

ARKANSAS STATE PLANT BOARD



ANNUAL REPORT
2010 - 2011

**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 2010-11 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-seven work categories as follows:

1. Abandoned Pesticide Program, 2. Apiary, 3. Aquaculture, 4. Boll Weevil SE, 5. Bureau of Standards, 6. Cogongrass, 7. Commercial Pest Control, 8. CORE Project, 9. Emerald Ash Borer (EAB), 10. EPA Certification, 11. EPA Endangered Species Program, 12. EPA Enforcement, 13. EPA Ground Water Program, 14. EPA Worker Protection Program, 15. EPA Fumigation, 16. Feed, 17. Fertilizer and Lime, 18. Forest Invasive Species(FIPO), 19. Fruit & Vegetable Inspection, 20. Genetically Modified Organism Rice (LLRice) (GMO Rice), 21. Good Agri Practices/Good Handling Practices (GAP/GHP), 22. Grain Warehouse, 23. Grape Pest Survey, 24. Gypsy Moth, 25. Honeybee Survey, 26. Imported Fire Ant (IFA), 27. Light Brown Apple Moth (LBAM), 28. Nursery & Vegetable Inspection, 29. Peanut Grading, 30. Pesticides & P.U.A.A., 31. Pine Commodity Survey, 32. Private Applicators, 33. Seed, 34. Sudden Oak Death (SOD), 35. Survey & Quarantine, 36. Tomato Leaf Miner Survey, 37. 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-seven 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, 2010 through June 30, 2011

This represents 26 changes out of a total of 148 full-time positions.

New Hires	Rehires	Terminations	Retirement	Internal Activity
8	1	7	7	3 Promotions

ORGANIZATION OF THE PLANT BOARD

(Fiscal Year 2010-11)

THE BOARD

Chairman
Vice-Chairman
Secretary

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

Dr. Rick Bennett, Fayetteville
Russell Black, Fayetteville
Rick Bransford, Lonoke
David Choate, North Little Rock
Dr. Richard Collins, Conway
Terry Dabbs, Stuttgart
Danny Finch, Jonesboro

Jerry Hyde, Paragould
Larry Jayroe, Forrest City
Noal Lawhon, Sherwood
Lester McKinley, DeWitt
Ray Vester, Stuttgart
Dr. Rob Wiedenmann, Fayetteville

Darryl Little, Director
Gerald Fulbright, Assistant Director

Divisions and Personnel

1. Administration -- Gerald Fulbright, Director

A. Information and Personnel -- Gerald Fulbright

Executive Assistant to the Director - Linda Luebke

Human Resources Program Representative - Tammy Winsor

Administrative Specialist II (Receptionist): Carol Foreman

Agri Program Coordinators: Robert Banks, Black Oak
David Fort, Beebe
Vacant Position
Wendy Spakes, Beebe

Plant Board Agriculture
Specialists:

David Blackburn, Eureka Springs
Steve Bostian, Mulberry
Kevin Cauley, England
Ben Collins, Russellville
Scott Derrick, Scotland
Lindsay Dobbins, Taylor
Skip Downing, Beebe
Jerri Nichols Gann, Keiser
Hunter Gipson, McCrory
Kerry Hartness, Jonesboro
Michael Hill, Osceola

Tommy James, Greenbrier
Marvin Johnson, Red Field
Shawn Johnson, Jonesboro
John Lansdale, Hermitage
Phillip Martin, Brinkley
Rick Qualls, Evening Shade
Scott Sharpe, Paragould
Lonnie Smith, Hoxie
Melody Smith, Ethel
Josh Wells, Mabelvale
Larry Wilson, Pocahontas
James Wood, Wynne

- B. Accounting and Purchasing Section – Rose Salazar, Agency Fiscal Manager
Fiscal Support Supervisor: JoAnn McDade
Fiscal Support Analyst: Helen Gray
Fiscal Support Specialist: Kendra Nalley
- C. Office Management Section -- Linda Luebke, 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: Mark Vaught
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 Henderson, Susie Nichols,
Brandi Reynolds and Jason Robertson
Plant Board Agriculture Specialist: Annelie Browder
Administrative Specialist II: Debra Crane, Tobi Rowley and
Cynthia Steele
Plant Board Agriculture Specialist: Leigh Gibson, Paige Sanders and
Kent Zitzelberger
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: Steve Priest
Administrative Specialist III: Martha Wilson
- 4. Marketing -- Vacant, Agri Plant Board Division Manager
- 5. Plant Industry -- Terry Walker, Agri Plant Board Division Manager
Administrative Specialist III: Michelle Mantione
 - A. Apiary Section -- Mark Stoll, Agri Program Manager
Administrative Specialist II: Dana Jones
Plant Board Inspector: Betty Scott
 - B. Commercial Pest Control Section -- Scott Bray, Agri Program Manager
Administrative Specialist II: Kathryn Irving
Administrative Specialist II: Tracy Riggs and Maggie Woodyard
Plant Board Inspector Supervisor: Seth Dunlap
Plant Board Inspector: Johnny Bell, Joshua Dement,
Lyndall Hamilton and Greg Hearnberger
 - C. Plant Inspection and Quarantine Section -- Paul Shell, Agri Program Manager
23 Agricultural Specialists
 - D. Pink Bollworm Section -- Mark Stoll, Agri Program Manager
23 Agricultural Specialists
 - E. Survey Program Section -- David Mason, Agri Program Manager
 - F. Special Projects Inspections -- Steve Bowlan, Plant Board Agriculture Specialist
 - G. Aquaculture Programs -- Mark Stoll, Agri Program Manager
23 Agriculture Specialist
 - H. Boll Weevil Eradication Program -- Mark Stoll, Agri Program Manager
23 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: Becky Hogan
Administrative Specialist II: Oretha Bonds and Jessica Lain
- A. Laboratory Standards -- Vacant, Chemist Supervisor
Agri Program Manager: Vacant
Metrologist: Charles Hawkins
Agri Program Coordinator: Randy Burns
Plant Board Inspector: Dorothy Lawson
- B. Petroleum Quality -- Vacant, Chemist Supervisor
Chemist: Teresa Dillard, Van Gates, Fred Harris and Wilford Jones
- C. Weights and Measures -- Roger Frazier, Plant Board Agriculture Specialist
Plant Board Inspector: Mark Bell, Virgil Bellott, Creena Bocksnick, Tim Chesser, Jerry Dickson, Mike Harris, Paul Henderson, Gary Howard, Janet Hudspeth, Louis G. King, Larry Miller, Shelby Mross, 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. The Director of Administration provides guidance and counsel to the Personnel Manager in gathering material, determining composition, content and editing the Plant Board News and is responsible for preparing and disseminating information about the Board's work programs. 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, 23 Agriculture Specialists, 5 Pest Control Inspectors, 2 Program/Field Audit Specialists, 2 Apiary Inspectors, 15 Weights and Measures Investigators, 2 Petroleum Product Technician, 1 L.P. Gas Technician, 1 Moisture Meter Inspector and 1 Weights and Measures Investigator Supervisor. 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 Analysts, 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; and printing and forwarding the Plant Board News each month. This Section is staffed with one Duplication Assistant.

ANNUAL STATE VEHICLE REPORT

STATE OWNED VEHICLES

CATEGORY	COMPARATIVE FIGURES	
	2009-2010	2010-2011
Number of Passenger Cars	3	3
Number of Durango/Van	7	7
Number of Pick-Ups	61	62
Large Trucks	2	2
Total Number of Vehicles	73	74
Total Miles Traveled		1,275,668
Total Cost (includes license & depreciation)		\$262,986.36
Average Cost Per Mile		\$0.21
Average Miles Per Gallon		17.31

PRIVATE OWNED VEHICLES

CATEGORY	COMPARATIVE FIGURES	
	2009-2010	2010-2011
Total Miles Traveled	181,561	132,561
Reimbursement Rate Per Mile	\$0.42	\$0.42
Total Amount Reimbursement for Miles Traveled	\$75,835.62	\$55,675.62

PLANT BOARD

MAN HOURS BY ACTIVITY

HOURS SPENT ON:	2009-2010	2010-2011
Abandoned Pesticide Program	567.00	1,214.00
Apiary	7,833.55	8,546.33
Aquaculture	707.00	343.10
Boll Weevil SE	3,380.00	2,785.10
Bureau of Standards	2,008.00	2,228.45
Commercial Pest Control	10,446.80	9,870.57
EPA Certification	10,724.00	9,543.13
EPA Endangered Species Program	390.00	374.50
EPA Enforcement	20,783.25	22,989.38
EPA Fumigation		19.00
EPA Ground Water Program	2,852.60	2,089.84
EPA Worker Protection	3,315.00	3,345.50
Feed	16,406.15	16,010.65
Fertilizer & Lime	9,196.25	11,711.53
Fruit & Vegetable Inspection	761.00	648.65
Genetically Modified Organism Rice (LLRice) (GMO Rice)		181.00
Good Agri Practices/Good Handling Practices (GAP/GHP)		480.50
Grain Warehouse	6,743.30	5,559.90
Gypsy Moth	240.50	200.00
Nursery & Vegetable Inspection	5,489.25	6,505.78
Peanut Grading		45.00
Pesticides & P.U.A.A.	14,346.25	14,882.20
Private Applicators	2,205.75	2,741.50
Seed	32,200.00	31,624.63
Survey & Quarantine	7,890.00	8,807.60
Cogongrass	35.00	0.00
CORE Project	1,909.00	1,488.00
Emerald Ash Borer(EAB)	485.00	638.00
Forest Invasive Pest Outreach (FIPO)	0.00	14.00
Grape Pest Survey	71.00	110.00
Honeybee Survey	0.00	189.00
Imported Fire Ant (IFA)	1,794.00	1,733.00
Light Brown Apple Moth (LBAM)	2,493.25	1,690.50
Pine Commodity Survey	0.00	244.00
Sudden Oak Death (SOD)	88.00	
Tomato Leaf Miner Survey	89.50	58.00
Walnut Twig Beetle (WTB)		33.00
TOTALS	165,450.40	168,945.31

