leon Prince,  
Donald Siefken, Richard  
Slater, Arch Westmoreland  
and Larry Wornock

## DIVISION OF ADMINISTRATION

This division is responsible for coordinating the work activities of the five divisions and sixteen sections; direct supervision of the Accounting and Purchasing Section; Printing and Mailing Section, Personnel and Information Section; and Office Management. The Director of Administration, with guidance and counsel of the Director, provides general supervision and direction to all employees. He works closely with the Director on matters relating to the budget, personnel, area assignments and program planning. He is the travel supervisor and must approve all travel claims. When the Director is away from the office, he assumes his immediate duties.

## FIELD STAFF

The field staff is comprised of 4 Agri Program Coordinators, 25 Agriculture Specialists, 5 Pest Control Inspectors, 2 Program/Field Audit Specialists, 2 Apiary Inspectors, and 15 Inspectors with the Bureau of Standards, Weights and Measures. Produce Inspectors and additional Apiary Inspectors are employed on a seasonal basis as needed.

The Agriculture Specialists work in all programs except the Bureau of Standards, the Grain Warehouse work, the Apiary work, and the Pest Control work which are carried out with separate staffs because of the specialized nature of the work and job duties.

The State is divided into 4 regions with from 4 to 9 Agriculture Specialists in each region depending on the work load. Their job duties include the inspection and sampling of seed, feed, fertilizer, pesticides and lime; monitoring the use and application of agricultural chemicals; investigating and documenting evidence in chemical complaints; inspecting vegetable plants and nursery stock; inspecting fields of crops for seed certification; carrying out insect and plant disease quarantine programs and inspecting fruits, vegetables and other agricultural products for grade.

The boundary lines of each region are determined by the amount of work to be done, the amount of travel required, the ability of the inspectors to provide adequate coverage and service to the area and to allow the inspector to be at home at night as much as possible. Economy and efficiency are major factors in determining areas, and the boundaries are changed as these and other factors dictate. When an inspector is away from his or her work area, or if for some reason cannot give immediate attention to the work duties, other inspectors are sent to give assistance. In this way, service is provided as it is needed.

Five Pest Control Inspectors were employed in the inspection of buildings, lawns, trees and shrubs for compliance with the Pest Control Law and Regulations and to enforce the EPA regulations. Each inspector was assigned to a work area and spent almost full time inspecting buildings and properties and carrying out other duties of this program. The Program Manager and Inspector Supervisor devoted considerable time to making inspections, checking out leads and gathering information on illegal operators and searching for unreported jobs. They also devoted evidence to the Pest Control Committee and the Board for their consideration.

Two Apiary Inspectors devoted full time to the inspection of apiaries for insects and diseases of bees, issuing permits for moving bees, determining pasture rights, conducting education programs and making surveys for Africanized Bees and pests we do not have in Arkansas.

The Head of the Apiary Section devotes a big portion of his time to making inspections and investigating complaints.

Two Grain Field Auditors spent full time in auditing the records and verifying quantities of grain in grain warehouses to determine if stocks of grain were on hand or accounted for. The Head of this Section also spends some time in the field making audits, assisting warehouses with record keeping and solving problems.

#### OFFICE STAFF

The Accounting and Purchasing Section is responsible for receiving and accounting for all receipts and disbursements, preparing payrolls, paying all bills, maintaining a cost accounting system and inventory of all Plant Board property. This section receives and disburses over \$3 million annually and the work is ably handled by the Fiscal Manager, 1 Fiscal Support Supervisor, 1 Fiscal Support Analyst, and 1 Fiscal Support Specialist.

The Personnel Manager is responsible for maintaining personnel records; recruiting and interviewing job applicants and participating in selecting new employees; executing records and reports for the Office of Personnel Management; maintaining files and coordinating the Employee Performance Evaluation System; and providing support to the Accounting Section with auditing and payroll verification.

The Printing and Mailing Section is responsible for printing, packaging, and forwarding tags and labels. Preparing, posting, and sending out all mail and parcels; maintaining inventories of supplies for the field staff and providing them as requested; maintaining mailing lists according to postal regulations.

## **ANNUAL STATE VEHICLE REPORT**

### **STATE OWNED VEHICLES**

<b>CATEGORY</b>	<b>COMPARATIVE FIGURES</b>	
	<b>2011-2012</b>	<b>2012-2013</b>
Number of Passenger Cars	3	3
Number of Durango/Van	7	6
Number of Pick-Ups	59	64
Large Trucks	2	2
<b>Total Number of Vehicles</b>	<b>74</b>	<b>72</b>

### **PRIVATE OWNED VEHICLES**

<b>CATEGORY</b>	<b>COMPARATIVE FIGURES</b>	
	<b>2011-2012</b>	<b>2012-2013</b>
Total Miles Traveled	184,544	60,802
Reimbursement Rate Per Mile	\$0.42	\$0.42
Total Amount Reimbursement for Miles Traveled	\$77,928.65	\$144,767.12

**PLANT BOARD**  
**MAN HOURS BY ACTIVITY**

<b>HOURS SPENT ON:</b>	<b>2011-2012</b>	<b>2012-2013</b>
Abandoned Pesticide Program	2,590.00	1,702.00
Apiary	6,965.94	6,681.28
Aquaculture	474.80	481.90
Boll Weevil SE	2,837.80	2,412.90
Bureau of Standards	2,492.70	2,295.65
Commercial Pest Control	11,716.41	10,611.92
EPA Certification	8,613.78	9,019.88
EPA Endangered Species Program	223.00	256.00
EPA Enforcement	23,122.88	22,150.05
EPA Fumigation	34.00	0.00
EPA Ground Water Program	2,457.62	1,826.36
EPA Worker Protection	3,087.00	2,676.00
Feed	14,163.45	14,857.80
Fertilizer & Lime	12,172.85	11,479.64
Fruit & Vegetable Inspection	682.64	574.05
GAP/GHP (Good Agri Practices/Good Handling Practices )	796.38	721.30
Grain Warehouse	6,892.74	6,816.48
LLRice/GMO Rice (Genetically Modified Organism Rice )	530.09	568.15
Nursery & Vegetable Inspection	6,892.33	7,322.70
Peanut Grading	720.71	4,302.29
Pesticides & P.U.A.A.	14,000.20	12,207.26
Private Applicators	1,625.50	810.10
Seed	32,310.43	33,077.35
Survey & Quarantine	9,628.89	10,035.84
CORE	1,864.00	1,877.00
Emerald Ash Bore (EAB)	1,567.00	2,034.50
Forest Outreach (FIPO)	28.00	111.00
Honeybee Survey	34.00	427.00
Imported Fire Ant (IFA)	1,821.00	1,379.00
Pine Commodity Survey	1,322.50	978.00
Walnut Twig Beetle (WTB)	610.00	485.50
<b>TOTALS</b>	<b>172,278.60</b>	<b>170,178.89</b>

**BUREAU OF STANDARDS  
MAN HOURS BY ACTIVITY**

**HOURS SPENT ON:**

	<b>2011-2012</b>	<b>2012-2013</b>
Grain Analysis & Research Lab	1,165.50	1,076.00
Precision Measurement Lab	3,570.00	3,731.50
Moisture Meter Inspection	1,818.00	2,120.00
Petroleum Analysis	1,811.50	2,168.00
Petroleum Maintenance	2,047.50	2,700.50
Petroleum Sampling	2,771.00	2,801.00
Petroleum Biodiesel Analysis	55.00	34.50
Petroleum Quantity	2,406.00	1,646.00
Package Inspection	7,107.50	8,034.50
Scanner Inspection	6,143.50	5,785.50
Advertising violations	79.00	55.00
Small Capacity Scales	2,491.00	1,984.00
Medium Capacity Scales	108.00	180.00
Large Capacity Scales	3,998.00	4,544.50
USDA Scales	170.00	0.00
Livestock Scales	7.00	0.00
Liquified Petroleum Gas Meter	938.00	938.00
Administrative/Miscellaneous	9,050.50	9,772.00
COOL Grant	666.00	814.00
<b>TOTALS</b>	<b>46,403.00</b>	<b>48,385.00</b>

**AGENCY TOTAL: 218,563.89**

## FIELD SPECIALIST'S HEADQUARTERS

### EAST CENTRAL DISTRICT

WENDY SPAKES, (Supervisor)

Kevin Cauley  
Skip Downing  
Andrew Gifford  
Hunter Gipson  
Tommy James  
Phillip Martin  
Laura Ashley Metheny-Smith

### NORTHEAST DISTRICT

ROBERT BANKS, (Supervisor)

Jerri Nichols Gann  
Michael Hill  
Shawn Johnson  
John Pickering  
Rick Qualls  
Scott Sharpe  
Lonnie Smith  
Larry Wilson

### SOUTHEAST DISTRICT

DAVID FORT, (Supervisor)

Marvin Johnson  
John Lansdale  
Josh Wells  
Dan Wicker

### WESTERN DISTRICT

DAVID BLACKBURN, (Supervisor)

Steve Bostian  
Ben Collins  
Scott Derrick  
Lindsay Dobbins  
Jayla Standridge

### HEADQUARTERS

Beebe  
England  
Beebe  
Wheatley  
McCrary  
Greenbrier  
Brinkley  
Marion

Black Oak  
Keiser  
Osceola  
Jonesboro  
Jonesboro  
Evening Shade  
Paragould  
Hoxie  
Pocahontas

Beebe  
Redfield  
Hermitage  
Mablevale  
Portland

Holiday Island  
Fort Smith  
Russellville  
Scotland  
Taylor  
Springdale

**PEST CONTROL INSPECTOR'S AREA**

<b><u>AREA NUMBER</u></b>	<b><u>INSPECTOR</u></b>	<b><u>HEADQUARTERS</u></b>
1	Joshua Dement	Scotland
2	Andrew Simpson	Conway
3	Lyndall Hamilton	Subiaco
4	Greg Hearnberger	Hampton
5	Johnny Bell	Marked Tree

**LABELS PRINTED AND ISSUED**

**JULY 1, 2012 THRU JUNE 30, 2013**

Non-Certified labels printed	.....	8,257
Non-Certified label orders	.....	5
Non-Certified label lots		5
Certified labels printed		96,943
Certified orders		354
Certified label lots		285
Certified blank labels issued		102,000
Certified blank orders		12
<b>GRAND TOTAL OF ALL LABELS PRINTED AND ISSUED JULY 1, 2012 TO JUNE 30, 2013</b>		<b>207,200</b>

## **DIVISION OF FEED AND FERTILIZER**

Jamey Johnson, Director

Ashley Turner, Program/Field Audit Specialist

Franz Oliver, Administrative Specialist III

Kristen Jacks, Administrative Specialist II

### **PUBLIC GRAIN WAREHOUSE AND CATFISH PROCESSOR SECTION**

Michael L. Churchwell, Agri Program Manager

Steve Priest, Program/Field Audit Specialist

Jonathan Burns, Program/Field Audit Specialist

Martha L. Wilson, Administrative Specialist III

This Division is organized into three areas whose activities are administered through the Director. The responsibilities of the Division include the administration and enforcement of the Feed and Fertilizer Laws and Regulations, Agricultural Liming Materials Act, Soil Amendment Act, Agricultural Consultants Licensing Act, 100% Natural Organic Fertilizer Act, Aflatoxin Act, Grain Warehousemen Act and the Catfish Processors Act.

The major activities involve registration approval after label review of various products covered; issuance of permits and licenses to manufacturers, blenders, vendors, grain warehousemen, catfish processors and consultants; subjecting feeds, fertilizers, and liming materials to continuous inspection and sampling in the field and chemical analysis in the laboratory to determine label compliance; inspecting medicated feed mills to determine compliance with FDA manufacturing practices; collection of fees and record inspections to determine proper payment; compiling statistical data for the use of industry and educational agencies. In addition, grain warehousemen and catfish processors must be properly bonded and insured.

Each year staff members will attend and participate in several meetings and seminars aimed at program development and evaluation, continuing education, and cooperation with the various agricultural associations.

Tonnage for feed, fertilizer, liming materials and soil amendments are reported each fiscal year. Agricultural consultants and feed facilities are licensed each calendar year. Fertilizer facilities and fertilizer manufacturers are registered and/or licensed each fiscal year. Grain warehousemen and catfish processors are registered and/or licensed each fiscal year.

## FEED

Prior to distribution or sale, each feed company must purchase a feed facility license. All feed shipments, bulk or bag, must be properly labeled showing the required guarantees, list of all ingredients and drugs if the feed is medicated. Feeds may contain only approved drugs and antibiotics at proper levels and/or combinations to assure efficacy and safety. Most important is the withdrawal interval before slaughter to assure elimination from the tissues and thereby prevent illegal residues in meat, milk and eggs.

Under Act 726 of 1997, a total of 17 firms operating 33 feed mills were granted exemptions from the Feed Law. Such exemptions are available to a mixer feeding his own poultry or animals. This includes the company owning the mill, feed and poultry or animals. Under this integrated system no feed is actually sold. The feed ownership is retained by the manufacturer.

Sample collection and the number of analyzes were lower than the previous year. One Thousand One Hundred Seventeen firms have facility licenses. Total feeds reported sold amounted to **1,288,855** tons which was higher than the previous year. The percent of feeds mislabeled was lower.

### Tonnage Sales Reported, Samples Analyzed and Violations, by Classification

Classes of Feed	Tons	Violations
Formula Feeds		
<b>Broiler Feeds</b>	<b>2908</b>	<b>0</b>
<b>Turkey Feeds</b>	<b>91</b>	<b>0</b>
<b>Starter-Grower (Egg-Type)</b>	<b>3110</b>	<b>11</b>
<b>Layer-Breeder (Egg-Type)</b>	<b>19954</b>	<b>4</b>
<b>Beef Feeds</b>	<b>204204</b>	<b>49</b>
<b>Dairy Feed</b>	<b>17364</b>	<b>0</b>
<b>Swine Feed</b>	<b>26551</b>	<b>8</b>
<b>Sheep Feed</b>	<b>4356</b>	<b>9</b>
<b>Mineral &amp; Vitamin Feeds</b>	<b>5125</b>	<b>7</b>
<b>Horse Feeds</b>	<b>42028</b>	<b>24</b>
<b>Pet Foods</b>	<b>188411</b>	<b>1</b>
<b>Fish Foods</b>	<b>33399</b>	<b>2</b>
<b>Miscellaneous Feeds</b>	<b>82421</b>	<b>11</b>
<b>Sub-Totals</b>	<b>610925</b>	<b>126</b>

<b>Feed Ingredients</b>	<b>Tons</b>	<b>Violations</b>
<b>Alfalfa Products</b>	<b>1571</b>	<b>0</b>
<b>Animal Products</b>	<b>150399</b>	<b>0</b>
<b>Barley Products</b>	<b>22</b>	<b>0</b>
<b>Brewers Products</b>	<b>10449</b>	<b>0</b>
<b>Citrus Products</b>	<b>18</b>	<b>0</b>
<b>Cottonseed Products</b>	<b>11587</b>	<b>5</b>
<b>Distillers Products</b>	<b>97344</b>	<b>0</b>
<b>Fats and Oils</b>	<b>21660</b>	<b>0</b>
<b>Grain Sorghum Products</b>	<b>141</b>	<b>0</b>
<b>Lespedeza Products</b>	<b>1</b>	<b>0</b>
<b>Linseed &amp; Flax Products</b>	<b>11</b>	<b>0</b>
<b>Maize Products (Corn)</b>	<b>109105</b>	<b>1</b>
<b>Marine Products</b>	<b>733</b>	<b>0</b>
<b>Milk Products</b>	<b>289</b>	<b>0</b>
<b>Mineral Products</b>	<b>17955</b>	<b>7</b>
<b>Molasses</b>	<b>585</b>	<b>0</b>
<b>Oat Products</b>	<b>1876</b>	<b>0</b>
<b>Peanut Products</b>	<b>5358</b>	<b>0</b>
<b>Rice Products</b>	<b>44425</b>	<b>0</b>
<b>Rye Products</b>	<b>103</b>	<b>0</b>
<b>Soybean Products</b>	<b>107530</b>	<b>0</b>
<b>Vitamin Products</b>	<b>4482</b>	<b>0</b>
<b>Wheat Products</b>	<b>23198</b>	<b>0</b>
<b>Miscellaneous Products</b>	<b>69377</b>	<b>0</b>
<b>Sub-Totals</b>	<b>677930</b>	<b>14</b>
<b>GRAND TOTAL</b>	<b>1,288,855</b>	<b>140</b>
2011-12	1,256,757	216
2010-11	1,356,399	325

**Breakdown of Violations by Discrepancy**

Crude Protein	60	Vitamin A	4
Crude Fat	5	Copper	6
Crude Fiber	15	Phosphorus	0
Calcium	6	Zinc	6
Salt	34	Magnesium	0

	2012-13	2011-12	2010-11
<b>Percent of samples on which violations were issued.</b>	7.00%	7.80%	10.04%
<b>Samples Analyzed</b>	1794	2091	2152

**CHEMICAL LABORATORY ANNUAL REPORT 2012  
(FEED AND LIMESTONE)**

**2012 Feed Analyses Reported**  
(Official Feed Samples Received: 1794)

Crude Protein .....	1778	Copper .....	314
Crude Fat .....	1481	Iron .....	10
Crude Fiber .....	1654	Magnesium .....	30
Urea .....	39	Manganese .....	15
Moisture .....	1794	Potassium .....	537
Ash .....	1155	Zinc .....	414
Phosphorus .....	1093	Aflatoxin .....	1
Calcium .....	1089	Amprolium.....	4
Salt .....	867	Carbadox.....	1
Sodium .....	143	Sulfamethazine.....	4
Vitamin A .....	62		
		<b>TOTAL .....</b>	<b>12485</b>

Unofficial Feed Samples: 33

**Stop Sales Issued by Inspector**

Reason For Issuance	Number Issued	Number of Bags	Number of lbs.
Improperly labeled	1	40	2000
Analysis (conflicting/absent)	0	0	0
Not Registered	0	0	0
Other (Feed Law Violation)	1	2	7
Other (Misbranded)	1	140	7000
TOTALS	3	182	9007

## AGRICULTURAL LIMING MATERIALS

Each liming material must be registered by the manufacturer, importer or other guarantor prior to sale or distribution in the State. Any person or firm engaging in the spreading of liming materials on property other than their own must secure a lime vendor's license. Any liming material proven to be deficient from its statement of guarantee to the extent of 5% or more is subject to penalty.