BUREAU OF STANDARDS
MAN HOURS BY ACTIVITY

HOURS SPENT ON:	2009-2010	2010-2011
Grain Analysis & Research Lab	1,094.00	1,310.00
Precision Measurement Lab	5,823.00	4,640.00
Moisture Meter Inspection	2,252.00	2,091.00
Petroleum Analysis	2,490.50	1,944.50
Petroleum Maintenance	2,758.50	2,951.00
Petroleum Sampling	2,936.50	2,551.00
Petroleum Biodiesel Analysis	236.00	35.00
Petroleum Quantity	4,102.00	4,026.00
Package Inspection	8,448.00	7,048.50
Scanner Inspection	4,067.00	5,610.00
Advertising Violations	115.00	67.00
Small Capacity Scales	1,302.00	2,927.00
Medium Capacity Scales	128.00	40.00
Large Capacity Scales	5,143.00	4,835.00
USDA Scales	0.00	0.00
Livestock Scales	70.00	10.00
Liquified Petroleum Gas Meter	1,202.00	462.00
Administrative/Miscellaneous	6,569.50	8,804.50
COOL Grant	1,816.00	289.00
TOTALS	50,553.00	49,641.50

AGENCY TOTAL.....218,586.81

FIELD SPECIALIST'S HEADQUARTERS

EAST CENTRAL DISTRICT

WENDY SPAKES, (Supervisor)
Kevin Cauley
Skip Downing
Hunter Gipson
Tommy James
Phillip Martin
Melody Smith
James Wood, Jr.

HEADQUARTERS

Beebe
England
Beebe
McCrary
Greenbrier
Brinkley
Ethel
Wynne

NORTHEAST DISTRICT

ROBERT BANKS, (Supervisor)
Cameron Baldrige
Jeri Nichols Gann
Kerry Hartness
Michael Hill
Shawn Johnson
Rick Qualls
Scott Sharpe
Lonnie Smith
Larry Wilson

Black Oak
Bono
Keiser
Jonesboro
Osceola
Jonesboro
Evening Shade
Paragould
Hoxie
Pocahontas

SOUTHEAST DISTRICT

DAVID FORT, (Supervisor)
Marvin Johnson
John Lansdale
Josh Wells

Beebe
Redfield
Hermitage
Mablevale

WESTERN DISTRICT

VACANT, (Supervisor)
David Blackburn
Steve Bostian
Ben Collins
Scott Derrick
Lindsay Dobbins

Holiday Island
Fort Smith
Russellville
Scotland
Taylor

PEST CONTROL INSPECTOR'S AREA

<u>AREA NUMBER</u>	<u>INSPECTOR</u>	<u>HEADQUARTERS</u>
1	Joshua Dement	Clinton
2	Vacant	Vacant
3	Lyndall Hamilton	Subiaco
4	Greg Hearnberger	Hampton
5	Johnny Bell	Marked Tree

LABELS PRINTED AND ISSUED

JULY 1, 2010 THRU JUNE 30, 2011

	Non-Certified labels printed	0
Non-Certified label orders	0
Non-Certified label lots		0
Certified labels printed		107,551
Certified orders		368
Certified label lots		368
Certified blank labels issued		103,000
Certified blank orders		14
GRAND TOTAL OF ALL LABELS PRINTED AND ISSUED JULY 1, 2010 TO JUNE 30, 2011		210,551

DIVISION OF FEED AND FERTILIZER

Jamey Johnson, Director
Leon Biddle, Medicated Feed Mill Inspector
Ashley Turner, Medicated Feed Mill Inspector
Franz Oliver, Administrative Specialist III

PUBLIC GRAIN WAREHOUSE AND CATFISH PROCESSOR SECTION

Michael L. Churchwell, Manager
Mary Dickson, Field Auditor
Steve Priest, Field Auditor
Vacant, Field Auditor
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 25 firms operating 43 feed mills were granted exemptions from the Feed Law. Such exemptions are available to a mixer feeding owner's 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.

The Plant Board continues a reimbursable contract with the Food and Drug Administration for GMP medicated feed mill inspections and for BSE inspections. Under FDA Commissions 14 GMP and 23 BSE feed mills were inspected. The current contract became effective September 30, 2010 and will expire September 29, 2011.

Sample collection and the number of analyzes were lower than the previous year. On Thousand Forty Eight firms have facility licenses. Total feeds reported sold amounted to 1,356,399 tons which was less than the previous year. The percent of feeds mislabeled was lower.

Tonnage Sales Reported, Samples Analyzed and Violations, by Classification

Classes of Feed Formula Feeds	Tons	Violations
Broiler Feeds	1043	0
Turkey Feeds	808	0
Starter-Grower (Egg-Type)	4667	22
Layer-Breeder (Egg-Type)	21865	2
Beef Feeds	182250	60
Dairy Feed	29522	10
Swine Feed	8795	3
Sheep Feed	2735	1
Mineral & Vitamin Feeds	8053	3
Horse Feeds	37567	27
Pet Foods	144882	4
Fish Foods	520910	12
Miscellaneous Feeds	42529	21
Sub-Totals	532435	

Feed Ingredients	Tons	Violations
Alfalfa Products	1411	0
Animal Products	199500	0
Barley Products	55	
Brewers Products	7178	0
Citrus Products	0	0
Cottonseed Products	12132	13
Distillers Products	73218	0
Fats and Oils	35515	0
Grain Sorghum Products	504	0
Lespedeza Products	0	0
Linseed & Flax Products	5	0
Maize Products (Corn)	105016	1
Marine Products	2004	0
Milk Products	455	0
Mineral Products	22636	10
Molasses	1307	0
Oat Products	1956	0
Peanut Products	31	0
Rice Products	82026	0
Rye Products	60	0
Soybean Products	153645	1
Vitamin Products	11419	0
Wheat Products	31724	0
Miscellaneous Products	82365	0
Sub-Totals	823964	51
GRAND TOTAL	1,356,399	216
2009-10	1,592,822	325
2008-09	1,732,223	104

Breakdown of Violations by Discrepancy

Crude Protein	104	Vitamin A	0
Crude Fat	19	Copper	3
Crude Fiber	38	Phosphorus	1
Calcium	5	Zinc	3
Salt	70	Magnesium	2

	2010-11	2009-10	2008-09
Percent of samples on which violations were issued.	10.04%	14.67%	13.89%
Samples Analyzed	2152	2215	2333

**CHEMICAL LABORATORY ANNUAL REPORT 2010
(FEED AND LIMESTONE)**

2010 Feed Analyses Reported
(Official Feed Samples Received: 2152)

Crude Protein	2116	Copper	372
Crude Fat	1903	Iron	14
Crude Fiber	2111	Magnesium	51
Urea	62	Manganese	36
Moisture	2152	Potassium	611
Ash	1469	Zinc	472
Phosphorus	1401	Amprolium	11
Calcium	1390	Aflatoxins.....	2
Salt	1112	Ethopabate.....	3
Sodium	150	Methoprene	4
Vitamin A	88	Sulfamethazine.....	9

TOTAL 13639

Unofficial Feed Samples: 39

Stop Sales Issued by Inspector

Reason For Issuance	Number Issued	Number of Bags	Number of lbs.
Improperly labeled	6	0	0
Analysis (conflicting/absent)	1	50	25000
Not Registered	0	0	0
Other (Feed Law Violation)	2	100	50000
Other (Misbranded)	0	0	0
TOTALS	8	150	75000

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.

Eighty Seven firms registered 111 liming materials, and licenses were issued to 87 vendors operating 130 spreader trucks. One Hundred and Eighty Three samples were collected and analyzed which was lower than the previous year. Nineteen samples were found to be deficient. There were no stop sales issued on lime. A total of 247,341 tons were reported sold which was higher 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 (111 products @ \$15.00 each)	\$	1,665
Vendor's Licenses (87 @ \$15.00 each)		1,305
Spreader Trucks (130 @ \$3.00 each)		390.00
Tonnage Fees: (247,341.00 tons @ \$0.30 per ton)		74,202.30
Sample Deficiencies (19)		56.78

		77,626.00
Less University of Arkansas Portion		<u>- 7,420.23</u>
Net Amount to Plant Board		\$ 70,205.77

2010 Liming Materials Analyses Reported (Official Limestone Samples Received: 183)

Calcium Carbonate Equivalent	183
10 Mesh Sieve Pass	182
60 Mesh Sieve Pass	182
100 Mesh Sieve Pass	182
Moisture	183
TOTAL	912

Unofficial Limestone Samples: 16

AGRICULTURAL CONSULTANTS
(Calendar Year 2010)

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 2010, there were 268 such consultants licensed which was lower 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, 428 manufacturers registered 3,407 brands and products. Sales totaled 1,021,683.31 tons, which was 44,415 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 an increase in the number of bulk blending plants registered for 2010-11 and an increase in the number of liquid mix plants. There were 168 dry bulk and 25 liquid mix plants in operation with 2 facilities licensed for bulk storage of anhydrous ammonia. There were 207 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

	2010-11	%	2009-10	%	2008-09	%
Bagged	85,238.22	8.3	45,117.99	4.2	69,910.07	7.7
Dry Bulk	858,763.73	84.1	939,376.60	88.1	764,327.09	83.7
Fluids	77,681.36	7.6	81,603.85	7.7	78,781.20	8.6
Totals	1,021,683.31	100.0	1,066,098.43	100.0	913,018.36	100.0

There was an increase in the percent of deficient fertilizer samples. Deficiencies amounting to \$42,245.69 were assessed on 141 of 1276 samples or 11.05% of the total. The average penalty per ton was \$78.18 as compared to \$84.32 and \$117.17 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.

2010-2011 SAMPLING AND DEFICIENCIES
(Only materials and top 10 blends listed individually)

Nitrogen Materials:		
Nitrogen Solutions	11	0
Urea	184	2
Superphosphate - 45%+	90	3
Muriate of Potash 60%	205	2
DAP (18-46-0)	70	1
Others	0	0
TOTAL MATERIALS	736	14

TOP 10 BLENDS:		
00-00-60	205	2
00-18-36	17	6
00-46-00	79	1
34-00-00	51	1
28-00-00	1	0
Specialties	8	0
TOTAL TOP 10 BLENDS	697	14
GRAND TOTALS		
2009	1466	141

*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 - \$14.00; Available Phosphoric Acid - \$19.00; and Potash - \$9.00.

**Summary Data for 2010-11 Fertilizer Samples
Deficiencies and Penalty Assessments for Current and Previous Years**

Calendar Yr	Samples	Penalties	% Penalties	Total Value Penalties
2010	1276	141	11.1	\$42,245.69
2009	1466	141	9.6	\$46,363.92
2008	1176	46	3.9	\$53,420.27

Breakdown of 2010-11 Penalty Samples by Deficiency

Deficiency	Number of Samples
Triple Value (exceeding 5% overall)	25
Actual Value:	
3-5% overall (N-P-K)	1
Nitrogen	10
Available Phosphoric Acid	19
Potash	29
Pesticide	0
Misc. Blends	0
Minor Elements (sulfur, iron, boron, etc.)	57
TOTALS	141

2010-11 Penalty Data - By Types of Fertilizers

	Samples Taken	NUMBER OF PENALTIES			% of Type Deficient	AVERAGE PENALTIES		
		Triple	Actual Value	Total		Per Ton 2008	Per Ton 2009	Per Ton 2010
Granulans (pelletized)	83	-	5	5	6.0			\$6.26
Dry Blends	601	21	110	131	21.8			\$76.28
Liquids	21	-	-	-	-			
Materials	571	4	1	5	0.9			\$199.80
Other	-	-	-	-	-		-	
2010 (Total all samples)	1276	25	116	141	11.1	\$117.17	\$84.32	\$78.18
2009	1466	31	110	141	9.6			
2008	1176	20	26	46	3.9			

Fertilizer Brands Registered	
2010-11	42
2009-10	42
2008-09	42

2010-2011 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, eighteen (18) manufacturers registered forty-two (42) products that were approved for sale, which was equivalent to the previous year.

2010 Calendar Year Fertilizer Analyses Reported - Chemical Laboratory	
Blends	728
Granular	12
Liquids	9
Materials	711
Other	4
TOTAL	1464

Additional Fertilizer Information

Blends.....	728
Granular.....	12
Liquids.....	9
Materials.....	711
Other.....	4

2010 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. 24 Samples of fertilizer were handled in this manner.

Unofficial Samples Reported	
Fertilizer	24

PUBLIC GRAIN WAREHOUSE AND CATFISH PROCESSOR SECTION

Weather has been the focus for our industry this year. At the beginning of the fiscal year our industry was facing very hot and dry conditions and then in the new year we were facing flooding that was primarily coming from rainfall that occurred in other states, but it still caused record high flood waters to engulf our farmland. This in turn created some hard decisions for the farming industry as to plant this land or leave it fallow this year, since a large portion of this land did not get dry till late June and early July.

Our section lost a very valuable Auditor this year. Mary Dickson retired from our Agency on November 30, 2010. She totaled over 28 years in our section and 35 years of employment with the state. It will be hard to replace such a valuable asset to this agency, but we are currently trying to do so.

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. Forty-five (45) licenses were issued covering approximately sixty-seven (67) locations.

PROBLEM AREAS

The weather has been the biggest obstacle for farmers this past year. Also resistance to round-up pesticides, building up in some types of weeds, are a growing concern for many farmers. Grain Warehouses must continue to be creative in finding new ways of becoming more profitable. As the crops for 2011 start to come in they will need to have all their plans for success already in place.

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 are still high and although the price for fish has risen to just over one dollar, that is not enough to keep many farmers in this business. Our state has lost around fifty percent of its catfish acreage to row crop farming in the past two years. The cost of raising fish just became too expensive for most of the farmers who switched back to row crop farming. In the coming year we are hoping for a much better year for our catfish industry.

FUTURE OUTLOOK

Our industry continues to change and our warehousemen continue to meet the changes head-on. They try to see the future for their individual businesses each day. The economic changes have made many look for new revenue streams and/or different ways to maximize profits within the same strategies. In the coming year we have a new player coming into our industry from the north with big plans for the delta region. In our state alone this company has plans to add 15 large facilities within the next 3 years.

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 other sections by conducting seed, feed, fertilizer and lime tonnage audits. We also continue 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, 2011, Steve Priest has been with us for 6 years; Martha Wilson has been with us for 23 years; Mary Dickson had been with us for 28 years and I (Michael L. Churchwell) have been here almost 26 years. We hope to find a replacement for Mary Dickson very soon. 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.

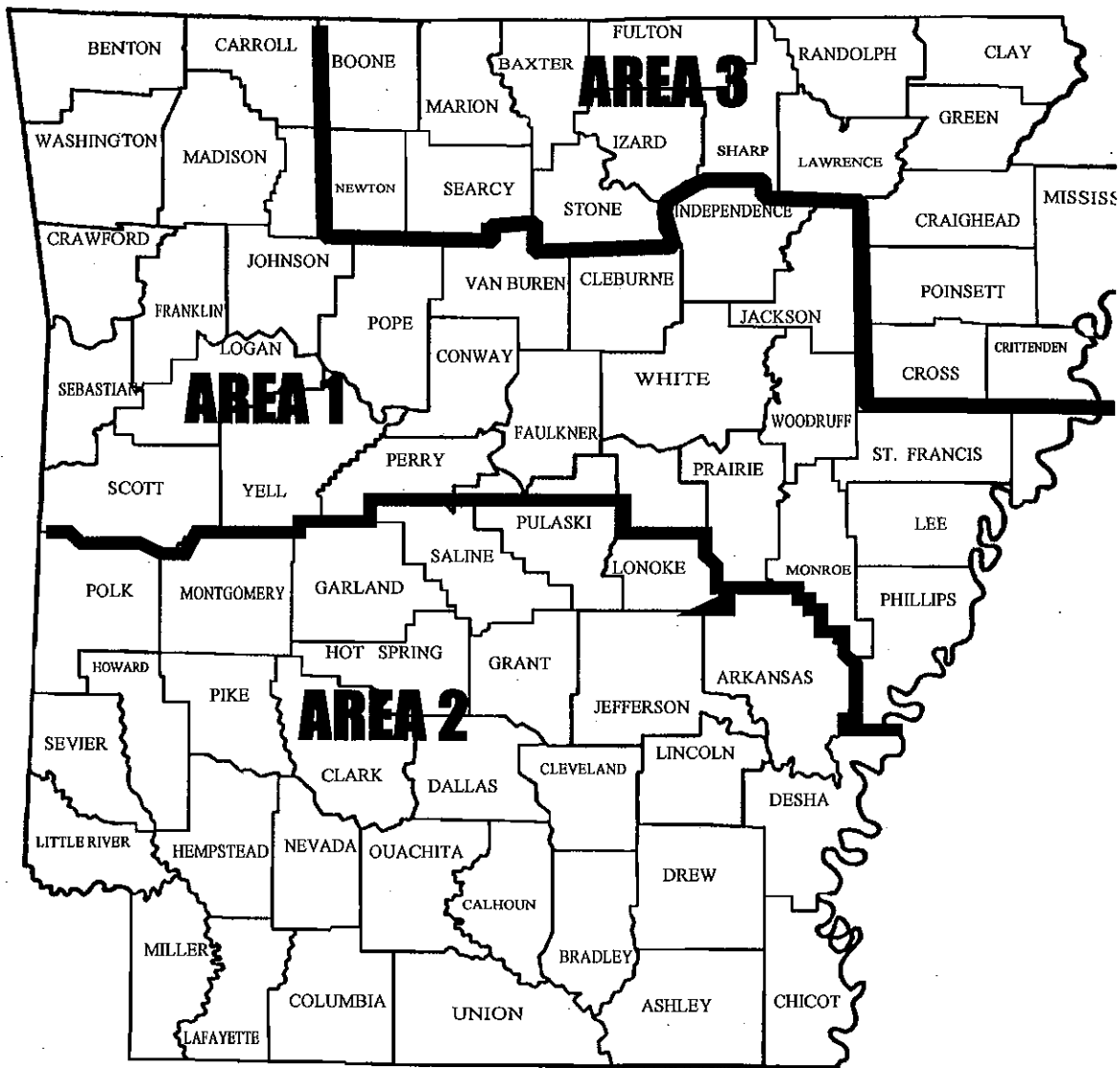
GENERAL CATFISH PROCESSOR INFORMATION

CATEGORY	COMPARATIVE FIGURES	
	2009-2010	2010-2011
Number of Processors Registered	6	6
Number of Audits Performed	15	15
Violations Found and Corrected	0	0
Number of Pounds Processed	5,807,300	6,099,165
Total Amount of Security Posted	\$350,000.00	\$350,000.00
Number of Demands Made on Securities	0	0
Total Amount Paid Out	0	0