Ninety three firms registered 162 liming materials, and licenses were issued to 95 vendors operating 117 spreader trucks. One Hundred and seventy four samples were collected and analyzed which was lower than the previous year. Eleven samples were found to be deficient. There were no stop sales issued on lime. A total of 263,236 tons were reported sold which was lower than the previous year. Ten cents per ton of the fee collected accrues to the University of Arkansas for soil testing purposes. Fee collections were as follows:

Registrations (162 products @ \$15.00 each)	\$	2,430.00
Vendor's Licenses (95 @ \$15.00 each)		1,425.00
Spreader Trucks (117 @ \$3.00 each)		351.00
Tonnage Fees: (263,236 tons @ \$0.30 per ton)		78,970.00
Sample Deficiencies (5)		201.65
		-----
		83,447.00
Less University of Arkansas Portion		<u>- 26,323.00</u>
Net Amount to Plant Board		\$ 57,124.00

### 2012 Liming Materials Analyses Reported (Official Limestone Samples Received: 174)

Calcium Carbonate Equivalent .....	174
10 Mesh Sieve Pass .....	174
60 Mesh Sieve Pass .....	174
100 Mesh Sieve Pass .....	174
Moisture .....	174
<b>TOTAL .....</b>	<b>870</b>

Unofficial Limestone Samples: 3

**AGRICULTURAL CONSULTANTS**  
(Calendar Year 2012)

Each person performing the functions of a licensed agricultural consultant, before advertising as such, must meet specific licensing requirements and obtain a license. Such functions being defined as providing advice or prescriptions for: the control or eradication of any insect or mite pest, any plant, pathogen (including nematodes), or any weed; and the use of fertilizer, lime and/or micro-nutrients based on soil classification and cropping systems and soil or plant tests. During 2012, there were 291 such consultants licensed which was higher than the previous year.

## FERTILIZER

Each fertilizer brand and specialty product must be registered by the manufacturer or guarantor prior to sale or distribution. During the fiscal year, 450 manufacturers registered 3,352 brands and products. Sales totaled 1,070,725.40 tons, which was 83,950 less than the previous year. Sample collection and analysis was lower.

Monthly and annual statewide reports and an annual county consumption reports were published. The raw data is provided by manufacturers and registrants through the submission of monthly distribution summaries. The cost of the county report is supported by the University of Arkansas with a portion of the \$2.40 per ton inspection fee collected for soil testing and related purposes. These reports are widely used by research, educational and industry groups to determine whether the soil testing laboratory's recommendations are being followed and to pinpoint the areas of greater fertilizer usage.

There was a decrease in the number of bulk blending plants registered for 2012-13 and a decrease in the number of liquid mix plants. There were 152 dry bulk and 10 liquid mix plants in operation with 2 facilities licensed for bulk storage of anhydrous ammonia. There were 194 fertilizer facility licenses issued to those bulk storage and/or blending facilities located in the state. The mode of distribution is illustrated by the following data:

### SUMMARY COMPARISON

	2012-13	%	2011-12	%	2010-11	%
<b>Bagged</b>	49,281.28	4.6	72,813.02	6.3	85,238.22	8.3
<b>Dry Bulk</b>	927,821.58	86.7	962,019.19	83.3	858,763.73	84.1
<b>Fluids</b>	93,622.54	8.7	119,843.08	10.4	77,681.36	7.6
<b>Totals</b>	1,070,725.40	100.0	1,154,675.30	100.0	1,021,683.31	100.0

There was a decrease in the percent of deficient fertilizer samples. Deficiencies amounting to \$42,900.60 were assessed on 109 of 1330 samples or 8.2% of the total. The average penalty per ton was \$69.55 as compared to \$116.17 and \$78.18 in the previous two years. Segregation continues to be a problem. This is reflected in dry blends being penalized approximately seven times the combined rate of other fertilizers. Under the Regulations, penalties are assessed when individual plant food is deficient by 10% or more of the stated guarantee or when the overall value of the fertilizer is more than 3% deficient.

**2012-2013 SAMPLING AND DEFICIENCIES**  
(Only materials and top 10 blends listed individually)

<b>KIND</b>	<b>OFFICIAL SAMPLES REPORTED</b>	<b>*PENALTY SAMPLES</b>
<b>Nitrogen Materials:</b>		
Ammonium Nitrate	14	0
Nitrogen Solutions	10	1
Sulfate of Ammonia	38	0
Urea	356	0
Other Nitrogens	72	12
<b>Phosphate Materials:</b>		
Superphosphate - 45%+	102	1
Other Phosphates	2	0
<b>Potash Materials:</b>		
Muriate of Potash 60%	200	1
Other Potashes	1	0
<b>Other Materials:</b>		
DAP (18-46-0)	73	1
Micronutrients	1	0
Others	0	0
<b>TOTAL MATERIALS</b>	<b>869</b>	<b>14</b>

KIND	OFFICIAL SAMPLES REPORTED	*PENALTY SAMPLES
------	---------------------------------	---------------------

TOP 10 BLENDS:		
46-00-00	356	0
00-00-60	200	1
32-00-00	9	1
00-18-36	21	8
21-00-00	38	0
00-46-00	78	1
18-46-00	73	1
34-00-00	14	0
28-00-00	1	0
41-00-00	22	1
Specialties	0	0
Other Blends	439	87
<b>TOTAL TOP 10 BLENDS</b>	<b>812</b>	<b>13</b>
<b>GRAND TOTALS</b>		
<b>2012</b>	<b>1330</b>	<b>109</b>
<b>2011</b>	<b>1262</b>	<b>106</b>
<b>2010</b>	<b>1276</b>	<b>141</b>

\*NOTE - A fertilizer is subject to penalty when its total value is 3% or more below the guarantee, or when nitrogen, available phosphoric acid, potash or other guaranteed constituent(s) is 10% or more deficient. The unit values for the primary plant foods are: Nitrogen - \$12.00; Available Phosphoric Acid - \$15.00; and Potash - \$11.00.

**Summary Data for 2012-13 Fertilizer Samples  
Deficiencies and Penalty Assessments for Current and Previous Years**

Calendar Yr	Samples	Penalties	% Penalties	Total Value Penalties
2012	1330	109	8.2	\$42,900.60
2011	1262	106	8.4	\$93,396.28
2010	1276	141	11.1	\$42,245.69

**Breakdown of 2012-13 Penalty Samples by Deficiency**

Deficiency	Number of Samples
Triple Value (exceeding 5% overall)	15
Actual Value:	
3-5% overall (N-P-K)	2
Nitrogen	10
Available Phosphoric Acid	29
Potash	35
Minor Elements (sulfur, iron, boron, etc.)	18
<b>TOTALS</b>	<b>109</b>

**2012-13 Penalty Data - By Types of Fertilizers**

	Samples Taken	NUMBER OF PENALTIES			% of Type Deficient	AVERAGE PENALTIES		
		Triple	Actual Value	Total		Per Ton 2010	Per Ton 2011	Per Ton 2012
Granulars (pelletized)	28	1	1	2	7.1			\$80.75
Dry Blends	597	12	92	104	17.4			\$63.39
Liquids	21	-	-	-	-			-
Materials	684	2	1	3	0.4			\$275.69
Other	-	-	-	-	-	-	-	-
2012 (Total all samples)	1330	15	94	109	8.2	\$78.18	\$116.17	\$69.55
2011	1262	39	67	106	8.4			
2010	1276	25	116	141	11.1			

<b>Fertilizer Brands Registered</b>	
<b>2012-13</b>	3,352
<b>2011-12</b>	3,746
<b>2010-11</b>	3,407

**2012-2013 SOIL AMENDMENTS**

Each product must be registered by the manufacturer or guarantor prior to sale or distribution in the State. The Act requires that the active ingredients be listed as well as proof of usefulness and/or value. During the fiscal year, twenty-nine (29) manufacturers registered (106) products that were approved for sale, which was more than the previous year.

<b>2012 Calendar Year Fertilizer Analyses Reported - Chemical Laboratory</b>			
Nitrogen .....	975	Chlorine .....	71
Phosphate .....	691	Copper .....	5
Potash .....	698	Iron .....	76
Moisture .....	1343	Magnesium .....	67
Boron .....	88	Manganese .....	68
Sulfur .....	300	Zinc .....	146
Calcium .....	0	Bifenthrin .....	2
<b>TOTAL .....</b>			<b>4530</b>

Additional Fertilizer Information

Blends .....	586
Granular .....	123
Liquids .....	32
Materials .....	602
Other .....	0

**2012 CALENDAR YEAR UNOFFICIAL FERTILIZER SAMPLES**

Unofficial Samples - The laws administered provide only for the analyses of official samples, i.e., those taken by Plant Board inspectors in accordance with established methods. Farmers, ranchers and other agricultural workers occasionally submit samples. As a matter of policy, these are checked as a service whenever this does not interfere with official work. Others are collected from opened packages by the inspection force. 4 Samples of fertilizer were handled in this manner.

<b>Unofficial Samples Reported</b>	
<b>Fertilizer</b>	4

## **PUBLIC GRAIN WAREHOUSE AND CATFISH PROCESSOR SECTION**

The state's grain warehouses were filled to capacity most of last year due to abundance of corn and soybeans last fall. The corn and soybean acres were increased due to above average prices being paid for both of these crops. Rice and cotton acres were down as a result of the prices of corn and soybeans. This caused some of our larger grain warehouses to use emergency storage to allow them to handle all the grain they received last fall.

The spring planting season was effected by a lengthy wet spell that delayed planting of this year's crops. Many farmers had to go to plan b (change their plans on the crops they were going to grow). The wet spring surely will delay harvest and put physical pressure on the grain warehouses for storage space to handle all the grain this fall.

The Public Grain Warehouse and Catfish Processor Section perform four primary duties each year. Our first is to license and audit all state licensed public grain warehouses under Act 83 of 1979. This law was enacted by Legislature in 1979 and the Grain Warehouse Section was added to the Arkansas State Plant Board shortly thereafter. Then in 1987 Act 365 (the Catfish Processor Fair Practices Act) was enacted by legislature and we became the Public Grain Warehouse and Catfish Processor Section. Our duties with the Catfish Processor Fair Practices Act enable our section to register and audit all businesses that engage in the purchase and processing of pond raised catfish in our state. In 1995 the USDA Pesticide Recordkeeping Program was added to our duties and shortly thereafter we began auditing tonnage fees on seed, feed, fertilizer, and lime.

The Arkansas Public Grain Warehouse Law charges the State Plant Board, Grain Warehouse Section with the responsibility of licensing, auditing and bonding those grain warehouses that are not licensed with the federal government under the United States Warehouse Act. The principal objective is to protect depositors (owners) who want to store their grain commercially. This protection is given by insuring that warehouses are licensed and bonded as well as audited on a regularly unannounced basis.

Although the Grain Warehouse program is basically a regulatory program, the enactment of Act 342 of 1983 (The Receivership Act) makes the staff a service organization by authorizing the Grain Warehouse Section to petition State and Federal courts for the appointment of the Plant Board Director as a receiver for the purpose of presenting a plan on the disposition of stored grain and the warehouseman's bond when grain warehouse failures occur. In addition, Act 401 of 1981 (Grain Ownership) provides that ownership of grain and title to grain, in the possession of the public grain warehouseman, does not pass to such warehouseman, unless; the owner of the grain has, (by written document signed by the owner of grain or by being purchased by warehouseman), transferred title to the warehousemen.

During the licensing period, the office staff reviewed all records on file to assure everything was up-to-date. The particular areas of concern were on-premise storage capacity, bonding requirements, insurance on stored grain and financial statements. Thirty-eight (38) licenses were issued covering approximately sixty-four (64) locations.

#### PROBLEM AREAS

At this time the grain warehouses are preparing for large corn and soybean crops and must find enough room to store all the grain they expect to handle this fall. We expect more emergency storage to be used this year than last year.

#### ARKANSAS CATFISH PROCESSORS FAIR PRACTICES LAW

ACT 365 OF 1987

(As amended by Act 53 of 1989 and Act 764 of 1991)

This law was designed to protect catfish producers from unfair payment practices by processors. All catfish processors must be registered with the Grain Warehouse and Catfish Processor Section before they can operate within the state. Certain conditions written in the law determine whether or not processors are required to post security with the State Plant Board. In addition, the law requires processors not to discount for water and to weigh trash fish separately. Certain types of scales must also be used in the weighing of catfish if the processor processes more than 17,500 pounds per week.

The catfish industry in our state is facing many problems in these economic times. Feed prices have rose to record heights again and along with grain prices going higher the catfish industry has been pushed to an economic low. With Soybean and Corn prices rising, acreage for catfish ponds continues to decrease.

## FUTURE OUTLOOK

Next year we expect to have more grain to measure than usual. We expect each warehouse to carry more grain in storage this year. The increase in corn alone puts much more pressure on our grain warehouses with how much corn averages per acre. Also our bonding requirements are based on the storage capacity of the facility, so whether it is conventional or emergency storage we will be searching our warehouses to ensure that we have proper bonding on each warehouse.

The staff is always ready to help with problems that occur in the grain warehousing and aquaculture industries. As usual; routine, group, and follow-up audits will continue.

Our staff continues to help others by conducting seed, feed, fertilizer and lime tonnage audits. We hope we will be able to help others more this year since we are once again fully staffed. We have continued to conduct USDA Private Applicator Recordkeeping Inspections annually, which helps us defray costs while conducting and maintaining our regular job duties.

Our staff has a good mixture of youth and experience. As of June 30, 2012, Steve Priest has been with us for 8 years; Martha Wilson has been with us for 25 years; Jonathan Burns has two years and I (Michael L. Churchwell) have been here 28 years. We hope that our experience shows and that our clients and co-workers feel that we are both fair and consistent in our duties for the Arkansas State Plant Board.

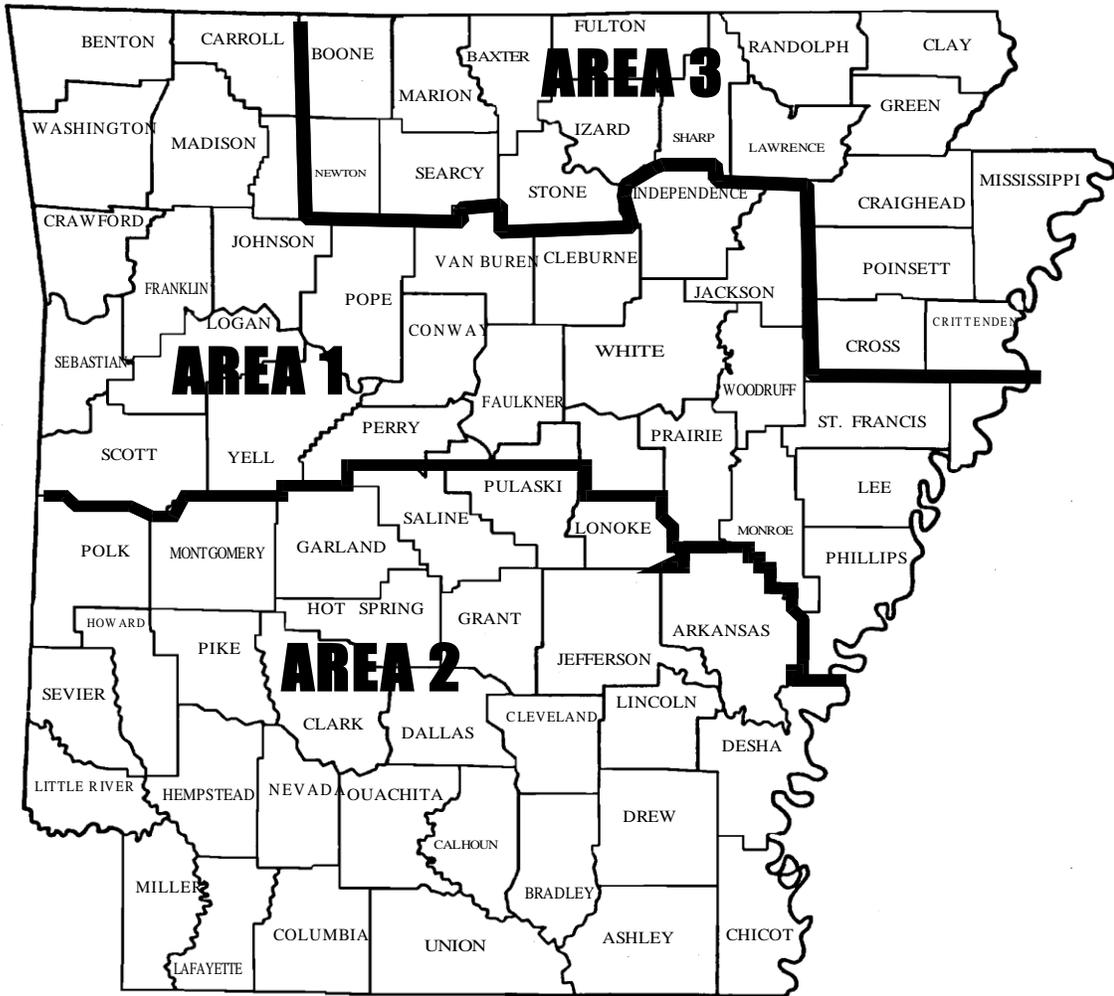
## GENERAL CATFISH PROCESSOR INFORMATION

CATEGORY	COMPARATIVE FIGURES	
	2012-2013	2011-2012
Number of Processors Registered	5	5
Number of Audits Performed	15	15
Violations Found and Corrected	0	0
Number of Pounds Processed	8,513,462	6,099,165
Total Amount of Security Posted	\$0.00	\$350,000.00
Number of Demands Made on Securities	0	0
Total Amount Paid Out	0	0

GENERAL GRAIN WAREHOUSE INFORMATION

CATEGORY	COMPARATIVE FIGURES	
	2012-2013	2011-2012
Number of Audits Performed	65	86
Number of Suspended License	0	0
Number of Grain Shortages Found	0	2
Violations Found and Corrected	2	12
Total Licensed Capacity (bushels) *	33,660,000	33,248,5000
Number of Bins	1,491	1,531
Number of Storage Buildings	105	106
Number of Licenses Issued	38	41
Increased Storage Capacity	4	1
Total Amount of Securities Posted	\$6,276,249.98	\$6,583,249.11
Total Demands on Securities	0	0
Total Amount Paid Out	0	0
Number of Bond Cancellations	1	0
Increased Securities due to Net Worth Deficiencies	4	3
Total Insurance Certificates Posted (Est.)	\$734,214,970.00	\$425,231,858.00
Total Insurance Claims	None Reported	None Reported
Number of Insurance Cancellations	0	0
Number of Warehouse Receipts Issued	0	60
Collateral Warehouse Receipts	60%	60%
Indemnity Posted for Lost Warehouse Receipt	0	0

\* This indicates all licensed facilities on-premises storage capacity. It does not indicate the total amount of grain handled by the facility. Usually a licensed facility will handle four to five times its storage capacity.



**AREAS OF FIELD AUDITOR STAFF**

**Each area auditor will assist other auditors on the audits of the larger facilities.  
An average of two audits was conducted on each licensed facility this year.**

## **PESTICIDE DIVISION**

**Micheal Thompson - Director**

**Susie Nichols, Dana Henderson, Brandi Reynolds, & Jason Robertson - Asst. Directors**

**Annelie Browder - Program Coordinator**

**(Calendar Year – 2012)**

The responsibilities of this Division include the administration and enforcement of the Pesticide Control Act and Regulations, Pesticide Use and Application Act and Regulations, Regulations on Pesticide Classification, and special initiatives negotiated with EPA dealing with Worker Protection, Endangered Species, Ground Water Protection, and Container and Containment.

The major activities involve: registration approval after label review of various products covered; issuance of permits and licenses to manufacturers, dealers, and custom, commercial, non-commercial and private applicators after qualification; subjecting pesticides to continuous inspection and sampling in the field and chemical analysis in the laboratory to determine label compliance; inspecting pesticide producing establishments to insure compliance with the Federal Insecticide Fungicide & Rodenticide Act (FIFRA); investigating pesticide complaints; applying legal remedies such as civil penalty assessment to effect compliance when violations are found; collection of fees and record inspections to determine proper payment; compiling statistical data for the use by industry and educational agencies; providing compliance assistance and enforcement of Worker Protection standards; implementing State Ground Water Protection Plan; and developing a State Endangered Species plan.

New developments in inspection techniques require periodic evaluation by the division staff. During the year staff members attended and participated in several meetings and seminars aimed at: program development and evaluation; continuing education; applicator certification; and cooperation with the various agricultural associations.

Details of enforcement activities and related information in each major area follow.

### **PESTICIDES**

Each product must be registered by the manufacturer or guarantor prior to sale or distribution. This involves label review to insure that the buyer or user is informed of the purpose of the product, the kinds and amounts of active ingredients, and that there are adequate directions for use and necessary warnings and precautions for the protection of the public. Most uses are those which have been approved federally for interstate shipment. Others are "special local needs" registrations which are granted for State use under Section 24(c) of the Amended FIFRA. Some pesticide uses pose unique hazards due to crop or use pattern and are therefore

prohibited or restricted. As an example: The use of 2,4-D is governed by detailed regulations.

All agencies of government that are involved with pesticide application as well as industry related groups have been involved in an educational effort designed to assure that pesticide users are knowledgeable regarding federal and state pesticide laws and regulations. The Cooperative Extension Service, in its role as pesticide educators, trained several hundred additional private applicators.

During 2012, 1,137 manufacturers registered 12,543 products as compared to 1,129 and 12,475 the previous year. Under the enforcement grant a total of 201 formulation samples were collected and 239 analyses were reported, with 1.3% being found deficient.

Additional activities included the issuance of three Emergency Exemptions from registration and four Special Local Needs registration as allowed under Section 18 and Section 24(c), respectively, of the amended FIFRA. The Emergency Exemption was for HopGuard for control of the varroa mite in honey bee colonies, Brake Herbicide for use in cotton to control glyphosate-resistant Palmer Amaranth, and Transform WG Insecticide for control of the tarnished plant bug in cotton. Special Local Needs registrations were to gain additional uses or change use patterns for products currently registered by EPA.

## 2012 CHEMICAL LAB PESTICIDE REPORT

### Formulation Pesticide Samples

	<u>Number of Guarantees</u>	<u>Number Deficiencies</u>	<u>Percent Deficient</u>
<b><u>Insecticides, Fungicides &amp; Rodenticides</u></b>			
Rodenticides.....	5		
Fungicides .....	7	1	14.3%
Miscellaneous Insecticides.....	22		
<b>Sub-Total.....</b>	<b>34</b>	<b>1</b>	<b>2.9%</b>
 <b><u>Herbicides, Defoliants &amp; Desiccants</u></b>			
Atrazine .....	6		
Fomesafen .....	10	1	10.0%
Glyphosate .....	65	2	3.1%
Imazethapyr.....	6	2	33.3%
Mesotrione .....	6	2	33.3%
S-Metolachlor .....	17	2	11.8%
Miscellaneous Herbicides .....	53		
<b>Sub-Total.....</b>	<b>163</b>	<b>9</b>	<b>5.5%</b>
<b>GRAND TOTAL.....</b>	<b>197</b>	<b>10</b>	<b>5.1%</b>

<b>Calendar Year</b>	<b>Samples Received</b>	<b>Analyses Reported</b>	<b>Ingredients Deficient*</b>
2012	157	199	5.5%
2011	201	239	1.3%
2010	181	214	2.3%
2009	124	144	0.0%

\* Deficient to the extent a Stop-Sale was issued

### **ADDITIONAL PESTICIDE SAMPLES**

	<b><u>Samples</u></b>	<b><u>Analyses Reported</u></b>
Use Dilution & Surfactants (Agricultural)	52	99
Pesticide Enforcement Residue Samples	50	110
Pest Control Samples (Dilutions & Formulations)	69	94
Pest Control (Soil, wipe, vegetation & fire ant spls)	56	104
<b>TOTAL</b>	<b>227</b>	<b>407</b>

### **Groundwater Monitoring**

Wells Tested	63
Wells Retested	9
Wells Where Pesticides Found	9
Wells Access Denied	0

## PESTICIDE USE AND APPLICATION ACT

Commercial applicators must secure licenses and a decal for each unit of spraying equipment, such licenses and decals being issued upon submission of adequate proof of financial responsibility. Out-of-state operators must also designate a resident agent for service of process. The number of operators licensed in 2012 was slightly higher than in 2011. Air strips were visited numerous times to examine equipment for leaks and proper spray system maintenance. Operators of ground equipment must be either a Licensed Certified Applicator or a Commercial Applicator Technician.

	<u>2012</u>	<u>2011</u>	<u>2010</u>
Commercial Licenses Issued	424	419	411
Decals Issued for			
Application Equipment: Aerial	351	365	374
Ground	927	908	786
	1,278	1,273	1,160
Pilot & Ground Operator Licenses	1,050	1,059	1,032
Category Authorizations	1,363	1,386	1,319
Commercial Applicator Technician	141	147	115

There were 19,970 private applicators and 568 non-commercial applicators licensed for the use and/or supervision of the use of restricted use pesticides. Approximately 3,153 private applicators were certified/re-certified. Also, the Regulations require the licensing of dealers who sell restricted use and Class E or F pesticides in containers of more than one quart. There were 425 such licenses issued.

## REQUEST FOR INVESTIGATION

### Suspected by Requester:

(Some requested investigations may have involved more than one area affected)

<u>Pesticide</u>	<u>Crop, etc.</u>	<u>Number</u>
Glyphosate	Field Crop	14
	Residential	5
	Animal	1
Paraquat	Field Crop	7
	Residential	2
Glufosinate NH4	Field Crop	8
	Residential	1
2,4-D	Field Crop	3
	Residential	2
Propanil	Field Crop	1
	Residential	3
Imazethapyr	Field Crop	2
	Residential	1
Misc. Pesticides	Field Crop	2
	Residential	6
	Animal	2
No Pesticide Named		127

### Found by Inspector:

(Some requested investigations may have involved more than one area affected)

<u>Pesticide</u>	<u>Crop, etc.</u>	<u>Number</u>
Glyphosate	Field Crop	2
	Residential	5

Quinclorac	Field Crop	1
	Residential	3
Dicamba	Field Crop	1
	Residential	2
Imazethapyr	Field Crop	1
	Residential	2
Gramoxone	Field Crop	1
	Residential	1
Clomozone	Field Crop	1
	Residential	1
Paraquat	Field Crop	2
Misc. Pesticides	Human	5
	Field Crop	3
	Residential	7
No Symptoms Found		23
Undetermined		15
Discontinued		53
Incomplete Case Files		14

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**Number Of Requests Made:** **180**

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<b><u>Previous 5 Years Total:</u></b>	2011	195
	2010	189
	2009	186
	2008	160
	2007	142

## REGULATIONS ON PESTICIDE CLASSIFICATION

All pesticides registered for sale in Arkansas are assigned to a Class. Each Class carries with it one or more restrictions that must be complied with by the user, applicator, or dealer. The classification system ranges from Class A which presumably all pesticides are registered as initially, until a problem develops. The only use-restrictions assigned to Class A products are those on the product label. If problems develop with a product, the Plant Board, after a public hearing, can move a product from the Class A designation to another designation (B, C, D, E or F) which has more restrictions. Each classification carries with it all the restriction(s) that are specified for that class plus all that came before it. That is, if a product is classified as Class D it will be bound to the restriction(s) specified for Class D and those specified for Classes A, B and C.

This allows the Plant Board to have a systematic approach to placing use-restrictions on products when needed as opposed to creating a unique set of restrictions for each product as needed. This has also cut down on the confusion that existed as to what regulations apply to what products.

The distribution of Class E and F products requires a Restricted Use Pesticide Dealer's License. Dealer records of sales or distributions must be retained for two years. Custom Applicator permits are also required of custom-applicators, such being issued after qualification of the operator in charge (and pilots for aerial application) through testing and proving financial responsibility. All equipment used to apply Class E and F products must be inspected annually. Distance requirements are also required to susceptible crops.

	<u>2012</u>	<u>2011</u>	<u>2010</u>
Custom-Applicator Permits Issued			
Aerial	127	131	122
Ground	64	61	56
Operators-In-Charge Authorized	205	207	190
Pilots Authorized	224	224	215
Decals Issued	381	404	
Equipment Inspections	150	204	174

**ARKANSAS/EPA SPECIAL INITIATIVES**  
**CALENDAR YEAR 2012**

**Ground Water** - Ground water is one of Arkansas' major resources and agricultural chemical practices should not pollute ground water. Arkansas has developed and revised its Generic Pesticide Management Plan (PMP) to help prevent contamination of its ground waters.

The Arkansas State Plant Board and the Arkansas Department of Environmental Quality (ADEQ) will continue to work with registrants, EPA and other agencies on preventing contamination of ground water in Arkansas. The state and federal agencies will be looking for ways to determine the sources of contamination to ground water in the state of Arkansas. The Plant Board has developed a list of best management practices for agricultural pesticide use to help the regulated community better understand how to avoid polluting ground water. All well sample results are posted on the Plant Board web site and are available for public viewing at [www.plantboard.arkansas.gov](http://www.plantboard.arkansas.gov)

The State Plant Board collected forty-one (41) ground water samples from forty-one (41) wells in sixteen (16) counties in Arkansas. Access was denied to Plant Board inspectors on four (4) occasions. Samples were collected in the following counties: One (1) in Cleveland County, five (5) in Craighead County, one (1) in Desha County, one (1) in Faulkner County, one (1) in Franklin County, two (2) in Hempstead County, two (2) in Lafayette County, four (4) in Lincoln County, six (6) in Mississippi County, one (1) in Monroe County, one (1) in Poinsett County, seven (7) in Prairie County, five (5) in Randolph County, three (3) in St. Francis County and one (1) in Washington County. Pesticides were detected in five (5) wells sampled during 2012. On July 18, 2012 Desha County well #66, an irrigation well, tested positive for 1.48µg/L Bentazon in a running well sample. A resample has been ordered for this well. On July 2, 2012 Mississippi County well #65, an irrigation well, tested positive for 0.92µg/L Bentazon in running water sample. A resample of this well was requested. On July 31, 2012 Poinsett County well #13, an irrigation well, tested positive for 1.44µg/L Bentazon in the running water sample. A resample of this well was requested. On August 1, 2012 Randolph County well #1, an irrigation well, tested positive for 1.63µg/L Bentazon in the running water sample. A resample of this well was requested.

**Worker Protection Standard** - The Worker Protection Standard (WPS) is intended to reduce the risk of pesticide poisoning and injuries to agricultural workers by reducing exposure to pesticides and pesticide residues and providing training for people working around, mixing, loading, applying or transporting pesticides. The WPS covers workers on farms, forests, nurseries and greenhouses. The Arkansas State Plant Board provided EPA produced educational materials including water bottles and bandannas in Spanish language to help educate Limited English Proficient Hispanic workers about the dangers of pesticide residues on clothing and personal protective equipment, and reminding them that work clothes should be washed separately from the family clothing to avoid cross contamination. The information also reminded the workers to wash their hands before eating, smoking, or using the rest room and that they may transfer pesticides to their families if they are not cautious.

During the 2012 calendar year the Arkansas State Plant Board conducted fifty-seven (57) total Worker Protection Inspections at agricultural establishments including commercial application firms, farms, nurseries and greenhouses. Of the fifty-seven inspections conducted, fifty-five (55) were considered Tier I worker protection inspections and two (2) were considered Tier II inspections. Nineteen (19) inspections were conducted at Commercial Applicator Firms, four (4) were conducted at Nursery/Greenhouse operations, and thirty-four (34) were conducted at Farms. There were four (4) WPS violations documented during inspections in 2012, which were sent to enforcement for enforcement action. The first violation related to the pesticide handler improperly using personal protective equipment. The second violation related to improperly trained workers and handlers as well as improper documentation at the central location, improper recordkeeping and a lack of personal protective equipment. The third violation related to improper training of workers and handlers and a lack of personal protective equipment. The fourth violation was related to improper use of personal protective equipment.

**Endangered Species** - The Endangered Species Act is intended to protect and promote the recovery of animals and plants that are in danger of becoming extinct due to the activities of people. Under the Act, EPA must ensure that the use of pesticides it registers will not result in harm to the species listed as endangered and threatened by the U.S. Fish and Wildlife Service, or the habitat critical to those species' survival. To implement the Endangered Species Protection Program, labels of certain pesticides will direct users to bulletins with information on the endangered species habitat. This program will protect endangered and threatened species from harm due to pesticide use.

The Arkansas State Plant Board did outreach to applicators, growers, and other groups that had concerns about the endangered species program. The Arkansas State Plant Board updated its web page to include a link to the current EPA bulletins live Endangered Species page. The Arkansas State Plant Board would prefer this program remain voluntary and not a regulatory program.

The Arkansas State Plant Board has reviewed all section 18's and 24C's issued and checked labels on Section 18's to insure that endangered species habitats are not harmed or destroyed by pesticide use.

## **DIVISION OF PLANT INDUSTRY**

Scott Bray, Director

All work dealing with plants, plant materials, insects, and plant diseases is handled by the Plant Industry Division. The Division's work is divided into four sections:

1. Plant Inspection and Quarantine
2. Commercial Pest Control
3. Apiary/Pink Bollworm
  - A. Pink Bollworm
  - B. Boll Weevil Eradication
  - C. Sweet Potato Weevil
  - D. Bait and Ornamental Fish Certification
4. Federal-State Fresh Fruit And Vegetable Inspection Section

A report of the work done by each section follows:

### **Plant Inspection and Quarantine Section**

Paul Shell, Head

#### **Nursery**

<b>Summary of Nursery Inspections 2012-2013</b>				
<b>Kind of Business</b>	<b>Number Licensed</b>	<b>No. of Inspections</b>	<b>Certificate Tags Issued</b>	<b>Stop-Sales Issued</b>
Landscape Contractor	229	134	82	0
Nurseryman	105	105	2,142	0
Nursery Dealer	634	657	1185	0
<b>Totals</b>	<b>968</b>	<b>896</b>	<b>3,409</b>	<b>0</b>

**Nurseryman:** A nurseryman grows a major part of the stock he sells. Nurserymen in Arkansas grow primarily ornamental plants, trees, brambles and other fruit plants, and sod.

**Nursery Dealer:** A nursery dealer does not grow his stock but buys it from nurserymen for resale. Emphasis has been continued toward better correlating the size of heelyards to the proper fees required. A growing number of dealers maintain display areas and heelyards greater than 500 square feet.

**Nursery Landscape Contractors:** Those nursery dealers involved in the installation of ornamental or horticultural plants, or offering for sale, or selling nursery stock in Arkansas, through the planting of nursery stock for compensation, are considered to be nursery landscape contractors. If not already holding a valid Arkansas Nurseryman or Nursery Dealers License, Nursery Landscape Contractors are required to obtain a valid nursery landscape contractor license issued by the State Plant Board to perform such services.

**Stop-Sales:** These are issued when plants are dead, dying, showing disease or insect damage which cannot be corrected. In some cases, the business will destroy the plants without a stop-sale being issued. There were no stop-sales written for this year.