GENERAL GRAIN WAREHOUSE INFORMATION

CATEGORY	COMPARATIVE FIGURES	
	2009-2010	2010-2011
Number of Audits Performed	78	58
Number of Suspended License	0	0
Number of Grain Shortages Found	0	0
Violations Found and Corrected	2	2
Total Licensed Capacity (bushels) *	31,193,700	31,498,700
Number of Bins	1,668	1,636
Number of Storage Buildings	107	109
Number of Licenses Issued	45	45
Increased Storage Capacity	3	3
Total Amount of Securities Posted	\$6,253,650	\$6,322,149.11
Total Demands on Securities	0	0
Total Amount Paid Out	0	0
Number of Bond Cancellations	0	1
Increased Securities due to Net Worth Deficiencies	5	4
Total Insurance Certificates Posted (Est.)	\$282,082,332	\$313,221,800.00
Total Insurance Claims	None Reported	None Reported
Number of Insurance Cancellations	0	0
Number of Warehouse Receipts Issued	275	125
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 - 2010)

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 2010, 1,112 manufacturers registered 11,203 products as compared to 1,126 and 11,895 the previous year. Under the enforcement grant a total of 181 formulation samples were collected and 214 analyses were reported, with 2.3% being found deficient.

Additional activities included the issuance of 4 Special Local Needs registrations as allowed under Section 18 and Section 24(c), respectively, of the amended FIFRA. Special Local Needs registrations were to gain additional uses or change use patterns for products currently registered by EPA.

2010 CHEMICAL LAB PESTICIDE REPORT

Formulation Pesticide Samples

	<u>Number of Guarantees</u>	<u>Number Deficiencies</u>	<u>Percent Deficient</u>
<u>INSECTICIDES, FUNGICIDES & RODENTICIDES</u>			
Azoxystrobin	5	1	20.0%
Pyrethroids	13	1	7.7%
Rodenticides.....	5		
Miscellaneous Insecticides.....	17		
Fungicides.....	6		
Sub-Total	46	2	4.3%
 <u>HERBICIDES, DEFOLIANTS & DESICANTS</u>			
2,4-D (acids, salt & ester)	15		
Clomazone	8		
Dicamba	5		
Fomesafen.....	8		
Glyphosate	63	1	1.6%
Imazethapyr.....	7		
Pendimethalin	5		
Picloram	7		
S-Metolachlor	5		
Triclopyr.....	6		
Miscellaneous Herbicides	39	2	5.1%
Sub-Total	168	3	1.8%
GRAND TOTAL	214	5	2.3%

Calendar Year	Samples Received	Analyses Reported	Ingredients Deficient**
2010	181	214	2.3%
2009	124	144	0.0%
2008	106	120	0.0%
2007	123	135	0.7%

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

ADDITIONAL PESTICIDE SAMPLES

	<u>Samples</u>	<u>Analyses Reported</u>
Use Dilution & Surfactants (Agricultural)	60	88
Pesticide Enforcement Residue Samples	58	109
Pest Control Samples (Dilutions & Formulations)	78	96
Pest Control (Soil, wipe, vegetation & fire ant spls)	25	29
TOTAL	221	322

GROUNDWATER MONITORING

Wells Tested	45
Wells Retested	6
Wells Where Pesticides Found	9
Wells Access Denied	12

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 2010 was slightly higher than in 2009. 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>2010</u>	<u>2009</u>	<u>2008</u>
Commercial Licenses Issued	411	399	404
Decals Issued for			
Application Equipment: Aerial	374	342	365
Ground	786	733	708
	1,160	1,075	1,073
Pilot & Ground Operator Licenses	1,032	1,011	1,007
Category Authorizations	1,319	1,283	1,292
Commercial Applicator Technician	115	144	160

There were 19,114 private applicators and 594 non-commercial applicators licensed for the use and/or supervision of the use of restricted use pesticides. Approximately 3,811 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 414 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	Human	1
	Animal	1
	Field Crop	11
	Residential	2
Quinclorac	Residential	13
Imazethapyr	Field Crop	6
Clomazone	Residential	4
Misc. Pesticides	Animal	4
	Field Crop	6
	Residential	12
No Pesticide Named		129

Found by Inspector:

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

<u>Pesticide</u>	<u>Crop, etc.</u>	<u>Number</u>
Clomazone	Human	2
	Residential	9
Glyphosate	Field Crop	7
	Residential	4
Imazethapyr	Field Crop	5
Quinclorac	Residential	4
Aldicarb	Animal	3
2,4-D	Field Crop	1
	Residential	1
No Symptoms Found		53
Undetermined		23
Discontinued		37
Incomplete Case Files		25

Number Of Requests Made:

189

<u>Previous 5 Years Total:</u>	2009	186
	2008	160
	2007	142
	2006	573
	2005	281

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>2010</u>	<u>2009</u>	<u>2008</u>
Custom-Applicator Permits Issued			
Aerial	122	123	126
Ground	56	57	70
Operators-In-Charge Authorized	190	202	218
Pilots Authorized	215	223	225
Decals Issued	404	366	395
Equipment Inspections	174	214	209

ARKANSAS/EPA SPECIAL INITIATIVES
CALENDAR YEAR 2010

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

The State Plant Board collected sixty-four (64) ground water samples from sixty-two (62) wells in twenty-two (22) counties in Arkansas. Access was denied to Plant Board inspectors on fifteen (15) occasions. Eleven (11) wells in Arkansas tested positive for pesticides. Samples were collected in the following counties: two (2) in Clay County, one (1) in Conway County, one (1) in Craighead County, one (1) in Crawford County, one (1) in Crittenden County, eight (8) in Cross County, fourteen (14) in Desha County, three (3) in Greene County, three (3) in Hempstead County, one (1) in Jackson County, two (2) in Lafayette County, three (3) in Lawrence County, four (4) in Lincoln County, one (1) in Little River County, one (1) in Miller County, eight (8) in Mississippi County, one (1) in Pope County, three (3) in Sharp County, one (1) in Van Buren County, one (1) in Washington County, two (2) in Woodruff County, and one (1) in Yell County. Pesticides were detected in eleven (11) wells. On August 17, 2010 Clay County well #11, a mixing well, tested positive for 1.03µg/L Atrazine in the pre purge sample and 0.55µg/L Atrazine in the post purge sample. This well was tested again on September 22, 2010. There was no detection of pesticide in the re-sample. On June 18, 2010 Cross County well #10, an irrigation well, tested positive for 0.36µg/L Quinclorac. A re-sample has been ordered for this well. On May 26, 2010 Desha County well #40, an irrigation well, tested positive for Bentazon 5.83µg/L and Quinclorac 0.44µg/L in the pre purge sample and Bentazon 7.82µg/L and Quinclorac 0.45 µg/L in the post purge sample. A re-sample has been ordered for this well. On May 26, 2010 Desha County well #49, an irrigation well, tested positive for Bentazon 0.82µg/L in the pre purge sample and Bentazon 0.95µg/L in the post purge sample. A re-sample has been ordered for this well. On May 26, 2010 Desha County well #50, an irrigation well, tested positive for Bentazon 0.92µg/L in the pre purge sample and the post purge sample detected Bentazon 0.99µg/L as well. A re-sample has been ordered for this well. On June 7, 2010 Desha

County well #58, an irrigation well, tested positive for 1.6µg/L 2,4-D in a running well sample. A re-sample has been ordered for this well. On June 7, 2010 Desha County Well #59, an irrigation well, tested positive for 0.9µg/L 2,4-D in a running well sample. A re-sample has been ordered for this well. On August 19, 2011 Lafayette County well #20, a domestic well, tested positive for 0.42µg/L Triclopyr in the pre purge sample and 0.26µg/L Triclopyr in the post purge sample. A re-sample has been ordered for this well. On August 24, 2010 Lawrence County well #03, a domestic well, tested positive for 5.75µg/L Malathion in the pre purge sample. The post purge sample made no detections of pesticide. On August 20, 2010 Mississippi County well #46, a domestic well, tested positive for 0.35µg/L Bentazon in the pre purge sample. The post purge sample made no detections of pesticide. On July 7, 2010 Van Buren County well #01, a domestic/irrigation well, tested positive for Picloram 1µg/L in a running well sample. A re-sample for this well has been ordered.

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.