### **Vegetable Plants**

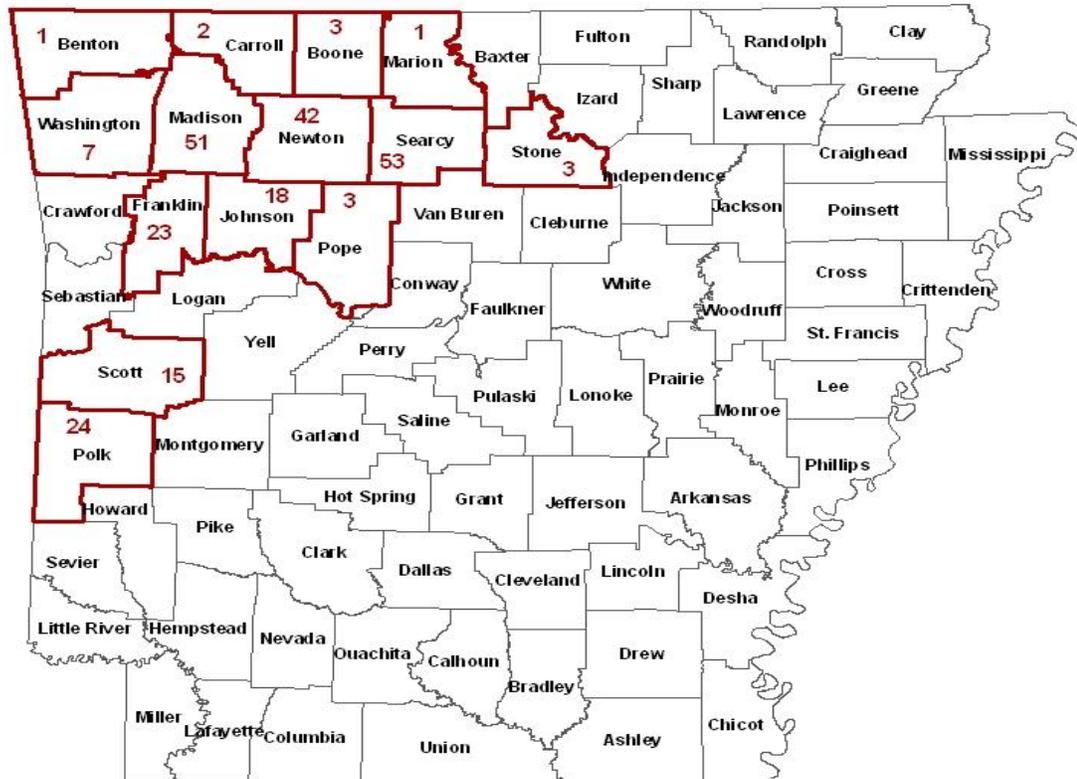
**Cabbage, Tomato, Onion and Pepper Inspections:** Arkansas Plant Permit Numbers were issued to 2 growers of assorted vegetable plants with 4 inspections performed.

**Out-of-State Cabbage, Tomato, Pepper and Onion Plant Shippers:** Arkansas Plant Permit Numbers were issued to 6 shippers.

### **Ginseng**

Arkansas is one of 18 states that has and maintains an approved program for the harvest and export of wild ginseng set forth by the U.S. Scientific Authority and Management Authority in Washington, D.C. For the 2012 harvest season, certificates were issued on 13 shipments of wild ginseng totaling 238 pounds. The general distribution of ginseng in Arkansas is believed to be stable. In Arkansas, Ginseng is found only in moist shaded locations in the Ozark and Ouachita Mountains and on Crowley's Ridge. This plant is very sensitive to seasonal conditions such as rain and temperature. During dry years, it often goes dormant before the harvest season begins. The harvest was much more intensive in Johnson, Madison, Newton, and Searcy Counties where ginseng is known to be most abundant. The following map shows the number of pounds of ginseng collected in each county.

# GINSENG REPORT 2012



Quantities indicate the number of pounds (dry weight) of Wild Ginseng collected per county.

**Total collected 238 pounds**

### **Federal Phytosanitary Certificates**

In 1976, the State Plant Board entered a cooperative agreement with APHIS-USDA whereby properly qualified and trained Plant Board personnel can issue Federal Phytosanitary Certificates on plant material being shipped to other countries. This document attests to the freedom from pests, weeds, and diseases of concern for the importing country. Scott Bray - Plant Industry Division Director, Mark Stoll - Apiary Manager, and Paul Shell - Plant Inspection and Quarantine Manager are qualified to issue these documents.

There were 1,218 certificates issued this year. The top three primary items certified are as follows: 844 phytos issued on 462,713,258 pounds milled rice, 151 phytos issued on 3,264,515 board feet and 3,130 cross ties of red oak lumber, and 117 phytos issued on 2,413,033 board feet of white oak lumber. Remaining items certified include: rice flour, rice seed, soybean seed, soybean grain, pinto beans, sawtooth oak acorns, cotton seed, cottonseed grain, bramble plants, and blueberry plants. Phytos were also issued for the following types of lumber: ash, bald cypress, black gum, cedar, cottonwood, hackberry, hickory, pine, sycamore, and sweetgum. These certificates covered shipments to the following 48 countries: Afghanistan, Argentina, Australia, Bahrain, Barbados, Belgium, Canada, Chile, China, Colombia, Costa Rica, Cuba, Djibouti, Germany, Greece, Guadeloupe, Guatemala, Guinea-Bissau, Haiti, Hong Kong, India, Indonesia, Italy, Jordan, Kenya, Korea, Kuwait, Lebanon, Liberia, Malaysia, Mexico, Netherlands, Nigeria, Panama, Portugal, Saudi Arabia, Spain, South Africa, Taiwan, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Vietnam, and Yemen.

### **State Phytosanitary Certificates**

This year, there were 69 state phytosanitary certificates issued. The top 3 primary items shipped are as follows: 37 certificate on 3,793,586 pounds rice, 14 on 6,535 blackberry plants, and 14 on 1,572 pounds soybean seed. Other commodities include the following: rice seed, moss, grape plants, elderberry plants, blueberry plants, gooseberry plants, onion plants, bromeliad plants, and houseplants. These certificates covered shipments to the following 6 states and territories: California, Idaho, Ohio, Oregon, Puerto Rico, and Texas.

### **Imported Plants and Seeds**

Certain plants imported into Arkansas from other countries are required to remain under post-entry quarantine for two years or longer. During the quarantine period the imported plants are kept separate from other plants of like kind and are inspected periodically for insects and diseases, which may not have been apparent at the time of importation. There was one pre-plant inspection this year on a plot to grow pomegranate, loquat, and guava plants in the dormant season of 2013-2014.

### **Homeowner Assistance**

An average of 4 - 5 calls every working day, year round, were received from property owners with insect or plant disease problems in their lawns, trees, and shrubs. Similar calls were also received from nurserymen and vegetable plant growers. Three-fourths of such calls could be diagnosed and control recommendations given by telephone. The remaining calls required a visit to the premises. In addition to this, an average of 5 insect and disease specimens per month were brought or mailed to the office for identification and recommendations. Those which could not be identified by the staff were forwarded to appropriate departments at the University of Arkansas at Fayetteville. Other than servicing nurserymen and plant growers, this is primarily a function of the Cooperative Extension Service. The Plant Board has provided this service so long and so well, however, that it has come to be expected by the citizens of the state and it is good public relations. It also provides a means of keeping up with any new insects or diseases, which may be introduced into the State.

### **Cooperative State-Federal Programs**

The Plant Board cooperates in programs with Federal agencies such as the Animal and Plant Health Inspection Service of USDA, the US Forest Service, US Fish and Wildlife Service, and the US Army Corps of Engineers. There is also cooperation with other State agencies and institutions such as the University of Arkansas, the Cooperative Extension Service, and the Arkansas Forestry Commission. In addition to projects performed by the State Plant Board, we also coordinated a Corn Commodity Survey performed by Dr. Gus Lorenz of the U of A Cooperative Extension Service.

### **Outreach and Education**

Whenever a new insect pest, plant disease or invasive weed appears in an environment, the chances of success in combatting this pest are greatly improved by early detection. When many different people and groups throughout the state are familiar with these new pests there is a greater likelihood that they will inform us about potential sightings. Outreach and education spreads the word about these pests and great efforts have been made to improve its effectiveness in the state. One formal way outreach has been done is through the Forest Invasive Pest Outreach. Cooperation with the University of Arkansas Cooperative Extension Service to develop a comprehensive strategy for invasive pest outreach beginning with forest invasive pests has resulted in the development of an invasive pest website specific to Arkansas. Other outreach and education activities conducted include thirty-five specific meetings addressing approximately forty different stakeholder groups about invasive pests

and the importance of CAPS. These outreach events vary from passive, general, public events to direct, one-on-one meetings with involved stakeholders.

### **Weed Programs**

**Itchgrass (*Rottboellia exaltata*):** This weed has been problematic in the past, but is considered eradicated because no plants have been found since 2000.

**Purple Loosestrife:** Since all Lythrum species were designated noxious weeds in 1990, the Plant Board has continued eradication efforts on 4 areas known to have purple loosestrife. The site in Randolph County has had no plants for the past seven summers. The 1/8 acre in Horseshoe Bend and the 1/2 acre patch in Southern Stone County are also currently being monitored, with no new plants found. The location at Mammoth Springs State Park has had no plants observed the past five years, and is being monitored and treated by the park staff as needed. The site at Beaverfork Lake near Conway has shown three new plants. These appeared in the same area as in years past are probably from newly sprouted seeds. They were killed with herbicide. We will continue monitoring these sites into the future.

**Water Hyacinth:** This is a floating aquatic plant which has been popular with water gardeners. In April 2006 this plant was placed on the Prohibited Plant List by the Plant Board due to the highly invasive nature of the plant when it grows in wetlands. There are several populations of this plant along oxbow lakes and backwaters of the Lower Arkansas River. The plant is also known to grow in Lake Dardanelle, the lower portions of the Ouachita River, and has been spotted in the Little Maumelle River west of Little Rock. The Little Maumelle infestation has been reduced over the past two years due to previous cold winters, but some isolated patches remain.

### **Insect and Mollusk Programs**

**Brown Garden Snail:** Each load of plant material arriving from quarantined areas of California and Washington must be accompanied by an official snail-free certificate or a quarantine treatment certificate. This year, 54 loads of nursery stock from California were inspected at various points in the state. No snails were found.

**Christmas Tree Inspections:** The Plant Board also inspected trees grown out of the state of Arkansas at Christmas tree dealers across the state. No pine shoot beetles were found or Gypsy Moth Egg masses were found (for more information on Gypsy Moth see the report on the following page).

**The Pine Commodity Survey:** was conducted for the early detection of five invasive insect pests of pine forests. The insects are: Siberian Silk Moth (*Dendrolimus sibericus*), Large Pine Weevil (*Hylobius abietis*), Brown Spruce Beetle (*Tetopium fuscum*), Pine Shoot Beetle (*Tomicus destruens*) and the Wood Wasp (*Sirex noctilio*). Thirty two locations were selected in the central Arkansas area. Locations included businesses that receive solid wood packing materials, river barge terminals, saw mills, Christmas tree farms, and standing pine timber. In early April the State Survey Coordinator (SSC) left the agency just as the survey was beginning. Plant Industry staff and APHIS/PPQ personnel managed the survey work throughout the spring and summer months. Due to the absence of an agency SSC some duties temporarily shifted to APHIS/PPQ personnel.

Two full-time employees placed Lindgren funnel traps, cross vane traps and the modified milk carton trap at these locations with the appropriate lure combinations. Samples were collected from the wet cups on the funnel traps and the cross vane trap. Suspects were screened by APHIS/PPQ personnel and sent to the approved identifier. Results are pending.

**Emerald Ash Borer (EAB):** This small exotic beetle from China has been destroying ash trees throughout the Upper Midwest and the Great Lakes Region. There is a quarantine against movement of ash trees and logs from several states, but new infestations are appearing in new areas. In 2008, several infested trees were found in Missouri near the Arkansas border, most likely from firewood brought into a campsite.

In early April the State Survey Coordinator (SSC) left the agency just as the survey was beginning. Plant Industry staff and APHIS/PPQ personnel managed the survey work throughout the spring and summer months. Due to the absence of an agency SSC some duties temporarily shifted to APHIS/PPQ personnel.

The Emerald Ash Borer Survey is being completed for the early detection of *Agrilus planipennis*. The field survey work is scheduled to be completed in August. Twelve full-time employees were assigned 550 locations to place traps. Some of the locations were inaccessible or impractical for trap placement. Trappers submitted mid-survey data information which was submitted to PPQ personnel for data entry. End of survey data is to be submitted in late August or early September and will be assessed by ASPB and PPQ personnel and uploaded into both IPHIS and NAPIS systems. To this date, no suspects have been submitted for identification.

**Gypsy Moths:** are a highly invasive European import which has severely impacted hardwood forests and urban areas throughout the Northeast, Mid-Atlantic, and Great Lakes regions of the United States. They lay egg masses on tree trunks, but can also lay eggs on outdoor furniture, trailers, and recreational vehicles. The Plant Board, along with several cooperating agencies trap throughout the state and concentrate on areas which have the highest likelihood of receiving traffic from areas of the country in which the insect is

common. Campgrounds, parking lots, tourist areas, and roadside rest areas are some examples of target trapping areas.

The Gypsy Moth Detection Survey Plan for Arkansas has been developed through the joint efforts of the Arkansas State Plant Board, the U.S. Forest Service and the USDA APHIS Plant Protection and Quarantine. The plan follows the guidelines of the National Gypsy Moth Survey Plan.

Arkansas' plan has three distinct parts.

(1) The 1<sup>st</sup> part is detection traps which are deployed all over Arkansas by our cooperating agencies, the Plant Board, and USDA APHIS PPQ. Every summer approximately 5,000 traps are placed throughout the state. Cooperating agencies include the Arkansas Game and Fish Commission, Arkansas Forestry Commission, Arkansas State Parks, Arkansas Highway Commission, University of Arkansas Cooperative Extension Service, Ouachita National Forest, Ozark National Forest, Buffalo National River, Natural Resources Conservation Service, United States Army Corps of Engineers, Little Rock Air Force Base, Camp Robinson National Guard and Fort Chaffee. USDA and Plant Board do concentrated trapping in rotating zones in forested areas of Arkansas.

(2) Delimiting trapping is conducted in high risk areas (those areas where there were catches the previous year). If a gypsy moth is caught, the square mile around the catch is heavily trapped for the following two years. This shows whether the catch was from a breeding population or merely a hitchhiker. One moth was caught in Newton County near the community of Parthenon in 2012. This area is undergoing delimiting trapping in the summers of 2013 and 2014.

(3) The 3<sup>rd</sup> portion of the overall plan is the delimiting trapping in the eradication zone. This method will only be used if we find another breeding population.

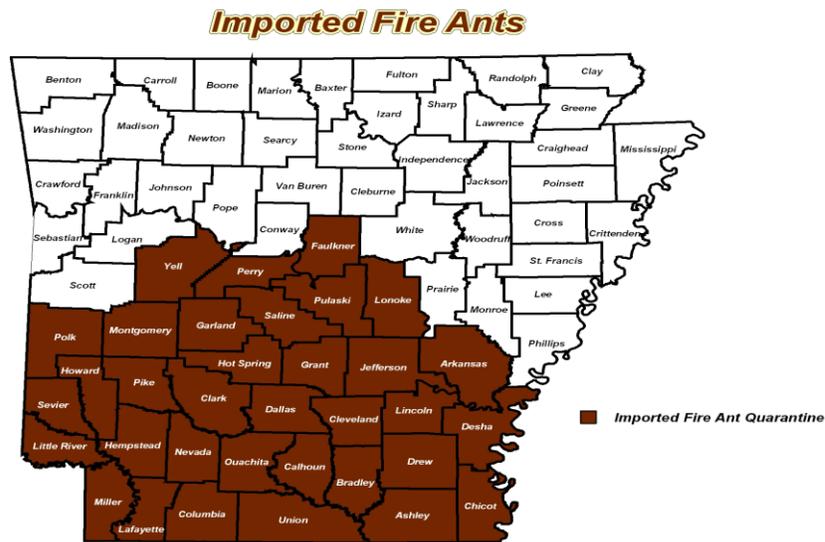
During the Christmas season, our inspectors check on cut Christmas trees from areas of the country where a potential gypsy moth population could occur. The inspectors look at quarantine paperwork from the shipper, and also inspect tree bark for gypsy moth egg masses.

### **Imported Fire Ant**

Originally from South America, fire ants are steadily moving northward. They can fly at certain times of the year, but can also spread artificially through potted plants, grass sod, hay, straw, mulch and used dirt moving equipment. Businesses which are located within the quarantine must sign up for a compliance agreement if they wish to move a regulated article outside of the quarantine. The compliance agreements outline the steps necessary to prevent fire ants from moving into new areas through these products. Companies which hold compliance agreements are inspected annually and their treatment records are checked. The

Plant Board also tests soil from treating nurseries to ensure that those plants have the required insecticide.

We perform a border survey every year in the areas just beyond the quarantine to determine if new populations of IFA have become established. If a county or a portion of a county is considered infested, it is added to the quarantine. 896 nursery sites were inspected and treatment certificates were checked. Also inspected were 79 nurseries, nursery dealers, sod farms, hay producers, and used dirt moving equipment operators who are currently operating under IFA compliance agreements.



## Disease Programs

**Karnal Bunt:** Karnal Bunt, or partial bunt, is a fungal disease of wheat, durum wheat and triticale. The disease is caused by spores. Typically, only a portion of the kernel is affected; this is why the disease is sometimes called partial bunt. Damage is twofold; 1.) Infested plants produce less grain, 2.) The quality of the grain itself is lessened. Although the overall crop losses caused by Karnal Bunt might not be severe, the disease has quarantine significance and therefore could affect US grain exports. A National survey plan developed by APHIS is the guideline which each wheat growing state follows. In 2013 26 elevator facilities were sampled at least once during the Arkansas wheat harvest. All grain and seed samples were negative for the fungal spores. The numbers were down due to a limited crop of wheat this year.

The following is a breakdown of counties and the number of samples taken in each county: Ashley – 1, Chicot – 1, Clay – 1, Crittenden – 3, Desha – 1, Drew – 0 (grain unavailable), Greene – 1, Jefferson – 2, Lafayette – 1, Little River – 1, Lonoke – 2, Phillips – 2, Prairie – 2, Pulaski – 1, Randolph – 1, St. Francis – 3, Woodruff – 2.