During the 2010 calendar year the Arkansas State Plant Board conducted fifty-five (55) Tier I worker protection inspections and three (3) Tier II inspections at agricultural establishments including commercial application firms, farms, nurseries and greenhouses. Of the fifty-eight (58) total inspections twenty-one (21) inspections were conducted at Commercial Applicator Firms, ten (10) were conducted at Nursery/Greenhouse operations, and twenty-seven (27) were conducted at Farms. Two (2) inspections were "for cause" inspections. There were four (4) WPS violations documented during inspections in 2010, which were sent to enforcement for enforcement action. Each of the four violations related to out of date training of employees and record keeping. Two of the four violations also contained a violation of PPE requirements.

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

Terry Walker, 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

Kind of Business	Number Licensed	Number Inspections	Certificate Tags Issued	Stop Sales Issued
GREENHOUSE	251	108	215	1
Nurseryman	105	143	635	0
Nurses Dealer	635	875	2382	1
Totals	959	1113	4637	2

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. Plants covered by these nurserymen and nursery dealer stop-sale orders were destroyed by inspectors if pests or diseases could not be eliminated by spraying or other means. Plants that could be treated were released after the problems were brought under control. No stop-sale notifications were issued.

Vegetable Plants

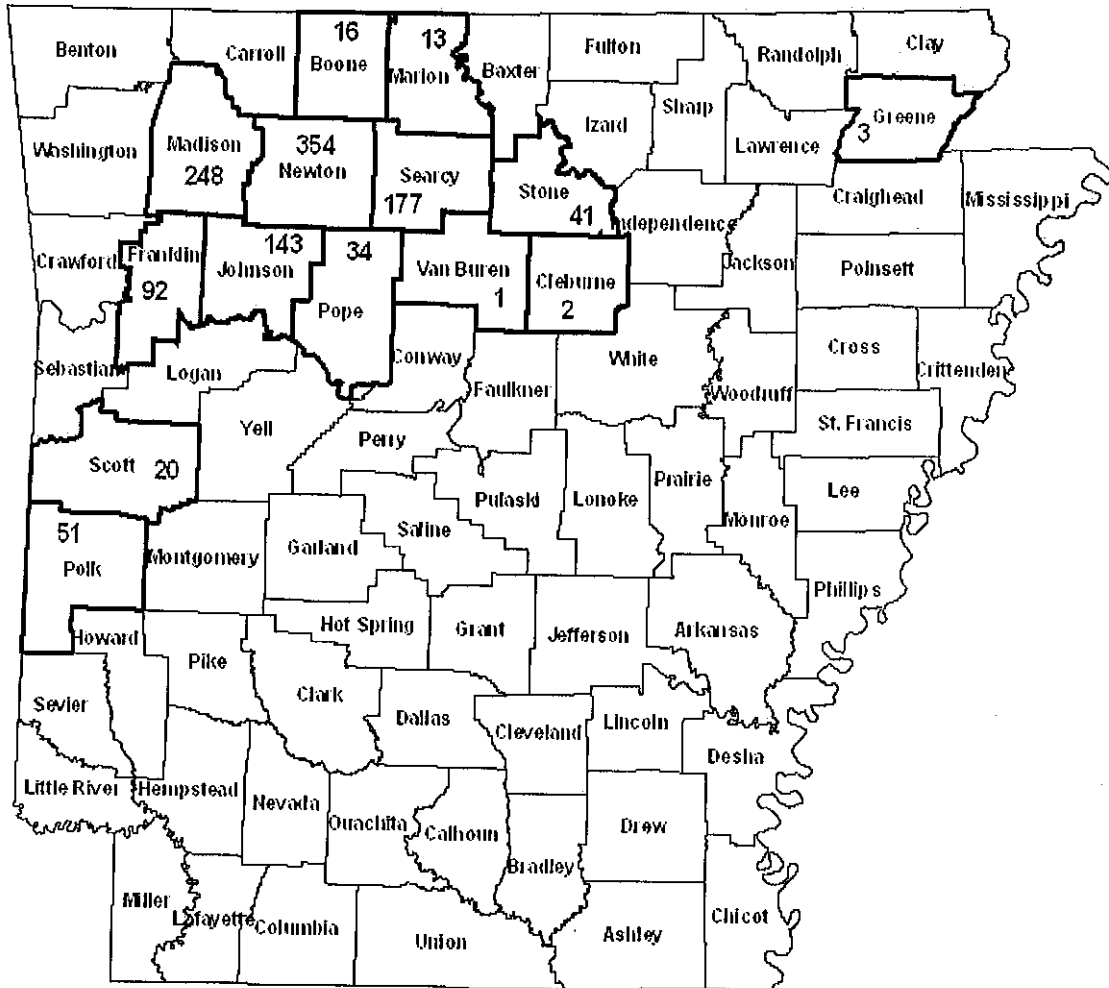
Cabbage, Tomato, Onion and Pepper Inspections. Arkansas Plant Permit Numbers were issued to 2 growers of assorted vegetable plants with 4 inspections performed.

Out-of-State Cabbage, Tomato, Pepper and Onion Plant Shippers. Arkansas Plant Permit Numbers were issued to 4 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 2010 harvest season, certificates were issued on 34 shipments of wild ginseng totaling 1,195 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 2010



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

Total collected 1,195 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. Terry Walker - Plant Industry Division Director, Mark Stoll - Apiary Manager, and Paul Shell - Plant Inspection and Quarantine Manager are qualified to issue these documents.

There were 1,376 certificates issued this year. The top three primary items certified are as follows: 841 phytos issued on 344,936,803 pounds milled rice, 149 issued on 64,723,681 pounds cottonseed grain, and 144 issued on 1,299,977 board feet and 1,111 bundles of red oak lumber. Remaining items certified include: rice flour, rice seed, rough rice (unhulled), soybean seed, soybean grain, corn seed, cotton seed, wheat seed, dicandra seed, southern pea seed, bramble plants, sericea lespedeza seeds, centipede grass seed, and bahiagrass seed. Phytos were also issued for the following types of lumber: ash, cedar, hackberry, hickory, pine, sycamore, yellow poplar, and white oak. These certificates covered shipments to the following 49 countries: Algeria, Argentina, Australia, Azerbaijan, Bahrain, Barbados, Belgium, Brazil, Cameroon, Canada, Chile, China, Costa Rica, Cuba, Djibouti, England, Germany, Haiti, Honduras, India, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Kuwait, Lebanon, Liberia, Libya, Mexico, Pakistan, Panama, Philippines, Portugal, Saudi Arabia, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Suriname, Switzerland, Taiwan, Turkey, United Arab Emirates, Uruguay, Vietnam, and Yemen.

State Phytosanitary Certificates

This year, there were 192 state phytosanitary certificates issued. The top 3 primary items shipped are as follows: 76 certificate on 42,308,550 pounds cottonseed grain, 57 certificates on 5,238,076 pounds rice, and 16 on 1,182 pounds soybean seed. Other commodities include the following: rice seed, corn seed, hardwood lumber, pine wood chips, amaryllis bulbs, wisteria plants, grape plants, black willow cuttings, bramble plants, and houseplants. These certificates covered shipments to the following 10 states and territories: California, Florida, Idaho, Michigan, New York, Ohio, Puerto Rico, Rhode Island, Texas, and Washington.

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 were no post-entry plants inspected this year.

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 survey on Exotic Cotton Pests performed by Dr. Gus Lorenz of the U of A Cooperative Extension Service, and a Soybean Commodity Survey also conducted by Dr Gus Lorenz.

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 five 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 three years, and is being monitored and treated by the park staff as needed. The site at Beaverfork Lake near Conway has shown no plants in three years. 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 apparently died over the past two years. This is probably due to the severe cold of the past two winters.

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).

Tomato Leaf Miner Survey: One seasonal employee assisted in conducting the Tomato Leaf Miner Survey. The survey was conducted from the months of May through September at a variety of sites in five (5) Arkansas Counties. A total of fifty-eight (58) traps were placed at the following sites: Tomato farms in and around fields, packing and disposal sites, wholesale markets, repacking facilities and one research farm. The Counties surveyed were: Ashley, Bradley, Calhoun, Drew, and Pulaski. Traps were monitored every two weeks and lures replaced every six weeks. Trap position was adjusted according to the height of the tomato plant where traps were placed in fields. GPS coordinates were taken at each site. No Tomato Leaf Miner moths were detected during this survey.

Light Brown Apple Moth: Yet another Asian import, this moth has been found infesting fruit trees in California, the state from which much of our nursery stock originates. A total of five hundred twenty two traps (522) were placed in forty-eight (48) counties throughout the state. Locations included: "big box" stores, retail and wholesale nurseries, tomato farms and marketing facilities, orchards and vineyards and others. Counties included: Arkansas, Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Drew, Faulkner, Franklin, Garland, Grant, Greene, Hot Spring, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Lonoke, Madison, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Pope, Prairie, Pulaski, St. Francis, Saline, Sebastian, Sharp, Stone, Union, Van Buren, Washington and White. Traps

were monitored every two weeks and pheromone changed every six weeks. No LBAM suspects were found.

Grape Commodity Survey: One Arkansas State Plant Board employee assisted in conducting the Grape Pest Survey. This survey targeted both the European Grape Berry Moth (*Eupoecilella ambiguella*) and the European Grapevine Moth (*Lobesia botrana*). The survey was conducted from April through August in three (3) wine-producing counties in the state. The counties are: Franklin, Madison and White. A total of seventy-nine (79) traps were placed according to the approved survey methods for the Grape Pest Survey. No pests were found during the survey.