**Sudden Oak Death:** This is a fungus-like disease which has impacted coastal forests in Northern California and Southern Oregon. The disease is spread by other plants, many of which are ornamentals. Nurseries in California, Oregon, and Washington which ship host plants out of state must be certified free of this disease in order to ship. They are also required to notify non-quarantined states when potential host plants are shipped to these states. We have conducted nursery surveys in the past looking for this disease. Whenever this disease is found in a shipping nursery, states on the receiving end are notified and those plants are analyzed for the presence of the disease. This is known as a Trace Forward, and there were none of these during this year.

**Thousand Canker Disease of Black Walnut:** This is a disease complex where the tiny walnut twig beetle spreads a fungus as it attacks walnut trees. Infected trees show dieback and eventual death. This disease has caused the death of walnut trees in Western United States, and has been found in Tennessee, Virginia, and Pennsylvania. In March 2011, the Plant Board enacted a walnut quarantine for any state in which the disease has been found. Articles regulated by the quarantine include walnut nursery stock, raw lumber, lumber with bark, walnut mulch and chipped walnut wood, and non-coniferous firewood. Unregulated articles include kiln dried walnut (if stripped of bark), finished walnut lumber and furniture, and walnut fruits (nuts).

As previously stated, the State Survey Coordinator (SSC) left the agency just as the survey was beginning. Plant Industry staff, seasonal help, and APHIS/PPQ personnel managed the survey work. Due to the absence of an agency SSC some duties temporarily shifted to APHIS/PPQ personnel.

The work consisted of trapping and a visual survey performed for the purpose of early detection of Thousand Canker Disease and Walnut Twig Beetle in black walnut trees. One seasonal employee placed a total of 90 traps in two counties located in the Northwest part of the state. Sixty traps were placed throughout Washington County and 30 traps in Benton County. The trapping took place from April thru June. Traps have been retrieved and samples submitted. Results are pending at this time. Data will be entered into the NAPIS database.

## **Biotechnology**

We continue to receive from USDA, APHIS, PPQ applications for movement and/or planting of material under regulation for comment. Our comments are considered by PPQ before permits are granted relative to these Genetically Modified plants.

**Liberty Link:** Discovery in Europe, in December of 2006, of rice containing a genetically engineered characteristic negatively impacted rice exports from Arkansas. Market prices dropped and several subsequent shipments were declined entry. Regulatory actions were undertaken. Regulations were enacted and protocols established requiring all seed to be used for planting be tested for the potential presence of the genetically modified trait. These requirements are still in place. Currently those regulations are still in place and are being enforced.

### **Permitted Trial Inspection**

Plant Board Inspectors have been trained and are being called on to inspect trials permitted through the USDA, APHIS, Biotech Regulatory Services permitting system. As assigned, inspectors gather relevant information, perform site visits, and confirm activities of the trial are consistent with the protocols stipulated in the permit approval. A written report is prepared and returned to BRS. This program has exited the pilot stage and is now being treated as an operational function of the BRS mission. The program had six state participants in 2013.

**COMMERCIAL PEST CONTROL SECTION  
ANNUAL REPORT  
FOR  
FISCAL YEAR JULY 1, 2012 / JUNE 30, 2013**

Seth Dunlap, Agri Program Manager  
James Clark, Plant Board Inspector Supervisor  
Tracy Riggs, Administrative Specialist II  
Maggie Woodyard, Administrative Specialist II  
Donna Wilkerson, Administrative Specialist II

**INSPECTORS**

Johnny Bell, North East AR Inspector  
Lyndall Hamilton, North West AR Inspector  
Greg Hearnberger, South AR Inspector  
Josh Dement, North Central AR Inspector  
Andrew Simpson, Central AR Inspector

The Pest Control Section is charged with carrying out the Arkansas Pest Control Law and Regulations, "Act 488 of 1975" and the Federal Insecticide Fungicide Rodenticide Act "FIFRA" concerning the non-agricultural use of pesticides. The section is staffed with one Agri Program Manager, one Pest Control Inspector Supervisor, five Pest Control Inspectors, and three Administrative Specialists.

Any person engaging in pest control service in Arkansas must obtain a license from the Plant Board Pest Control Section. A license can be obtained only after the individual has met financial and moral requirements and has completed written examinations in both category and basic EPA certification with passing scores. This section issues licenses or certificates in eleven separate categories. Those persons licensed or certified are inspected routinely to insure proper performance under State and Federal Laws and Regulations. The heaviest work load is the inspection of work performed in structural pest control. This section investigates individuals performing commercial pest control services without a license. These offenders are subject to the Plant Board Pesticide Enforcement Response Policy or are prosecuted with the assistance of local law officials.

This year, 173 licensed Termite and Other Structural Pest Control operators reported 25,885 Termite and Other Structural Pest jobs.

Plant Board inspectors performed 172 routine inspections, responded to 164 requests for inspections and performed 61 re-inspections.

Active Operators this year - 1226

Active Agents this year – 2369

Applicants certified this year - 71

Reference letters written by Pest Control Section staff this year – 312

<b>EXAMINATIONS</b>	<b>TOTAL</b>	<b>PASSED</b>	<b>FAILED</b>
Basic EPA Certification	179	168	11
Termite and Other Structural Pests (Class 1)	31	20	11
Household Pest (Class 2-H C)	49	33	16
Rodent Control (Class 2-R C)	45	34	11
General Fumigation (Class 3)	7	0	7
Ornamental Tree & Turf Pest Control (Class 4)	78	29	49
Weed Control (Class 5)	46	23	23
Golf Course Pest Control (Class 6)	20	11	9
Food Mfg., Processing & Storage Pest Control (Class 7)	3	1	2
Food Related Fumigation (Class 8)	27	17	10
<b>TOTAL</b>	<b>485</b>	<b>336</b>	<b>149</b>

Pest Control Section inspectors monitored pre-treatments for prevention of termites at 10 job sites.

Pest Control inspectors inspected 3 Federal Facilities this year.

Pest Control inspectors took 84 physical samples during the course of their work this year.

The Pest Control Section staff conducted 17 hearings this year.

Civil penalties issued thru the Pest Control Committee/Plant Board this year - 6

For a total amount of \$4,200.00

Civil penalties paid this year - 6

For a total amount of \$ 4,200.00

Termite and Other Structural pest control work takes up most of our time due to the amount of work performed and the importance of protecting the single most important investment consumers have, their home. Overall the staff performed 172 routine inspections, responded to 164 inspection requests, monitored 11 pre-treats, and issued 62 “first” pink slips to 38 companies, 11 “second” pink slips to 10 companies and 1 “third” pink slip to 1 company this year.

This year, 405 licensed operators re-certified.

The Pest Control Section staff issued 22 Warning Letters this year.

Two hundred forty one (241) Cease and Desist orders were issued by the Pest Control Section staff this year.

Property owners made 164 requests for inspections this year. Many of these requests came from disputes where the pest control operator and homeowner could not agree on the responsibility based upon Pest Control Law, Regulations and contractual agreements to settle these disputes. The staff feels that solving problems associated with property owner’s requests is one of our most important duties.

The staff is continuing to work with the pest control industry, legislators and other interested groups and individuals to make changes to Arkansas Pest Control Law & Regulations, as necessary.

The Pest Control Section staff filled the following orders this year:

Forms – N/A	Study Kit (3) - 9 orders
Applications - 399 orders	Study Kit (4) - 183 orders
Mailing Lists – N/A	Study Kit (5) - 123 orders
Circular 6 – 423 orders	Study Kit (6) - 20 orders
Study Kit (1) - 49 orders	Study Kit (7) - 7 orders
Study Kit (2) - 74 orders	Study Kit (8) - 17 orders

Mr. Seth Dunlap, Manager of the Commercial Pest Control Section, made 1 trip to attend conferences this year.

### **Apiary Section 2011-2012**

**Managed Programs:** Apiary, Sweet Potato Weevil, Pink Bollworm, Boll Weevil and Aquaculture.

Mark Stoll; Agri Program Manager (Section Head)  
Betty Scott; Plant Board Inspector (Apiary Inspector)  
Aman Minick; Plant Board Inspector (Apiary Inspector)  
Dana Jones; Administrative Specialist II (Secretary II)

### **APIARY**

#### *Inspections*

There were a total of 2,085 registered apiarists in the state with 4,734 registered apiaries. A total of 25,821 colonies were visited this year. Out of these, 10,982 colonies were inspected.

#### *Migratory Beekeepers*

There were 20 moving permits issued this year to beekeepers moving from state to state. There were 10 commercial beekeepers that left the state on pollination contracts. They transported 7,344 hives on these contracts.

#### *Honeybee pests and disease*

The breakdown, out of the 10,982 colonies inspected, is as follows:

American foulbrood:	4
European foulbrood:	134
Chalkbrood:	9
Sacbrood:	0
PMS:	2
Nosema:	0
Varroa Mite:	494 (Occurs in most hives.)
Tracheal Mites:	0 (Occurs in most hives.)
Small Hive Beetle:	1,627
CCD:	1

The majority of the beekeepers are aware of the need to treat for both the varroa and tracheal mites. The wild bee (feral colonies) population is slowly increasing. The Africanized Honey Bee has been found in the state and could be spreading out through the state in the future.

The Small Hive Beetle was brought to the United States in 2000. Several states have now become infested with the beetle. The Apiary Section has deregulated the Small Hive Beetle due to the percentage of the state that now currently has the beetle.

#### Survey

The Apiary Section of the Arkansas State Plant Board participated, for the second straight year, in a National Honey Bee Survey by USDA. The survey will determine what honey bee pests and diseases we have in the United States. This information will help the U.S. in banning imports of bees from other nations that has a bee pest or disease not found in the U.S..

The survey required twenty-four composite samples. These samples will be composite samples from eight hives in each apiary. The sample consists of three collection types: live bee box, alcohol sample, and alcohol filtered sample. The survey also called for the collection of pollen from ten of the twenty-four sample locations. Arkansas has completed this survey for the second year and will participate in the survey again in the next fiscal year.

#### Africanized Honey Bee

The introduction of the Africanized bee into Arkansas has been closely monitored by the placement of traps along the Oklahoma, Texas and Louisiana borders. Forty-one (41) traps were placed around the state in 2006, in 2007 Fifty (50) traps were placed, in 2008 sixty (60) traps were placed, in 2009 sixty (60) traps were placed, in 2010 sixty (60) traps were placed, in 2011 sixty-one (61) traps were placed, in 2012 sixty-five (65), and in 2013 fifty-six (56) traps are currently in the field. The 2013 swarm traps are placed in trap lines along the Oklahoma and Louisiana borders, along Africanized Honey Bee (AHB) counties in Arkansas, and in strategic locations. There have been about twenty positive locations verified in Arkansas since 2005. Counties with positive finds include: Miller, Lafayette, Clark, Columbia, Bradley, Nevada, Faulkner, Baxter, Howard and Union counties.

The Apiary Section has provided training for 1<sup>st</sup> responders, pest control operators, beekeeper organizations, other state and federal agencies, and other organizations. The Apiary Section continues its effort to monitor locations for AHB, and to provide information on new positive finds to the public.

### Public Relations

The Apiary Section has held a large role in educating the public about bees by participating in a total of twenty-three (23) demonstrations, twenty-six (26) programs, thirty-two (32) presentations, and thirty-six (36) films/exhibits designed to increase public awareness of the honeybees' importance in agriculture, provide education, provide information concerning the Apiary Laws, and to provide a better understanding of the importance of honey bees. The section has also helped teach in eight (8) beekeeping classes to those interested in learning more about how to keep bees and treat for pests and diseases.

The staff has also represented the State Plant Board in several beekeeping association meetings throughout the state, and in surrounding states. The Apiary Section was represented at the annual meetings of the American Association of Professional Apiculturists, American Beekeeping Federation and the Apiary Inspectors of America, which were held jointly in January of 2013 in Hershey, PA.

### **SWEET POTATO WEEVIL**

There were a total of 15 growers planting 3,816.02 acres of sweet potatoes in Sweet Potato Green Tag Certification Program this fiscal year. Twelve (12) growers were in Program A, and three (3) were in program B. There were no Sweet Potato Weevils trapped last year.

A \$10 per acre trapping fee was implemented in 1998 to recover the costs of certifying sweet potato fields free of the Sweet Potato Weevil. A total of \$38,160.20 was collected this year.

A total of 994,440 green tags were mailed out to the growers.

### **PINK BOLLWORM**

A total of 27 traps were placed by the State Plant Board at Gins in Northeast Arkansas. USDA trapped the remaining Gins in the state. No pink bollworm moths were recovered in the 2013 survey.

Guidelines or criteria of placing an area under Area A (infested area):

*If a single moth is trapped prior to September 1, the area will be placed under regulation immediately. If a single moth is trapped after September 1, and no larvae recovered, regulations will not be applied unless an additional moth is trapped within a 1 ½ mile radius of the initial trap find.*

The quarantine was lifted by USDA in the spring of 2000. Arkansas is now considered to be Pink Bollworm free.

Most gin owners, managers and/or operators were most cooperative in all phases of the program. All gins were in compliance with the gin clean-up deadline.

**Growers were most cooperative with the stalk destruction requirements.** No violations will be carried over from 2012 leaving zero (0) on the 2013 prohibited ginners list. All designated oil mills that received quarantined cottonseed were milled out and cleaned up by the June 1 deadline.

All survey, regulatory, and control work was in cooperation with USDA-APHIS. Other agencies such as Agricultural Extension Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, etc., assisted in publicity and other phases of the program.

### **BOLL WEEVIL**

The Boll Weevil Eradication Program has successfully completed another year. The entire state is under the eradication program. The Northeast Delta Zone was the last zone to enter the Program in Arkansas. This zone entered under a forced program administered by the State Plant Board.

Cotton acreage is decreasing in Arkansas each year. In 2007 there were 852,159.1 acres of cotton statewide. The 2007 total was down 308,104.3 from the 2006 crop year. In 2008 there was a total of 605,686.8 acres of cotton statewide. That is down 246,472.3 acres statewide from 2007. In 2009 there was a total of 490,816.1 acres of cotton statewide. This is down 669,447.3 acres from the 2006 crop year. Since 2006 the cotton crop in Arkansas has decreased by over 50%. However, in 2010 there was a total of 522,221.3 acres of cotton statewide. This marked the first increase in cotton acreage since the start of the decline in 2007. In 2011 the total cotton acres increased again to 631,504.1 acres. However, in 2012 the cotton acreage declined to 587,128.60, and forecasts for the 2013 crop predict that the acreage will be around 300,000 acres.

In 2012 the Arkansas State Plant Board adopted a new billing system for the program. Instead of having the Boll Weevil Foundation collect field information from the growers and us this data for billing the Plant Board entered into a MOU, memorandum of understanding, with USDA-FSA. This MOU made it possible for FSA to share the certified field information with the Plant Board, and the Plant Board used that data to create invoices for the growers. By doing this the referendum zones were basically indeterminable in reference to how they had been separated in the past. The acreage was only identified/separated by the per/acre assessment.

In 2012 there were three different per/acre assessments: \$14, \$8, and \$5 per acre.

The \$14 per acre assessment was the assessment for what was the Northeast Delta Zone. There were 208,502.82 acres associated with this per/acre assessment in 2012.

The \$8 per acre assessment encompassed the Northeast Ridge, Central, and Southeast Zones. There were 377,359.44 acres in this area.

The \$5 per acre assessment included the Southwest Zone, and had 1,266.20 acres in 2012.

### **Aquaculture**

The Aquaculture program was started in 2006. This program was started to certify bait and ornamental fish shipments, and to show that the shipments meet the Official Standards for Certification of Bait and Ornamental Fish. The Arkansas State Plant Board is working in conjunction with USDA accredited veterinarians that are completing two-year disease free inspections. These inspections follow APHIS-approved protocols and are followed by onsite inspections of biosecurity and aquatic nuisance species (ANS) status completed by Arkansas Agriculture Department field staff. Upon completing the two-year of disease free testing and the onsite inspection the Arkansas State Plant Board will issue the fish producers Certificates to verify that the shipment of bait and ornamental fish are certified to be ANS free and disease free.

In 2012 the Snakehead Fish and Quagga Mussel were added to the ANS list, and Best Management Practices for Gambusia were adopted.

The Arkansas State Plant Board had 17 producers signed up in 2012 for certification. The total acres for 2012 were 14,225.25. This program charges \$1 per surface acre and collected \$14,225.25 in annual fees from the participating producers.

### **Federal-State Fresh Fruit and Vegetable Inspection Section**

Scott Bray, Director  
John Lansdale, Manager  
Douglas Goodson or Edgar Rippee Federal Program Managers  
July 1, 2012 - June 30, 2013

Under a cooperative agreement with the USDA, this section is responsible for providing inspections of fresh fruit and vegetables for the purpose of certifying their quality, condition and quantity as authorized by the Agricultural Marketing Act of 1946. Quality - referring to

the inherent properties of a product which determines its relative degree of excellence. Condition - referring to the relative degree of soundness or preservation of a product and includes but is not necessarily limited to, its firmness or stages of ripeness, decay, freezing, shriveling, flabbiness or any other progressive factor which effects the products marketability. Quantity - meaning the number or weight.

In providing this service there are two types of inspections, shipping point and market inspections. Shipping point inspections are those performed on products produced within the state at the point of origin or production and are therefore, seasonal in nature. Market inspections are those made of products after they have been shipped from the point of origin or production and may include those produced within the state as well as other states or foreign countries.

The following table pertains to shipping point inspections performed during FY 2012- 2013.

APPLICANTS	PRODUCTS	NUMBER GROWERS	NUMBER CONTAINERS	NUMBER POUNDS
Proffer Wholesale Produce Warren, Arkansas	Tomatoes	11	100,584	2,122,738
"	Cucumbers	1	5,689	312,895
"	Squash	1	3,250	136,500
"	Snap Beans	1	486	14,580
"	Peppers	1	3,041	91,230

Requests for the shipping point inspection service continue below normal due to changes in marketing procedures (direct marketing, roadside markets, u-pick operations), and reduction in production of some products, etc.

All Market Inspections are performed by the section manager.

The following table pertains to Market Inspections performed during FY 2012-2013.

PRODUCT	NUMBER OF LOTS INSPECTED	NUMBER OF POUNDS
Tomatoes	0	0

The section manager assisted in some demonstrations with regard to grading, packing and marketing of fruits and vegetables.

This division cooperated with USDA’s Foreign Agricultural Service, Trade Opportunity Referral System (TORS) of Export Trade Services Division with regard to marketing Arkansas agricultural products. It is also, cooperating with the Arkansas Industrial Development Commission in exchanging and forwarding inquiries on trade leads.

This section is also responsible for the Good Agricultural and Good Handling Practices Audit Verification Programs.

This program is an audit based service, in order to assess a company’s efforts to minimize the possibility of contamination of fresh fruits, vegetables and nuts by microbial pathogens. It does not assure that the product is free from microbial contamination. Audits are intended to occur on a scheduled basis at a minimum of once a year. The responsibility for continuing product safety and the continued observance of practices leading to a minimized possibility of microbial contamination rests with the company.

These instructions are specifically developed by the Fresh Products Branch to assist officially licensed auditors in the application of auditing principles and practices, the use of an official checklist and define GAP & GHP terms in order to conduct audits for GAP & GHP program compliance. These instructions do not establish any rule or regulation.

The mission of the program and the intent of these instructions are to provide a uniformly applied national auditing program for the U.S. fresh produce industry for purposes of verification with GAP & GHP.

<b>USDA GAP/GHP AUDITS PERFORMED</b>
<b>9</b>

<b>USDA GAP/GHP UNANNOUNCED FOLLOW—UP AUDITS</b>
<b>2</b>

<b>PRODUCE GAPS HARMONIZED AUDITS PERFORMED</b>
<b>3</b>

<b>PRODUCE GAPS HARMONIZED UNANNOUNCED FOLLOW—UP AUDITS</b>
<b>1</b>

## **DIVISION OF SEEDS**

**Mary A. Smith, Director**

The Seed Division's responsibilities are both service oriented and regulatory: (1) The enforcement of Seed Laws and Regulations, (2) The operation of an Official Seed Laboratory, and (3) The management of the Seed Certification program. All activities are coordinated through the Division Director. A summary of the work activities are as follows:

### **I. SEED LAW ENFORCEMENT**

**Mary A. Smith, Seed Control Official**

**Brenda R. Bland, Adm. Asst. III**

**Marchall Caster, Adm. Asst. II**

The ultimate purpose of seed laws and regulations is to protect the consumer and seedsman from poor quality or mislabeled planting seed. This is primarily achieved through routine compliance monitoring - audits of seedsmen/farmers and field inspectors policing the areas where agricultural seed is sold. The inspectors make sure that all the seed, which is being offered for sale, has a label. The label provides information for the buyer such as the germination potential, the kind and number of noxious weeds per pound, the % other crop, the % weeds, the % inert material present, etc.

The inspectors randomly take samples of the seed that is being offered for sale and send them, along with copies of the labels, to the seed laboratory. The seed analysts will test and analyze the seed and compare their findings with that on the label.

If the seed analyst's findings are out of tolerance with the label, the seed is considered mislabeled. A Stop-Sale Notice is issued which prevents the seed from being sold until it has been released to show the correct information, sold for feed (must be untreated), or returned to the manufacturer.

Stop-Sale Notices are also issued by the field inspectors because of technical violations, such as: no analysis labels on the seed; insufficient information on the label; no Arkansas Seed Dealer's license; out-of-date-of test, etc.

All Stop-Sale Notices, whether issued by the Division Director or by the Field Inspector, must have a written release issued by the inspector after he/she is satisfied appropriate measures were taken to correct the violation.

	<u><b>12/13</b></u>	<u><b>11/12</b></u>
Number of Regulatory Samples collected from seed being offered for sale in the trade channels.	1,566	1,854

	<u><b>12/13</b></u>	<u><b>11/12</b></u>
Number of Stop-Sale Notices issued by the Division Director because the seed was found to be mislabeled.	33	63

Number of Stop-Sale Notices issued by Inspectors because of technical violations.	52	38
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A breakdown of the top ten crops, collected by the inspectors and tested by the seed laboratory **for regulatory purposes** is as follows:

<b>Crop</b>	<b>Number Collected</b>	<b>Number Mislabeled</b>	<b>Number in Tolerance, but below Labeled Germ</b>
<b>Soybeans</b>	<b>838</b>	<b>4 (0.48%)</b>	<b>5 (0.60%)</b>
<b>Corn</b>	<b>201</b>	<b>0</b>	<b>0</b>
<b>Wheat</b>	<b>145</b>	<b>1 (0.69%)</b>	<b>0</b>
<b>Ryegrass</b>	<b>122</b>	<b>8 (6.56%)</b>	<b>2 ( 1.64%)</b>
<b>Rice</b>	<b>87</b>	<b>0</b>	<b>0</b>
<b>Tall Fescue</b>	<b>56</b>	<b>11 (19.64%)</b>	<b>3 (5.36%)</b>
<b>Rye</b>	<b>16</b>	<b>2 (12.50%)</b>	<b>0</b>
<b>Grain Sorghum</b>	<b>12</b>	<b>0</b>	<b>0</b>
<b>Bermudagrass</b>	<b>11</b>	<b>0</b>	<b>0</b>
<b>Oats</b>	<b>11</b>	<b>1 (9.09%)</b>	<b>0</b>
<b>All Others</b>	<b>67</b>	<b>6 (8.96%)</b>	<b>0</b>
<b>Total</b>	<b>1566</b>	<b>33 (2.11%)</b>	<b>10 (0.64%)</b>

Each year the Seed Committee reviews the Seed Enforcement Report and recommends the acceptance or rejection (to the full board) of any informal hearing agreements of seed companies with poor labeling records. For the 12-13 year, there is one company whose labeling record requires an enforcement response because of excessively high percentages of mislabeled seed for three or more consecutive years. Other actions taken are issuance of caution and alert letters for companies with one or two years of over 10% mislabeled seed.

The Federal Seed Act regulates seed in interstate commerce, requiring proper labeling and prohibiting misrepresentation of seed transported from one state to another. By agreement between State and Federal authorities, randomly selected regulatory seed samples of interstate shipments are sent to the USDA Federal Seed Laboratory to be grown in varietal

test plots. The Federal Seed Branch requests records on any seed found to be mislabeled as to variety. An investigation is made to determine who is responsible and appropriate action is taken - which can range from a warning letter to a penalty assessment.

This year (12/13) the USDA Federal Seed Branch planted 37 samples of interstate shipments of soybeans & tall fescue we submitted. Most of the grow-out test results of the 27 samples of wheat, oats and rye we submitted in 11/12 appear to have been correctly labeled.

Other activities included:

1) Soybean and rice growing conditions were affected by the very hot growing season in the summer of 2012, however conditions at harvest were better than those in 2011 and the early dry conditions probably reduced disease pressure - resulting in excellent over-all seed quality, especially for soybeans. The number of stop-sales and advisory letters issued for soybean germination problems dramatically decreased in number compared to those issued the previous year. This appeared to be mainly due to low/normal seed moisture levels and low disease pressure during the growing season, with very little mechanical damage and little storage fungi or other organisms to facilitate decline in vigor. Inspectors sampled over 830 regulatory soybean samples to check for possible problems with this seed in the marketplace. In 11/12, 12 stop-sales were issued for soybean germination problems compared to none in 12/13. Also, the number of advisory letters was much decreased – 5 issued this year compared to the 71 advisory letters in 11/12 (sent to seedsmen whose seed was in tolerance with the labeled germ, but 3% or more below the labeled germination percent). These advisories alert seedsmen to monitor their seed in the marketplace. Also, no Arbitration complaints were filed last year on the crops planted in 2012 and so far (to date) this season, no calls for forms to apply for arbitration have been received on the crops planted in 2013.

2) One complaint was received on an individual coming into Arkansas and selling “Fescue” seed without an Arkansas Seed Dealer’s license or any required labeling. The seed was found to be illegal for sale and not fit for planting. Although a stop-sale was issued, he continued to sell this seed in violation of the regulations, resulting in his seed being seized and eventually destroyed. Outreach, including newspaper articles and posters at cattle auction barns, was conducted to alert farmers in the areas where this seed was being sold.

3) Liberty Link (LL) Rice contamination found in rice grain shipments in 2006 led to 06/07 activities in sampling, testing, and issuing validation reports for seed lots that were not found to be positive for the LL trait. This same testing has continued each year since that time. Plant Board Inspectors provided sampling for all rice seed intended for planting in Arkansas in the spring of 2013. During the testing phase, over 400 samples were submitted to labs for testing - all with negative results. The Seed Division issued approximately 960 Seed Sample Validation Reports in the spring and summer of 2013.

Another part of seed law enforcement is the issuance of various licenses:

	<u>12/13</u>	<u>11/12</u>
Number of Seed Dealer's Licenses Issued	219	224
Number of Subsidiary Locations Registered	143	129
Number of Seed Treater's Licenses Issued	108	107
Number of Seed Treater's Restricted-Use Pesticide Lic. Issued	21 (2013)	15 (2012)
	(21 Loc. 23-treaters)	(15 Loc. 18-treaters)

All seed sold for planting purposes must have a tonnage fee paid on it to help support the regulatory work. This fee can be paid by purchasing permit tags, analysis labels, or by filing quarterly reports on the number of pounds of seed sold and paying a fee per each hundred pounds sold. The tonnage fee breakdown is as follows:

	<u>12/13</u>	<u>11/12</u>
Number of Permit & Analysis Labels Issued (non-certified)	8,257	400
Number of Pounds Reported	331,311,570	389,074,222

## II. SEED LABORATORY

Aaron Palmer, Manager (CSA)\*

### Seed Analyst III

Margaret Breard  
Debbie Hill (CSA)\*  
Minta James (CSA)\*  
Barbara Moore (CSA)\*

### Seed Analyst II

Gordon Baldrige (CSA)\*  
Pamela Bingham

\*Certified Seed Analyst

The seed laboratory tests both regulatory samples as explained under “Seed Law Enforcement” and service samples. Service samples are seed samples submitted by seedsmen or farmers for the purpose of obtaining information as to the quality of the seed for planting purposes. If the seedsman is going to sell his seed for planting, he must have an official seed laboratory test to support the labeling information. The breakdown and comparison to last year is as follows:

	<u>12/13</u>	<u>11/12</u>
Number of Service Samples Tested	6,720	5,742
Number of Regulatory Samples Tested	1,566	1,854
<b>Total</b>	<b>8,286</b>	<b>7,596</b>

Many of the seed samples submitted to the seed laboratory required “special tests” in addition to the standard purity and germination tests. The comparison to last year is as follows:

	<u>12/13</u>	<u>11/12</u>
Number of Purity Tests	4,827	5,180
Number of Germination Tests	8,234	7,363

Number of Phenol Tests (varietal test for wheat)	48	123
Number of Coleoptile Tests (varietal test for wheat)	48	123
Number of Hypocotyl Tests (varietal test for soybeans)	28	23
Number of Peroxidase Tests (varietal test for soybeans)	0	5
Number of Fluorescence Tests (varietal test for oats)	9	19
Number of Moisture Tests (certification requirement)	1,076	1,161
Number of Tests for Red Rice (pounds hulled)	1,036 (3,420)	1,110 (3,579)
Number of Cool Tests (vigor test for cotton)	2	23
Number of Accelerated Aging Tests (vigor test for soybeans & wheat)	3,282	1,711
Number of Tetrazolium Tests (rapid viability test for seed)	58	81
Soybean Herbicide Trait Tests	1,071	1,438
Rice Herbicide Trait Tests	337	348
<b>TOTAL TESTS CONDUCTED</b>	<b>20,056</b>	<b>18,708</b>

The seed laboratory tests over 60 different crops, which range from alfalfa to wheat. Below is a breakdown of the top ten crops in numbers submitted for service testing, compared to last year:

<b>CROP</b>	<b>12/13</b>	<b>11/12</b>
Soybeans	3,589	2,047
Rice	1,177	1,333
Wheat	770	1,133
Oats	133	166
Garden Beans	77	89
Corn	43	49
Annual Ryegrass	110	61
Cotton	9	38
Clover	120	117
Cowpeas	33	47
All Others	659	662
<b>TOTAL SAMPLES</b>	<b>6,720</b>	<b>5,742</b>

The Seed Lab Manager currently serves on the Executive Board of the “Association of Official Seed Analysts” (AOSA).

### **III. SEED CERTIFICATION**

#### **James Chastain, Certification Manager**

The Seed Certification Program provides constant supervision to the production of seed with the highest genetic and mechanical purity. Rigid standards of quality are set-up by the Plant Board for the three classes of certified seed. Detailed records are maintained for four generations of seed production. Each generation of Foundation, Registered and Certified seed production must be field inspected and then laboratory tested. Only when all standards are met, can certified tags/labels (or bulk certificates for wheat) be issued.

In 2006, new standards were added to the Certification program for the certification of vegetatively propagated turfgrasses. Protocols and forms for this program have been developed and training for inspections has been conducted and is on-going. Three inspections are conducted annually on the fields in certification. Maps using GPS coordinates developed for all fields in continuous production continued to be helpful for this year’s inspections.

In addition to the Certification Program, the Seed Division began offering services in 1994 other than the traditional seed certification program. The Identity Preserved/Quality Assurance Program allows inspection services to be developed to meet the specific needs of individual companies.

Regulation changes in 2004 allowed registered grade rice, wheat and soybeans to be sold in bulk bags (superbags). This altered the way some of the crops are sold. There is a decrease

in the amount of traditional bag labels printed and an increase in the superbag labels printed, especially for rice.

A breakdown of the acreage under each of these programs, and tags/labels issued is as follows:

	<b>2012 Crop Year</b>	<b>2011 Crop Year</b>
<b>Total Acres Certified</b>	<b>40,628</b>	<b>54,424</b>
<b>Total Acres Identity Preserved/Quality Assurance</b>	<b>6,164</b>	<b>3,018</b>
<b>Grand Total (Acres)</b>	<b>46,792</b>	<b>57,442</b>
<b>Number of Conditioners Inspected</b>	<b>33</b>	<b>33</b>
<b>Number of Permits Issued (includes Bulk Wheat Permits)</b>	<b>51</b>	<b>65</b>
<b>Bushels of Wheat Sold Bulk Certified</b>	<b>9,346</b>	<b>16,301</b>
<b>Bushels Wheat Sold in Super Bags</b>	<b>1,087,748</b>	<b>975,929</b>
<b>Bushels Soybeans Sold in Super Bags</b>	<b>66,245</b>	<b>65,120</b>
<b>Bushels Rice Sold in Super Bags</b>	<b>1,299,258</b>	<b>1,120,866</b>
<b>Number Labels Issued on Traditional Size Bags</b>	<b>284,622</b>	<b>198,181</b>

#### CERTIFICATION DATA FOR THE 2012 CROP YEAR

<b>CROP</b>	<b>No. of Applications</b>	<b>Acres Approved</b>	<b>NUMBER OF LABELS ISSUED ON TRADITIONAL SIZE BAGS</b>				<b># of Labels Issued if all Certified seed was sold in 50 lb. traditional units</b>
			<b>FD</b>	<b>REG</b>	<b>BT</b>	<b>TOTALS</b>	
<b>Oats</b>	<b>2</b>	<b>140</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Wheat</b>	<b>66</b>	<b>12,403</b>	<b>15,271</b>	<b>4</b>	<b>150,272</b>	<b>165,547</b>	<b>1,470,845</b>
<b>Rice</b>	<b>130</b>	<b>23,612</b>	<b>3,217</b>	<b>4,674</b>	<b>80,362</b>	<b>88,253</b>	<b>1,257,585</b>
<b>Soybeans</b>	<b>25</b>	<b>2,458</b>	<b>3,597</b>	<b>3,669</b>	<b>22,556</b>	<b>29,822</b>	<b>105,496</b>
<b>E. Gammagrass</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Peanuts</b>	<b>1</b>	<b>1,308</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Triticale</b>	<b>6</b>	<b>397</b>	<b>0</b>	<b>0</b>	<b>1,000</b>	<b>1,000</b>	<b>1,000</b>
<b>Turfgrass</b>	<b>16</b>	<b>300</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTALS</b>	<b>247</b>	<b>40,628</b>	<b>22,085</b>	<b>8,347</b>	<b>254,190</b>	<b>284,622</b>	<b>2,834,926</b>

**CERTIFICATION DATA FOR THE 2011 CROP YEAR**

<b>CROP</b>	<b>No. of Applications</b>	<b>Acres Approved</b>	<b>NUMBER OF LABELS ISSUED ON TRADITIONAL SIZE BAGS</b>				<b># of Labels Issued if all Certified seed was sold in 50 lb. traditional units</b>
			<b><u>FD</u></b>	<b><u>REG</u></b>	<b><u>BT</u></b>	<b><u>TOTALS</u></b>	
<b>Oats</b>	<b>1</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Wheat</b>	<b>71</b>	<b>22,310</b>	<b>10,826</b>	<b>1,367</b>	<b>77,993</b>	<b>90,186</b>	<b>1,277,601</b>
<b>Rice</b>	<b>170</b>	<b>27,079</b>	<b>4,014</b>	<b>4,938</b>	<b>67,431</b>	<b>76,383</b>	<b>1,085,163</b>
<b>Soybeans</b>	<b>36</b>	<b>4,560</b>	<b>3,736</b>	<b>3,100</b>	<b>24,776</b>	<b>31,612</b>	<b>109,756</b>
<b>E. Gammagrass</b>	<b>1</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Turfgrass</b>	<b>15</b>	<b>304</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>TOTALS</b>	<b>294</b>	<b>54,424</b>	<b>18,576</b>	<b>9,405</b>	<b>170,200</b>	<b>198,181</b>	<b>2,472,520</b>

## THE BUREAU OF STANDARDS

The Bureau of Standards was originally created as the Weights and Measures Division under the State Plant Board with passage of Weights and Measures Act 482 of 1963. In 1977, Act 768 transferred the Weights and Measures Division to a Division of the Department of Commerce. Then in 1983 with Act 691, the Weights and Measures Division became a separate, independent agency and the name “Arkansas Bureau of Standards” was adopted. In 1993, Act 610 transferred the Arkansas Bureau of Standards back to the Arkansas State Plant Board.