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. Two seasonal employees were hired to assist in the 2010 EAB Survey. One hundred (100) traps were established in at least 50 locations in the northern and central parts of the state. Survey activities began April 1 and concluded in mid-August. Traps were monitored and lures changed every two months. GPS coordinates are taken at each location. Counties included in the survey were: Baxter, Benton, Clay, Cleburne, Craighead, Crittenden, Cross, Faulkner, Franklin, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, Madison, Newton, Poinsett, Pope, Pulaski, Randolph, Saline, Searcy, Sharp, Stone, Washington and Yell. No Emerald Ash Borers were found. In 2011, one hundred forty-two (142) traps have been placed in 38 counties.

Gypsy Moth: Gypsy Moth is 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. It lays 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.

Arkansas' plan has three distinct parts. (1) The 1st part is detection traps which are deployed all over Arkansas by our cooperating agencies, the Plant Board, and USDA APHIS PPQ. (2) The 2nd part is delimiting trapping in high risk areas (those areas where there were catches the previous year). (3) The 3rd portion of the overall plan is the delimiting trapping in the eradication zone. This method will not be used unless we find another breeding population.

This summer's gypsy moth plan is always based on results from the previous year. The following is a recap of 2009 and then the results of the 2010 trapping and quarantine programs.

SUMMER 2009 DELIMITING TRAP RESULTS

Delimiting trapping is performed in areas where positive catches have been made in the past. This method is used to determine if there is a breeding population in this area, or if the previous catch was a hitchhiker. The zone is considered moth free when two years pass without a catch.

Traps are placed at a rate of 36/ sq. mile centered where the positive catch occurred. As there have been no moth catches in the past 6 years, there have been no delimiting programs in the past 5 years. This will resume when moths are caught in the future.

2010 DETECTION TRAPPING PROGRAM

The year-to-year gypsy moth effort is built around our detection trapping program. We coordinate the services of 14 cooperating agencies. They carry out a planned network of trapping which blankets the whole state. This is the initial and most vital defense against this pest, providing us crucial early detection information of potential problems. We wish to thank all of our cooperators for their hard work in placing and picking up these traps.

These key agencies, listed below, are responsible for deploying 2400 traps.

Arkansas Dept. Of Parks and Tourism	375
Arkansas Game and Fish Commission	150
Arkansas Forestry Commission	350
Camp Robinson National Guard/Fort Chaffee	75
Corp. of Engineers - Little Rock District	550
Arkansas Cooperative Extension Service	375
Arkansas Highway Dept.	75
Natural Resources Conservation Service	250
US Forest Service - Ouachita	100
US Forest Service - Ozark	50
Buffalo National River	50

Although there were many moth specimens submitted for identification no gypsy moths were found through our cooperating contributors.

USDA APHIS PPQ, and the Plant Board also did extensive trapping in North-West Arkansas and South-Central Arkansas. Approximately 2,800 traps were placed in a grid pattern approximately 2 miles apart.

2010 DELIMITING TRAPPING

In addition to detection trapping, delimiting trapping is an effective tool to combat the spread of Gypsy Moths. Delimiting traps are set in response to a catch within the past 2 years and are deployed in such a way as to better define the status of a potential gypsy moth population. No delimiting trapping was performed due to no moth catches since 2004. These will resume when moths are caught at a rate of 36 traps per square mile centered where the positive catch was found.

THE 2011 DELIMITING PLAN

There are no delimiting areas for 2011 as the previous catches have turned up negative for the previous two years.

CONCLUSION

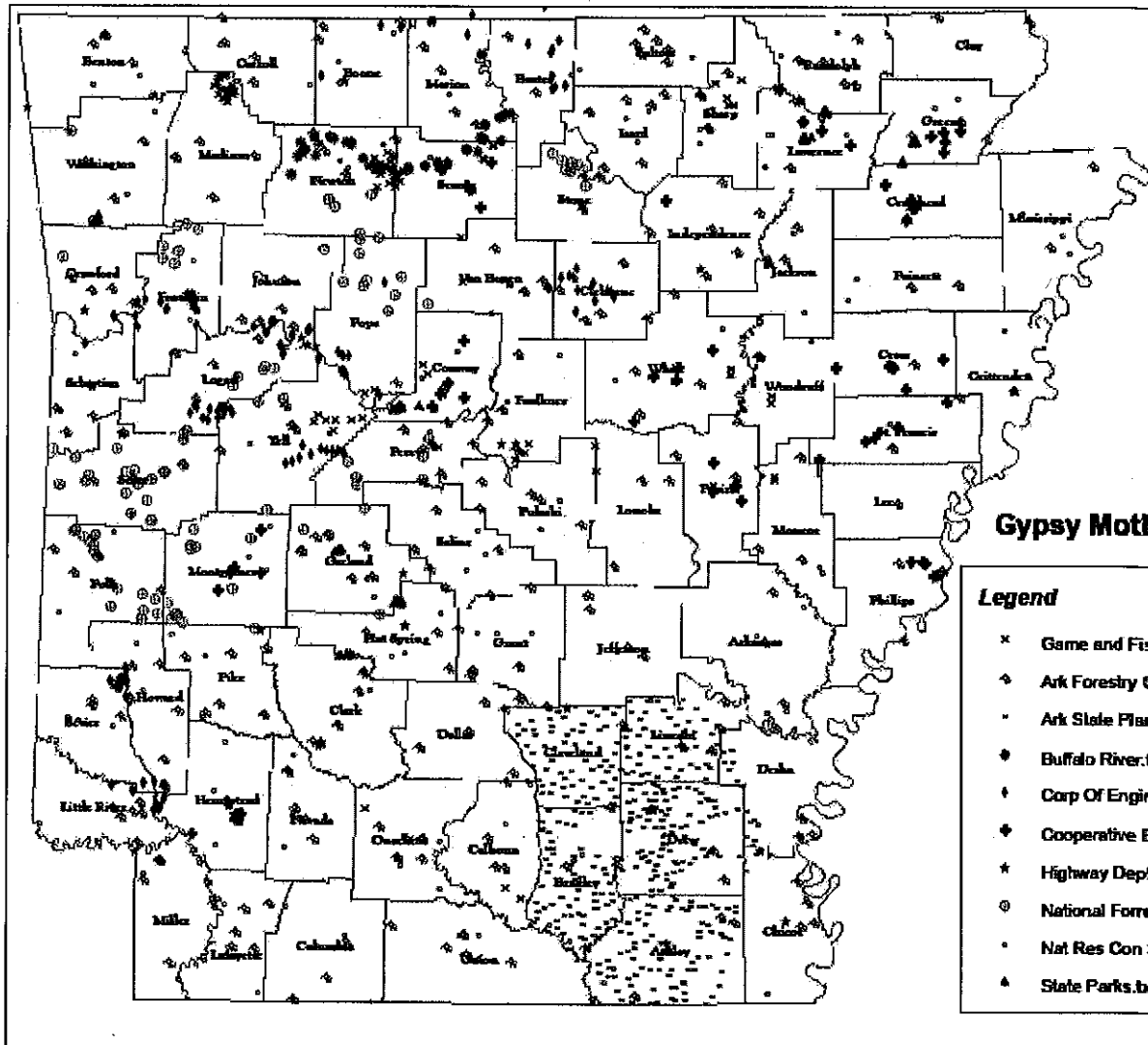
We are proud to announce that no moths were caught in 2010. This is the sixth year in a row that no moths have been caught. This is very encouraging and points out that everyone's hard work has been worth it. It is, however, no reason to let our guard down. Detection surveys will continue with the able assistance of our cooperating agencies, and USDA. In this upcoming year, we've been instructed to have all traps in place by the end of May. Entomologists have informed us that the Gypsy Moth may emerge from the egg masses earlier than we have expected due to our location further south than the main population of this pest.

The states closer to the gypsy moth infestations are continuing their work in slowing the spread of this invader. The Plant Board looks for gypsy moth egg masses on cut Christmas trees which originate in areas where gypsy moths are a problem. Also, there are some pathogens which are impacting the populations of gypsy moths in infested areas. Perhaps this potential threat will never reach us. Extensive trapping is the best way to monitor the population and determine if other action needs to be taken.

MAP

The following map show locations where traps were placed in 2010. These were the traps placed by Cooperators and Arkansas State Plant Board. This does not show the location of traps placed by USDA. In addition, several traps were placed by cooperators with no GPS data included. These are listed by county.