During the spring of 1996, the Bureau of Standards underwent reorganization from four divisions (Administrative, Petroleum Quality, Weights and Measures and Laboratory Standards Division) to three divisions. The Laboratory Standards division was placed under the Weights and Measures Division. The Administrative Division provides executive direction to the three divisions.

In compliance to Acts 586 & 587 of 2001 the existing divisions are now identified as the State Petroleum Products Division, the State Weights and Measures Division and the Office of Administration. The State Weights & Measures Division oversees the Area Investigation Section and the State Standards Laboratory.

The State Petroleum Products Division is responsible for the testing of motor fuels (gasoline, kerosene, and diesel fuel), illuminating oils and heating oils used in Arkansas commerce. The Division provides protection for consumers, technical assistance to the petroleum industry, and assures that consumers and the petroleum industry receive quality petroleum products in commercial transactions that take place in the State of Arkansas. Fuel samples are collected from retail stations, terminal storage tanks, pipeline terminals, refineries and wholesale bulk plants.

In addition the division performs compliance testing on motor fuel and liquefied petroleum gas meters certified for use by Arkansas Registered Service Agents.

The State Weights and Measures Division is responsible for ensuring “that equity may prevail” in the many commercial transactions that involve weighing and measuring in the marketplace. Every transaction involving the exchange of goods, property and service is affected in a very vital way by some form of weighing or measuring. This division enforces the provisions of Act 587 of 2001 and the regulations as prescribed in the National Institute of Standards and Technology Handbooks 44, 130, 133, and specifications and test method standards set forth in the most recent edition of the Annual Book of ASTM Standards.

The Area Investigation Section consists of twelve field investigators. They are strategically located throughout the state. They carry out continuous systematic inspections of standard pack and random pack products at wholesale and retail outlets, test gasoline pumps, gasoline storage tanks, small capacity scales, pharmacy scales, and fabric store yardage measures. In addition, this section checks for misleading advertising violations in the news media.

The State Standards Laboratory consists of the Metrology Laboratory and Grain Moisture Meter Laboratory. The State Standards Laboratory serves as the state's primary standards and as scientific authority for measurement certification. The Metrology Laboratory maintains the official state standards of mass, length and volume; calibrates and certifies standards and instruments used by state government, commerce, industry, educational and research institutions; and provide technical assistance in the measurement field. The Grain Moisture Meter Laboratory is primarily responsible for ensuring the accuracy of meters used in the buying and selling of grain. The laboratory develops grain standards and specifies basic testing techniques used in the standardization, calibration, and examination of public grain elevator moisture meters, as well as testing and verifying the accuracy of all commercial moisture meters in Arkansas.

### **ARKANSAS BUREAU OF STANDARDS 1963-2012**

At the request of the Research Department of the Arkansas Legislative Council, the National Bureau of Standards conducted a study of the weighing and measuring practices taking place in the State of Arkansas. The resulting investigation revealed serious weight shortages among packaged food products and a high rejection rate for large and small scales and gasoline pump meters. These findings brought to light the need for an enforcement program to protect the weighing and measuring practices of both the buyers and sellers of consumer goods and commodities in the State of Arkansas.

As a result of these findings, the Division of Weights and Measures was created by the 64<sup>th</sup> General Assembly through the passage of Act 482 of 1963. The "Weights and Measures Act of 1963" made provisions for a director, a deputy director, state inspectors and technical and clerical personnel.

At its inception, the Weights and Measures Division did not have any personnel, facilities or programs in place, so the division was placed under the authority of the State Plant Board.

During the first year of operation, eight (8) new positions were created, and 14,000 tests and inspections were performed. Between 1964 and 1967, the workload increased making it necessary to hire ten (10) additional employees.

In 1963, the State Plant Board was located at 421½ West Capitol Avenue at the intersection of Broadway in downtown Little Rock. From 1963 to 1969, the Weights and Measures Division operated out of the State Plant Board office on Capitol Avenue.

In 1966, work began on a new Weights and Measures Metrology Laboratory at 4608 West 61<sup>st</sup> Street in the south central part of Little Rock. The official weights and measures standards and laboratory balances supplied by the National Bureau of Standards began arriving in 1968.

The official “State Standards” were placed in a special glass display case for protection where they could be viewed by visitors to the agency. On April 18, 1969, the Metrology Laboratory was officially dedicated.

From 1969 to 1971, new Weights and Measures programs and responsibilities brought the total number of employees to twenty-one with most of the work being coordinated from the new Weights and Measures Laboratory.

The Weights and Measures Division at this point became a functionally independent agency with responsibility for making all policy decisions and developing programs necessary to protect both the public and business sectors. During the 1971 and 1973 General Sessions, the Liquefied Petroleum Gas Testing Program was transferred to the Division of Weights and Measures, and the Grain Moisture Meter Testing Program was created.

Between 1973 and 1975, the Administrative Section and Grain Moisture Laboratory were completed, and plans for developing a Petroleum Quality Control Program were begun.

In 1977, due to major program differences and an increasing need for the Weights and Measures Division to make policy decisions, develop programs and coordinate activities from a central location, the Division of Weights and Measures was transferred from the State Plant Board and placed under the Department of Commerce.

In 1977, a Petroleum Quality Control Laboratory was completed. Chemists and technical personnel were hired to test octane ratings, water contamination and other components of gasoline and diesel fuel in order to protect motor vehicles operating in the State of Arkansas.

In 1978, Arkansas was host to the 33<sup>rd</sup> annual Southern Weights and Measures Association. This meeting was held at the Camelot Inn in Little Rock with nineteen states represented.

In 1983, the Department of Commerce was abolished, and the Division of Weights and Measures became a totally independent, functioning agency with thirty-nine full time employees. Due to the expanding role of the Weights and Measures Division, the agency name was changed to Arkansas Bureau of Standards in order to better reflect the increasing diversity of responsibilities. A subsequent internal reorganization created the Weights and Measures Division, the Laboratory Standards Division, Petroleum Quality and the Administrative Division. These changes proved beneficial at both the state and national level.

In 1983, the Director of the Bureau of Standards was elected Chairman of the National Conference on Weights and Measures.

In 1984, the National Conference approved Little Rock, Arkansas as the site for the 72<sup>nd</sup> Annual Meeting.

In 1987, the 72<sup>nd</sup> Annual Meeting of the National Conference on Weights and Measures was held at the Excelsior Hotel on July 19-24, with 383 registered delegates and guests. Forty-six

states, Puerto Rico and the Virgin Islands were represented. Foreign countries represented included Canada, France and Taiwan. On March 1, 1993, the agency commemorated National Weights and Measures Week with a ceremony at the State Capitol. On June 30, 1993, the Bureau of Standards completed thirty (30) years of continuous service to the citizens of Arkansas.

On July 1, 1993, the Arkansas Bureau of Standards was placed under the State Plant Board, as part of an administrative reorganization act. During October, the Bureau hosted the Southwest Assurance Program (SWAP) annual meeting at Hot Springs, in conjunction with the National Institute of Standards and Technology, Office of Weights and Measures.

During the 80<sup>th</sup> Session of the Arkansas General Assembly of 1995, legislation was passed to construct a Laboratory Complex for precision measurement of volume and length standards. This project, which was completed in August, 1997, included a new volume and length laboratory and training facility for weights and measures investigators.

In October, 1995, Arkansas was selected to host the 52<sup>nd</sup> Annual Southern Weights and Measures Association's Conference for 1997. The conference, held at the Arlington Resort Hotel & Spa on October 26-30, 1997 was attended by all of the southern states, officers of the National Conference on Weights and Measures and representatives of the National Institute of Standards and Technology.

On March 7, 2001, Arkansas adopted the "Model State Weights & Measures Law" and the "Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law" as proposed by the National Conference on Weights and Measures. These new laws are Act 586 and 587 of 2001 by the 83<sup>rd</sup> Session of the Arkansas General Assembly.

Effective July 1, 2003, the Special Testing Section of the Weights & Measures Division was abolished. All petroleum related duties were reassigned to the Petroleum Products Division and scale testing personnel now report directly to the Supervisor of the Weights & Measures Division.

February 13, 2003 marked the passage of Act 112 of 2003. This law transferred the responsibility of the annual certification and test of certain commercial devices such as meters, scales and LPG meters to the owners. The annual fee based test and certification must be performed by an Arkansas Registered Service Agent employed by the owner of the device.

**PAST AND PRESENT  
DIRECTORS OF THE BUREAU OF STANDARDS**

Tom R. Pugh	July 1, 2005 to Present
James C. Scott	November 1, 2000 to June 30, 2005
James M. Hile	July 1, 1993 to October 24, 2000
James M. Hile (Acting Director)	August 1, 1992 to June 30, 1993
Sam F. Hindsman	August 1, 1973 to July 31, 1992

Grady Brown	January 1, 1973 to July 31, 1973
James E. Holiman (Acting Director)	October 2, 1972 to December 31, 1972
James C. Blackwood	October 1, 1970 to October 1, 1972
James E. Holiman (Acting Director)	September 1, 1970 to September 30 1970
George E. Miller	May 1, 1967 to August 31, 1970
A. L. Little	July 1, 1963 to April 30, 1967

**BUREAU OF STANDARDS PERSONNEL  
ADMINISTRATIVE DIVISION**

Director	-	Tom R. Pugh
Deputy Director	-	Vacant Position
Assistant Deputy Director	-	Tim Chesser
Administrative Specialist III	-	Sheila Carter
Administrative Specialist II	-	Oretha Bonds
Administrative Specialist II	-	Jessica Lain

**STATE WEIGHTS & MEASURES DIVISION  
STATE STANDARDS LABORATORY**

Agriculture Program Manager	-	Nikhil Soman
Metrologist	-	Vacant Position
Metrologist	-	Charles Hawkins
Agriculture Program Manager	-	Randy Burns
Plant Board Inspector	-	Dorothy Lawson

**AREA INVESTIGATION SECTION**

Plant Board Agriculture Specialist	-	Vacant Position
Plant Board Inspector - Area 1	-	Don Siefken
Plant Board Inspector - Area 2	-	Stanley Cottrell
Plant Board Inspector - Area 3	-	Tammy Beck
Plant Board Inspector - Area 4	-	Arch Westmoreland
Plant Board Inspector - Area 5	-	Shelby Mross
Plant Board Inspector - Area 6	-	Mark Bell
Plant Board Inspector - Area 7	-	Lynn Bellott
Plant Board Inspector - Area 8	-	Larry Wornock
Plant Board Inspector - Area 9	-	Richard Slater
Plant Board Inspector - Area 10	-	Leon Prince
Plant Board Inspector - Area 11	-	Mike Harris
Plant Board Inspector - Area 12	-	Gary King

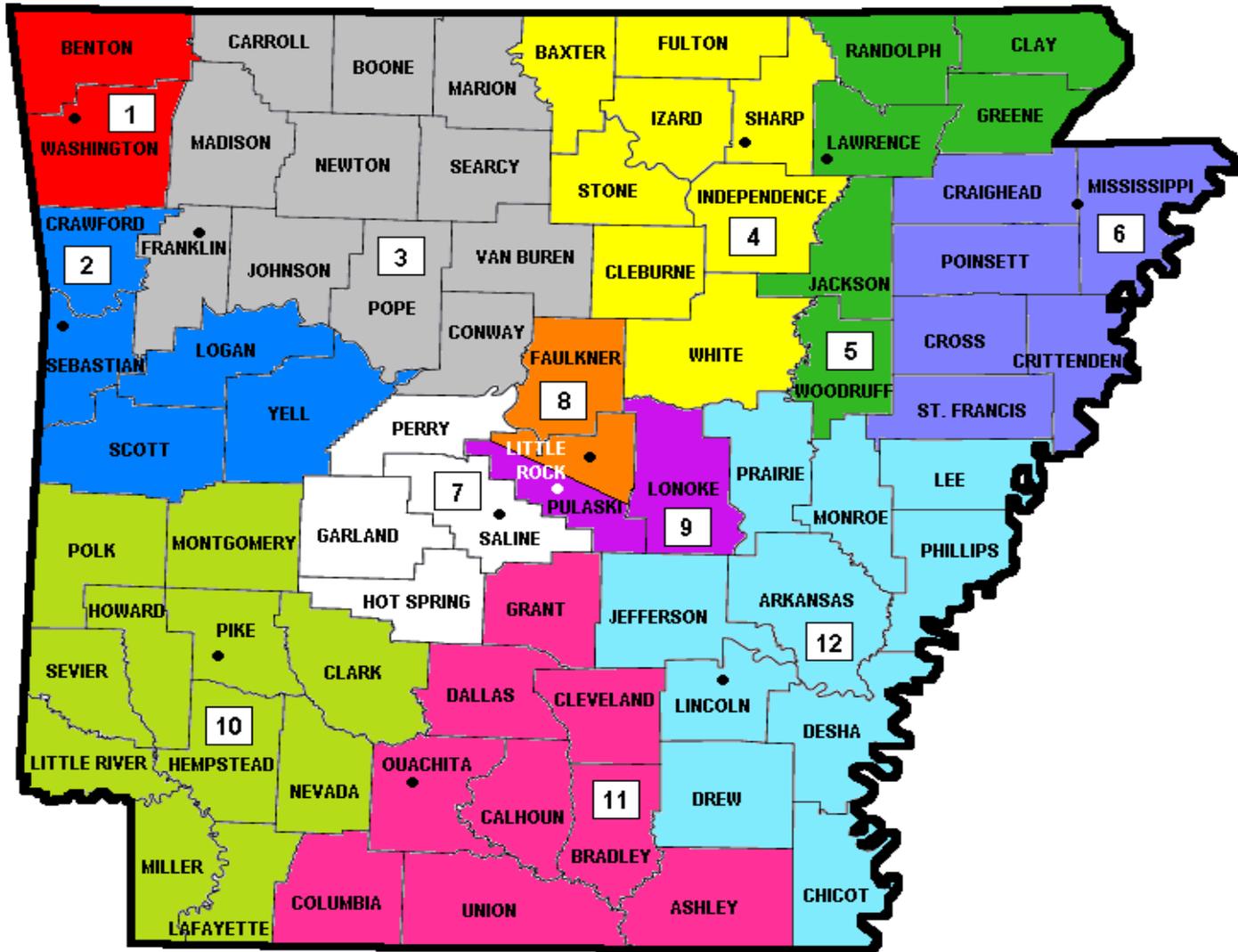
## **WEIGHTS AND MEASURES DIVISION**

Assistant Deputy Director	-	Tim Chesser
Scale Technician	-	Paul Henderson
Scale Technician	-	C. Richard Johnson
LPG Technician	-	Gary Howard

## **STATE PETROLEUM PRODUCTS DIVISION**

Chemist Supervisor	-	Wilford Jones
Chemist	-	Daniel Greene
Chemist	-	Ronald Phillips
Chemist	-	Teresa Dillard
Chemist	-	Fred Harris

## ARKANSAS BUREAU OF STANDARDS INVESTIGATIVE AREAS BY COUNTY



AREA	INVESTIGATOR	COUNTIES
1	Don Siefken	Benton, Washington
2	Stanley Cottrell	Crawford, Sebastian, Logan, Scott, Yell
3	Tammy Beck	Boone, Carroll, Marion, Madison, Newton, Searcy, Franklin, Johnson, Pope, Conway, Van Buren
4	Arch Westmoreland	Baxter, Fulton, IZard, Sharp, Stone, Independence, Cleburne, White
5	Shelby Mross	Randolph, Clay, Lawrence, Greene, Jackson, Woodruff
6	Mark Bell	Craighead, Mississippi, Poinsett, Cross, Crittenden, St Francis
7	Lynn Bellott	Perry, Garland, Saline, Hot Spring
8	Larry Wornock	Faulkner, Pulaski North
9	Richard Slater	Pulaski South, Lonoke
10	Leon Prince	Polk, Montgomery, Sevier, Howard, Pike, Clark, Little River, Hempstead, Nevada, Miller, Lafayette
11	Mike Harris	Grant, Dallas, Cleveland, Ouachita, Calhoun, Bradley, Columbia, Union, Ashley
12	Gary King	Prairie, Monroe, Lee, Jefferson, Arkansas, Phillips, Lincoln, Desha, Drew, Chicot

**BUREAU OF STANDARDS DIVISION**  
**TOM PUGH**  
**DIRECTOR**

**DEPUTY DIRECTOR**  
**VACANT**

**PETROLEUM PRODUCTS DIVISION**

**WEIGHTS & MEASURES DIVISION**

**OFFICE OF ADMINISTRATION**

**CHEMIST SUPERVISOR**  
**WILFORD JONES**

**AGRICULTURE PROGRAM MANAGER**  
**NIKHIL SOMAN**

**PB AGRICULTURE SPECIALIST**  
**VACANT**

**ASSISTANT DEPUTY DIRECTOR**  
**TIM CHESSER**

**ADMINISTRATIVE SPECIALIST III**  
**SHEILA CARTER**

**Chemist**  
Daniel Greene  
Teresa Dillard  
Fred Harris  
Ronald Phillips

**Metrologist**  
Vacant Position  
Charles Hawkins  
  
**Plant Board Inspector**  
Dorothy Lawson  
  
**Agriculture Program Manager**  
Randy Burns

**Plant Board Inspector**  
Arch Westmoreland  
Tammy Beck  
Richard Slater  
Leon Prince  
Mark Bell  
Larry Wornock  
Lynn Bellott  
Shelby Mross  
Mike Harris  
Don Siefken  
Stanley Cottrell  
Gary King

**Inspector**  
Richard Johnson  
Paul Henderson  
  
**LPG Technician**  
Gary Howard

**Administrative Specialist II**  
Oretha Bonds  
Jessica Lain

## PROGRESS THROUGH THE YEARS

- 1963 Creation of the Arkansas Weights and Measures Division.
- 1968 Metrology Laboratory construction completed.
- 1969 Official dedication of facilities on April 18.
- 1973 Liquefied Petroleum Gas Testing Program transferred from the L.P. Gas Board to the Weights and Measures Division.
- 1973 Began development of programs for L.P. Gas, Grain Moisture and Petroleum Quality Control.
- 1975 Administrative Section and Grain Moisture Laboratory completed.
- 1975 Petroleum Quality Control transferred from the Revenue Department to the Weights and Measures Division.
- 1975 Organization of the Weights and Measures Division into four sections: Investigative, Laboratory, Petroleum and Special Testing.
- 1977 Division of Weights and Measures transferred from the State Plant Board to the Department of Commerce. Petroleum Laboratory completed in November.
- 1978 33<sup>rd</sup> annual SWMA Conference held at the Camelot October 22-26, 1978, in Little Rock, Arkansas.
- 1983 Sam F. Hindsman elected chairman of National Conference on Weights and Measures, 1983-1984. Agency name changed to Arkansas Bureau of Standards and reorganized to include three separate divisions: Laboratory, Petroleum, and Weights and Measures.
- 1984 The National Conference approved Little Rock, Arkansas as the site for the 72<sup>nd</sup> National Conference on Weights and Measures annual meeting in July, 1987.
- 1987 72<sup>nd</sup> Annual Meeting of the National Conference on Weights and Measures held at the Excelsior Hotel July 19-24, with registered delegates and guests. Forty-six states, Puerto Rico and the Virgin Islands were represented. Foreign countries represented included Canada, France and Taiwan.

- 1993 The Bureau of Standards transferred to the State Plant Board. The Bureau of Standards hosts the annual Metrology meeting of the Southwest Assurance Program (SWAP), in conjunction with the National Institute of Standards and Technology, Office of Weights and Measures in Hot Springs on October 3-8.
- 1995 Metrology Laboratory Addition approved by 80<sup>th</sup> General Assembly.
- 1997 Metrology Laboratory Addition completed.
- 1997 52<sup>nd</sup> Annual SWMA Conference held at the Arlington Resort Hotel & Spa, October 26-30, 1997 in Hot Springs, Arkansas.
- 2001 Acts 586 & 587 of 2001 of the 83<sup>rd</sup> Session of the Arkansas General Assembly adopted, as law, the National Institute of Standards and Technology “Model State Weights & Measures Law” and the “Uniform Engine Fuels, Petroleum Products, and Automotive Lubricants Inspection Law.”

The Bureau of Standards hosts the first annual training seminar for registered service agencies and service persons on regulations concerning commercial measuring devices and newly enacted laws and regulations.

The Special Testing Section of the Bureau of Standards initiates a new annual test schedule for mobile Liquefied Petroleum Gas meters by establishing nine locations around the state as test sites for the 860 vehicles presently in operation in the state. This resulted in 100% of the vendor’s vehicles tested for the first time, ever.

The Area Investigation Section of the Bureau of Standards implements the first annual thirty day test cycle for the certification of volumetric test measures as a prerequisite to the issuance of annual certificates of registration for meter service companies and individuals.

The Area Investigation Section achieved their goal to test 100% of gasoline meters totaling 37,154 for the first time.

- 2002 The Bureau of Standards hosted the second Annual training seminar for registered service agencies and service persons on regulations concerning commercial measuring devices and newly enacted laws and regulations.

June 24, 2002 the Bureau hosted the first annual information meeting for scale service technicians.

- 2004 Effective January 1, the annual test and certification of meters, scales and LPG meters are transferred to the Arkansas Registered Service Agents to comply with the provisions of Act 112 of 2003.

- 2005 Effective January 1, all Arkansas Registered Service Agents are required to provide security seals approved by the bureau to any individual employed as a registered technician authorized to perform inspections and tests.
- 2006 Because of the rising cost of fuel prices, the need to find an alternative fuel to ease our nation's dependence on foreign oil, plus a thriving agriculture economy have made Arkansas a receptive climate for the production of bio-diesel. For this industry to be successful it will be necessary for the Bureau of Standards' Petroleum Quality Section to ensure that the product adheres to all necessary federal guidelines.
- 2007 The bio-diesel testing program was designed to ensure bio-diesel quality guidelines based upon Arkansas regulations and ASTM standards are adhered to. Additionally, the Bureau of Standards provides guidance, technical support and assistance to producers and distributors.
- 2008 Due to rising cost, fuel related complaints have risen significantly.

Effective February 1, 2008, the Bureau of Standards began a Cooperative Agreement with the Federal Agricultural Marketing Service (AMS) to conduct Country of Origin Labeling-Retail Surveillance reviews at covered retail facilities. These reviews are to ensure compliance with the country of origin labeling provisions of the 2002 Farm Bill. The first phase of the reviews consisted of fifteen stores randomly selected by (AMS). The covered commodities are included in Part 60 CFR includes; Farm-Raised and Wild Fish and Shellfish.

- 2009 Effective April 27, 2009 the Bureau of Standards continued its Cooperative Agreement with the Federal Agriculture Marketing Service (AMS) to conduct Country of Origin Labeling surveillance reviews at covered retail facilities. A total of 55 retail facilities were randomly selected by (AMS). The additional covered commodities in Part 65 CFR includes: muscle cuts of meat: beef, veal, lamb, pork, goat and chicken. Ground meats include: beef, veal, pork, goat and chicken. In addition, fresh frozen fruits and vegetables, peanuts, pecans, macadamia nuts and ginseng are included as part of surveillance reviews.
- 2010 Effective January 25, 2010 the Bureau of Standards was assigned 86 randomly selected stores to perform COOL reviews in a continuation of the cooperative agreement with (AMS) to conduct Country of origin Labeling-Retail Surveillance inspections.

Effective March 3, 2010 the Bureau of Standards began to conduct inspections of precious metal scales located at jewelry stores, pawnshops, and other locations buying gold or other precious metals. The increase in the price of gold prompted many companies to purchase scrap gold and other precious metals. Over ninety-eight percent (98%) of the scales were rejected for not being legal for trade.

## **STATE PETROLEUM PRODUCTS DIVISION**

The State Petroleum Products Division is responsible for assuring that consumers and the petroleum industry receive quality gasoline, diesel and petroleum products in commercial transactions that take place in Arkansas. The Laboratory conducts visual, flash point, sulfur content, octane, viscosity, specific gravity, water and sediment, glycerin content, and distillation tests on gasoline, diesel, bio-diesel, kerosene, and aviation fuel samples collected from retail and wholesale outlets. The Petroleum Quality Laboratory is responsible for testing retail and wholesale establishments in Central Arkansas.

The State Petroleum Products Division enforces quality standards and the testing of engine fuels (gasoline, kerosene, diesel and alcohol blended fuels) that are distributed through pipelines in Arkansas. The Division provides protection for the consumers of the state and technical assistance to the petroleum industry.

The State Petroleum Products Division began operation in June of 1975, checking only complaints with one full-time employee. The Petroleum Quality Laboratory is currently staffed with four Petroleum Chemists.

### **Motor Fuel Trends**

The demand for alternative fuels and energy sources has created an additional workload for the State Petroleum Products Laboratory.

With the increasing consumer concerns about ethanol-blended fuels, we have concentrated on advising stations to let consumers know that their fuel contains ethanol. New regulations require ethanol content labeling on gasoline pumps.

A viable bio-diesel quality-testing program has now been firmly established and is designed to ensure quality guidelines based upon Arkansas regulations are adhered to.

### **Engine Fuel Trends**

Because of the nature of engine fuels and their susceptibility to contamination, the Petroleum Division has endeavored to sample all wholesalers and retailers doing business in the state once a year. During FY 2010, we checked 2,002 stations and 170 wholesalers. In doing so, we tested 4,186 petroleum samples.

Even though we were unable to annually test every retailer and wholesaler in the state, the rejection rate of gasoline, diesel fuel, and kerosene actually increased. We feel that the increase in substandard petroleum products has resulted largely from the following: An effective testing and enforcement program, and improvement in the inspection technique of products sold in the state.

Three portable gasoline octane analyzers/testers, Zeltex, allow on-the-spot gasoline testing of all grades of unleaded gasoline. Due to the increased number of stations containing ethanol blended gasoline, we were able to upgrade the Zeltex to determine alcohol content. These unique instruments are saving the division valuable time in the respect that illegal gasoline can be discovered at the source rather than transporting samples to the main lab in Little Rock for testing. As a result, we have been able to increase alcohol and octane verification testing.

## **STATE WEIGHTS AND MEASURES DIVISION**

An internal reorganization in July of 1983 resulted in the Weights and Measures Division being placed under the direction of the newly created Arkansas Bureau of Standards. During the spring of 1996, the Bureau of Standards underwent reorganization from four divisions to three divisions. In March of 2001 the Bureau was reorganized into two divisions, the State Weights and Measures Division and the Petroleum Quality Division, to comply with the provisions of Acts 586 & 587 of the Arkansas General Assembly. The State Weights and Measures Division is composed of Area Investigation and State Standards laboratory.

### **Area Investigation**

The Area Investigation Section consists of twelve field investigators. They are strategically located throughout the state. They carry out continuous systematic inspections of standard and random pack products at retail and wholesale outlets; perform price verification inspections, test gasoline pumps and small commercial scales for compliance, gasoline storage tanks. In addition, they monitor newspapers ads to ensure correct and informative advertisements for goods sold to the public.

### **Staff Training**

Laws and regulations that affect the Bureau of Standards are constantly changing. For this reason, staff training is a vital part of the program. Quarterly training seminars, conducted by the Training and Education Committee, are held to ensure the staff is properly trained with up-to-date standards and testing procedures. A portion of each seminar is focused on personal safety issues and is facilitated by a member of the Health and Safety Committee. Recent legislation, by the Arkansas General Assembly on weights and measures, authorized the application of civil and criminal penalties for violations. The Committee on Enforcement has developed a training program, creating the necessary forms and records for investigators to properly document violations and serve the offender with either a warning letter or notice of violation, with the appropriate penalty if applicable.

### **Package and Labeling**

To assure package compliance, it is necessary that adequate and correct information be prominently displayed on the package. The Federal Fair Packaging and Labeling Act that became law in 1966 brought about accurate information on consumer packages that

facilitates value comparisons.

Congress felt another way consumer value comparisons could be improved was through the Package Standards Program outlined in the Fair Packaging and Labeling Act. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons. It's the Weights and Measures Investigator's responsibility to enforce these quantity and labeling requirements.

### **Protecting the Public's Pocketbook**

The State Weights and Measures Area Investigators do much more than just check package quantities. Since the creation of the Division in 1963, a comprehensive field-testing program has been one of the primary goals of the Agency.

Twelve Area Investigators, performs continuous systematic inspections and testing of the following:

1. Random and standard pack packages
2. Retail motor-fuel dispensers
3. Check-Out Scanners
4. Timing devices
5. Commercial Scales
6. Misleading advertising violations in the print media

The Area Investigators assist the State Petroleum Products Division in securing motor fuel samples when special problems arise. This cooperative effort between the Divisions helps save time, money and additional vehicle expense through more efficient use of the available resources. Numerous complaints are received each year with most of them being related to motor fuel devices. All complaints are considered a priority and are investigated in a timely manner and documented for future reference. The parties concerned are informed of the results and provided with a copy of the report when requested. An alert consumer continues to be one of the Field Investigators best defenses against weights and measures violations.

### **Commercial Device Testing**

The area investigative section is responsible for compliance testing of retail motor-fuel dispensers as well as commercial scales. In addition, the investigative section performs compliance testing of large volume meters located at stations, airports and wholesale dock and delivery truck meters.

### **Country of Origin Labeling Program (COOL)**

The investigative section at the Bureau continues to work in a cooperative agreement relationship with USDA/AMS to perform routine retail surveillance and inspection activities within the State of Arkansas for the administration of the Country of Origin labeling (COOL) program. We are currently in the fourth year of the agreement which includes additional retail review assignments.

### **Large Volume and Retail Motor Fuel Meter Testing**

This group is responsible for the testing and certification of large volume fuel meters used at airports, pipeline terminals, fuel wholesale loading docks and large truck stops. This certification is accomplished by using a 150 gallon prover mounted on a trailer. In addition, two high volume test units are used to support the investigators in gasoline and diesel meter testing. These test units, equipped with 230 gallon storage tanks, allows the investigators to inspect gasoline and diesel pumps located at truck stops witch has a higher number of pumps.

### **Looking Ahead**

The State Weights and Measures Investigators justify their salaries and expenses many times over in savings to the consumer. On any given day, every Arkansan makes dozens of purchase decisions at the grocery store and the gas pump, to pay for a hardware item or feed a coin meter at a car wash, for a yard of fabric or a gallon of home heating fuel. The trust of the consumer is built into every transaction by a statewide weights and measures program. Not only is the division maintained to protect the interest of the buyer, wage earner and homemaker, but also is maintained to protect the interest of the seller, manufacturer, packer, processor, wholesaler and retail merchant.

### **Liquid Petroleum Gas Meter Testing**

One of the duties performed by this section is to test and inspect the propane meters mounted on propane deliver trucks and stationary meters. These devices are located at propane dealers and other propane bottle filling locations across the state. These devices are certified annually by Arkansas Registered Service Agents. Inspectors travel the state making unannounced visit to

Propane vendors to perform routine inspections and investigate consumer complaints on devices used to deliver propane (LPG) to the consuming public.

### **Large Capacity Scale Testing**

The Arkansas economy is supported largely by agriculture and forestry. As a result, there are over 1600 heavy truck scales and hundreds of other large capacity scales in commercial use in the state. These devices are also certified annually by Arkansas Registered Service Agents. This section performs compliance testing and investigates consumer complaints using specially equipped heavy truck scale test units each carrying 32,000 pounds of certified test weights. There are many different types of large capacity scales in Arkansas with a wide range of weighing capacities. Some examples of the types of scales in Arkansas are given below:

#### **Vehicle Scales (30,000 - 200,000 lbs.)**

Located at grain elevators, junkyards, wood yards, sand and gravel plants, cotton gins, fertilizer plants, etc.

**Livestock Scales (10,000 - 20,000 lbs.)**

Located at auction barns, farms, packing houses, etc.

**Hopper Scales (500 - 60,000 lbs.)**

Located at feed and seed stores, fertilizer plants, etc.

**Platform Scales (50 - 2,000 lbs.)**

Located at grocery stores, scrap metal yards, feed mills, fertilizer stores, packing plants, chemical companies, etc.

**Monorail Scales (up to 1,600 lbs.)**

Located at most markets and packing plants

**STATE STANDARDS LABORATORY**

The State Standards Laboratory is a scientific laboratory devoted solely to the science of precision measurement, and the related calibration of measurement standards. Precision measurement science is probably the most widely used scientific engineering discipline.

The State Standards Laboratory serves as the state's primary standards laboratory and as scientific authority for quality measurement certification. Specifically, the Laboratory (1) maintains the official state standards of mass, length, and volume, (2) calibrates and certifies those standards and scientific instruments which are used by state government, commerce, industry, educational and research institutions, and (3) serves state government and citizens by providing technical assistance in the measurement field.

Most contracts awarded to industries, especially federal contracts, stipulate that the standards used in quality control testing must be calibrated and certified by an institution that maintains legal traceability to the National Institute of Standards and Technology.

The laboratory participates in round robin experiments, training seminars, laboratory workshops, and regional measurement management programs which are administrated by the National Institute of Standards and Technology.

The laboratory provides calibration and certification of standards for several military industrial companies in Arkansas that produce weapons for the Defense Department. Hospitals and pharmaceutical manufacturers also submit metric mass standards and equipment to our laboratory for calibrations and certification.

Other responsibilities of the State Standards Laboratory include measurements, engineering, manufacturing, and quality assurance. Users of our services range from pharmaceutical firms, hospitals, U.S. Defense Department and weapons manufacturers to the local gasoline pump mechanic.

## **GRAIN MOISTURE METER LABORATORY**

The Grain Moisture Meter Laboratory is a sub-section of the State Standards Laboratory. Moisture content is one of the most important factors affecting the quality of grain and, in turn, the price the grower receives for his grain. The sole device utilized for determining the moisture content in grain at public grain elevators is the electronic grain moisture meter. The moisture meter has a staggering economic impact on the grain segment of our agricultural industry.

The Moisture Meter Inspection Program is a Bureau of Standards service that is designed to assure that equity and fairness prevail between farmers and public grain elevators in commercial transactions involving the price dockage on grain due to moisture content. Specifically, the Grain Moisture Meter Laboratory (1) develops grain standards and specifies basic testing techniques used in the standardization, calibration, and examination of public grain elevator moisture meters, and (2) tests and verifies the accuracy of all commercial moisture meters in Arkansas, thereby assuring that grain buyers get what they pay for, and that farmers don't give away their profits through faulty or inaccurate equipment. It is necessary that the greatest possible accuracy be maintained in the determination of moisture. Failure to maintain reasonable accuracy may result in great injustices in grain marketing transactions and in spoilage of grain during shipment and storage. The Grain Moisture Meter Laboratory has the job of enforcing state laws by seeing that the moisture meters are accurate. This is accomplished through a comprehensive field inspection and laboratory analysis program.

Participation in the National Type Evaluation Program (NTEP) technical committee provided us a steady source of information on many aspects of the grain trade, as well as the opportunity to provide input into the ongoing attempt to promote uniformity and standardization of the grain trade.

As a result the laboratory participated in surveys to ascertain the precision and accuracy of the current NTEP meters within the state. It should be noted we are able to perform these surveys in addition to our annual testing. In addition to the testing and collection of meters and samples respectively we are assisting the Grain Inspection Section of the U.S. Packers and Stockyards Administration (GIPSPA) in their annual National Sample Collection Program. Laboratory technicians, in addition to GIPSPA'S field offices, are collecting representative samples of the state's crops to be used in the NTEP ongoing calibration and testing program. This participation ensures that the laboratory has samples in the calibration data pool to promote the state's uniformity within the grain trade.

To date, there are 252 grain elevators with moisture meters located in Arkansas.