Bradley - 10	Lee - 5	Sharp - 5
Chicot 15	Lincoln - 10	Van Buren - 8
Columbia - 6	Montgomery - 15	Yell - 9
Faulkner - 10	Newton - 5	
Fulton - 5	Ouachita - 2	
Garland - 3	Perry - 2	
Hempstead - 6	Poinsett - 10	
Hot Spring - 1	Prairie - 1	
Howard - 10	Pulaski - 10	
Lafayette - 3	Randolph - 10	

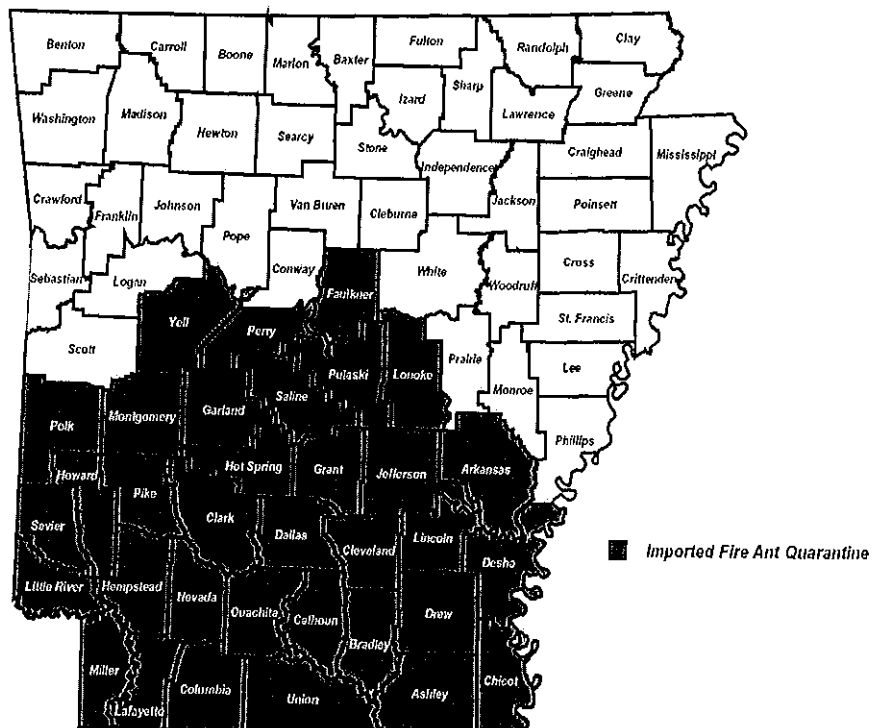


Imported Fire Ant

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.

In the spring of 2011 approximately 33,000 acres were visually surveyed just north of the IFA Quarantine line. 1,139 nursery sites were inspected and treatment certificates were checked. Also inspected were 69 nurseries, nursery dealers, and hay producers who are currently operating under IFA compliance agreements.

Imported Fire Ants



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 2011 20 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 – 1, Greene – 1, Jefferson – 2, 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. A trace forward survey was conducted on three mail-order plants which showed no disease present. Trace forward checks are conducted when the disease is found at a shipping nursery. Once the disease is found, other locations that have received plants from the infected nursery are checked.

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). We are currently surveying walnut trees in Arkansas to determine if this disease is present here. There are currently no traps or treatments known for this insect/disease.

Biotechnology

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 is a pilot program being used to evaluate the effectiveness of having state inspectors carry out the inspection functions of permitted trials.

**COMMERCIAL PEST CONTROL SECTION
ANNUAL REPORT
FOR
FISCAL YEAR JULY 1, 2009/JUNE 30, 2010**

SCOTT BRAY, Agri Program Manager
Scott Derrick, Plant Board Inspector Supervisor
John Hurd, Administrative Specialist III

INSPECTORS

JOHNNY BELL, LYNDALL HAMILTON, GREG HEARNSBERGER, JOSH DEMENT
AND SETH DUNLAP.

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 field inspectors, one Administrative Specialist III and two Administrative Specialist II.

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 in eleven separate categories. Those persons licensed 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 service 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.

EXAMINATIONS	TOTAL	PASSED	FAILED
Basic EPA Certification	171	157	14
Termite and Other Structural Pests (Class 1)	21	18	3
Household Pest (Class 2-H C)	46	35	11
Rodent Control (Class 2-R C)	45	39	6
General Fumigation (Class 3)	12	6	6
Ornamental Tree & Turf Pest Control (Class 4)	59	31	28
Weed Control (Class 5)	57	41	16
Golf Course Pest Control (Class 6)	7	7	0
Food Mfg., Processing & Storage Pest Control (Class 7)	20	8	12
Food Related Fumigation (Class 8)	54	20	34
TOTAL	492	362	130

This year, 192 Termite Companies reported 32,131 Termite and Other Structural Pest jobs.

Plant Board Inspectors inspected 300 Routine Jobs, 193 Requests and 162 Re-Inspections.

Active Operators this year - 1,161

Active Agents this year - 2,012

Applicants certified this year - 119

Reference letters written by Pest Control Section staff this year - 603

Pest Control Section inspectors monitored pre-treatments for prevention of termites at 9 job sites.

Pest Control inspectors inspected 3 Federal Facilities this year.

Pest Control inspectors took 76 physical samples during the course of their work this year.

The Pest Control Section staff conducted 12 hearings this year.

Civil penalties issued thru the Pest Control Committee/Plant Board this year - 28

For a total amount of \$ 7,100.00

Civil penalties paid this year, 4 for a total of \$ 2,500.00.

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 300 routine inspections, fulfilled 193 inspection requests, monitored 9 pre-treats and issued 132 "first" pink slips to 110 companies, 35 "second" pink slips to 30 companies and 13 "third" pink slips to 12 companies this year.

This year, 417 license holders re-certified.

The Pest Control Section staff issued 68 Warning Letters this year.

Sixty-Four (64) Cease and Desist orders were issued by the Pest Control Section staff this year.

Property owners' made 193 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.

This year, staff started working to improve the application process by preparing PERMANENT RENEWAL APPLICATIONS. These personalized Permanent Renewal Applications will be kept on file by the licensed operators and when renewal time arrives, the licensed operators will remove the Permanent Renewal Applications from their file, make a copy, return the P R A to their file, fill out the copy and mail P R A along with required documents and fees to the Plant Board. This means the licensed operator now will have his application on file and this form is pre-filled out except for the date and signature. This saves the licensed operator time and work, plus is more efficient.

Efforts to improve our overall operation will continue, especially our electronic capabilities. The computer has improved and will continue to improve our record keeping and office operation.

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

Forms - 15 orders	Study Kit (3) - 16 orders
Applications - 168 orders	Study Kit (4) - 223 orders
Mailing Lists - 76 orders	Study Kit (5) - 208 orders
Circular 6 - 9 orders	Study Kit (6) - 18 orders
Study Kit (1) - 37 orders	Study Kit (7) - 14 orders
Study Kit (2) - 73 orders	Study Kit (8) - 12 orders

Mr. Scott Bray, Manager of the Commercial Pest Control Section, made 4 trips to conduct hearings, present Pest Control Programs or attend re-certification schools this year.

Apiary Section 2010-2011

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

Apiary

Inspections

There is a total of 1,677 registered apiarists in the state with 4,068 registered apiaries. A total of 11,376 colonies were visited this year. Out of these, 4,968 colonies were inspected.

Migratory Beekeepers

There were 11 moving permits issued this year to beekeepers moving from state to state. There were 6 commercial beekeepers that left the state on pollination contracts. They took 5,310 hives on these contracts.

Honeybee pests and disease

The breakdown, out of the 4,968 colonies inspected, is as follows:

American foulbrood:	4
European foulbrood:	4
Chalkbrood:	0
Sacbrood:	0
PMS:	0
Nosema:	12
Varroa Mite	136(Occurs in most hives, but appears to be mostly under control.)
Tracheal Mites:	- (Occurs in most hives, but appears to be mostly under control.)
Small Hive Beetle:	671
CCD	0 (No new findings)

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 will 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 started participation in a National 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 requires twenty-five composite samples. These samples will be composite samples from eight hives in each apiary. The sample consists of the types: live bee box, alcohol sample, and alcohol filtered sample. To date Arkansas has completed eighteen of the twenty-five samples.

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, and in 2011 sixty-one (61) traps are currently in the field. The 2011 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 1st responders, pest control operators, beekeeper organizations, other state and federal agencies, and other organizations. The Apiary Section continues it's 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-five(25) demonstrations, twenty-seven (27) programs, twenty-nine (29) presentations, and thirty-one (31) films/ exhibits designed to increase public awareness of the honeybees' importance in agriculture. 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 2011 in Galveston, TX.

Sweet Potato Weevil

To date we have received payment from a total of 16 growers planting approximately 3,110.5 acres of sweet potatoes in which trapping for the Sweet Potato Weevil will be conducted.

Fourteen (14) growers are in Program A, and two (2) are 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 \$31,105.00 has been collected this year.

A total of 693,000 green tags were mailed out to the growers.

Pink Bollworm

A total of 24 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 2010 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 2009 leaving zero (0) on the 2010 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 now under an 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 marks the first increase in acres since the start of the decline in 2007.

Southwest Zone

Completed it's ninth year of maintenance, and is entering into it's tenth year. The maintenance fee for 2011 is five (5) dollars an acre. This zone had 1,760 acres in 2010.

Southeast Zone

Completed it's seventh year of the maintenance program and is entering it's eighth year for 2011. The maintenance fee will be \$8 an acre for 2011. This zone had 111,728.3 acres in 2010.

Central Zone

Completed it's sixth year of maintenance and is entering it's seventh year for 2011. The maintenance fee will be \$8 an acre for 2011. This zone had 144,589 acres in 2010.

Northeast Ridge Zone

The Northeast Ridge Zone completed it's Fifth year in the maintenance period in 2010. East Poinsett county completed it's fourth year of the maintenance program in 2010. The fees for 2011 will be \$8 an acre in all Northeast Ridge Zone areas. This zone had 87,175.8 acres in 2010.

Northeast Delta Zone

Completed the eighth year of the program in 2010. The Board voted to continue the program in 2011. This zone is under a forced program in which the Board has to vote each year to carry the eradication efforts forward. Assessments for 2011 will be \$14 per acre. This zone had 176,968.2 acres in 2010.

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.

The Arkansas State Plant Board has 11 producers signed up, to date, for certification this year. 11,721.75 acres have been signed up to be certified.

Federal-State Fresh Fruit and Vegetable Inspection Section

Terry Walker, Director

John Lansdale, Manager

David Markwardt or Douglas Goodson Federal Supervisors

July 1, 2010 - June 30, 2011

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 2010- 2011.

APPLICANTS	PRODUCTS	NUMBER GROWERS	NUMBER CONTAINERS	NUMBER POUNDS
Proffer Wholesale Produce Warren, Arkansas	Tomatoes	9	145,733	3,055,808

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 2010-2011.

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 Program.

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.

GAP/GHP AUDITS PERFORMED
17

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>10/11</u>	<u>09/10</u>
Number of Regulatory Samples collected from seed being offered for sale in the trade channels.	2,151	1,717

	<u>10/11</u>	<u>09/10</u>
Number of Stop-Sale Notices issued by the Division Director because the seed was found to be mislabeled.	96	24
Number of Stop-Sale Notices issued by Inspectors because of technical violations.	61	66

A breakdown of the top ten crops, collected by the inspectors and tested by the seed laboratory **for regulatory purposes** is as follows:

Crop	Number Collected	Number Mislabeled	Number in Tolerance, but below Labeled Germ
Soybeans	985	22 (2.23%)	127 (12.89%)
Wheat	293	21 (7.17%)	2 (0.68%)
Rice	225	0	13 (5.78%)
Corn	199	1 (0.50%)	0
Ryegrass	117	12 (10.26%)	1 (0.85%)
Tall Fescue	84	33 (39.29%)	3 (3.57%)
Cotton	57	0	0
Sorghum	38	0	0
Oats	26	1 (3.85%)	0
Orchardgrass	16	0	1 (6.25%)
All Others	111	6 (5.41%)	2 (1.80%)
Total	2151	96 (4.46%)	149 (6.93%)

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 09-10 year, there are two companies 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 (10/11) the USDA Federal Seed Branch planted 20 samples of interstate shipments of cotton & rice we submitted. Most of the grow-out test results of the 53 samples of soybeans we submitted in 09/10 appear to have been correctly labeled. Other activities included:

1) Soybean and rice growing & harvesting conditions were affected by the extremely dry growing season in the summer and fall of 2010 and the resulting over-all seed quality was lower than in 09/10. The number of stop-sales and advisory letters issued for soybean germination problems increased approximately four-fold over last year. This was mainly due to the mechanical damage caused by low seed moisture while the seed was being harvested and conditioned. Inspectors sampled over 980 regulatory soybean samples to check for possible problems of this seed in the marketplace. In 09/10 no stop-sales were issued for soybean germination problems compared to 19 stop-sales in 10/11. Also, the number of advisory letters were much increased – 127 issued this year compared to the 10 advisory letters in 09/10 - 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. Two Arbitration complaints were filed last year, 1 on soybeans & 1 on rice but neither were for failure to get a stand. This year, there were several complaints of poor stands, especially on soybean seed planted after the wheat harvest. Only two calls for forms to apply for arbitration have been received to date on the 2011 soybean crop alleging problems with germination. One arbitration complaint has also been filed on rice on herbicide resistance problems.

2) 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 2011. During the testing phase, over 500 samples were submitted to labs for testing - all with negative results. The Seed Division issued approximately 1,220 Seed Sample Validation Reports in the spring and summer of 2011. About four-fifths of these were for Arkansas-based companies and one-fifth were for companies shipping rice seed into Arkansas.

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

	<u>10/11</u>	<u>09/10</u>
Number of Seed Dealer's Licenses Issued	212	211
Number of Subsidiary Locations Registered	129	115
Number of Seed Treater's Licenses Issued	101	97
Number of Seed Treater's Restricted-Use Pesticide Lic. Issued	12 (2011)	8 (2010)
	(12 Locations 14-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>10/11</u>	<u>09/10</u>
Number of Permit & Analysis Labels Issued (non-certified)	231	4,561
Number of Pounds Reported	387,117,618	381,456,136

II. SEED LABORATORY

Aaron Palmer, Manager (CSA)*

<u>Seed Analyst III</u> Margaret Breard Debbie Hill (CSA)* Minta James (CSA)* Barbara Moore (CSA)*	<u>Seed Analyst II</u> Gordon Baldrige (CSA)* Pamela Bingham
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*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>10/11</u>	<u>09/10</u>
Number of Service Samples Tested	6,480	6,711
Number of Regulatory Samples Tested	<u>2,151</u>	<u>1,717</u>
Total	8,631	8,428

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>10/11</u>	<u>09/10</u>
Number of Purity Tests	5,099	4,656
Number of Germination Tests	8,557	8,367
Number of Phenol Tests (varietal test for wheat)	54	74
Number of Coleoptile Tests (varietal test for wheat)	54	73
Number of Hypocotyl Tests (varietal test for soybeans)	41	28
Number of Peroxidase Tests (varietal test for soybeans)	0	0
Number of Fluorescence Tests (varietal test for oats)	17	16

Number of Moisture Tests (certification requirement)	1,148	1,331
Number of Tests for Red Rice (pounds hulled)	1,311 (4,395)	1,515 (4,983)
Number of Cool Tests (vigor test for cotton)	15	14
Number of Accelerated Aging Tests (vigor test for soybeans & wheat)	2,972	3,028
Number of Tetrazolium Tests (rapid viability test for seed)	169	162
Soybean Herbicide Trait Tests	1,933	1,659
Rice Herbicide Trait Tests	543	582
TOTAL TESTS CONDUCTED	21,913	21,505

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:

CROP	10/11	09/10
Soybeans	3,281	3,393
Rice	1,538	1,792
Wheat	813	686
Oats	120	128
Garden Beans	51	81
Corn	37	32
Annual Ryegrass	63	31
Cotton	35	24
Clover	58	64
Cowpeas	41	38
All Others	443	442
TOTAL SAMPLES	6,480	6,711

The Seed Lab Manager currently serves on the Newsletter, and By-Laws committees for the "Association of Official Seed Analysts" (AOSA). 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:

	2010 Crop Year	2009 Crop Year
Number Labels Issued on Traditional Size Bags	219,820	262,919
Total Acres Certified	43,352	41,427
Total Acres Identity Preserved/Quality Assurance	1,598	1,906
Grand Total (Acres)	44,950	43,333
Number of Conditioners Inspected	34	32
Number of Permits Issued (includes Bulk Wheat Permits)	56	79
Bushels of Wheat Sold Bulk Certified	22,661	10,298
Bushels Wheat Sold in Super Bags	468,648	581,107
Bushels Soybeans Sold in Super Bags	45,154	73,087
Bushels Rice Sold in Super Bags	1,434,589	1,982,119

CERTIFICATION DATA FOR THE 2010 CROP YEAR

CROP	No. of Applications	Acres Approved	NUMBER OF LABELS ISSUED ON TRADITIONAL SIZE BAGS				# of labels issued if all Certified seed was sold in 50 lb. traditional units
			TD	REG	IMP	TOTALS	
Oats	2	255	0	0	3,600	3,600	5,600
Wheat	36	6,663	17,409	3,488	16,893	37,788	619,077
Rice	158	30,313	5,266	7,805	124,722	137,793	1,428,923
Soybeans	44	5,806	5,887	1,617	33,135	40,639	94,794
E. Gammagrass	1	11	0	0	0	0	0
Turfgrass	16	304	-	-	-	0	-
TOTALS	257	43,352	28,560	12,910	178,350	219,520	2,148,394

CERTIFICATION DATA FOR THE 2009 CROP YEAR

CROP	No. of Applications	Acres Approved	NUMBER OF LABELS ISSUED ON TRADITIONAL SIZE BAGS				# of labels issued if all Certified seed was sold in 50 lb. traditional units
			TD	REG	IMP	TOTALS	
Oats	1	56	0	0	0	0	0
Wheat	51	8,950	13,039	343	41,204	54,586	764,272
Rice	161	27,455	5,843	18,922	152,128	176,893	1,960,800
Soybeans	36	4,640	7,491	1,076	22,873	31,440	119,144
E. Gammagrass	1	11	0	0	0	0	0
Turfgrass	18	315	-	-	-	0	-
TOTALS	268	41,427	26,373	20,341	216,205	262,919	2,844,216

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 1963-2011

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 64th 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 61st 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 33rd 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 72nd Annual Meeting.

In 1987, the 72nd 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 80th 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 52nd 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 83rd 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	-	Becky Hogan
Administrative Specialist II	-	Oretha Bonds
Administrative Specialist II	-	Jessica Lain

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

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

AREA INVESTIGATION SECTION

Plant Board Agriculture Specialist	-	Roger Frazier
Plant Board Inspector - Area 1	-	Don Siefken
Plant Board Inspector - Area 2	-	Creenna Bocksnick
Plant Board Inspector - Area 3	-	Jan Hudspeth
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	-	Larry Miller
Plant Board Inspector - Area 11	-	Mike Harris
Plant Board Inspector - Area 12	-	Gary King

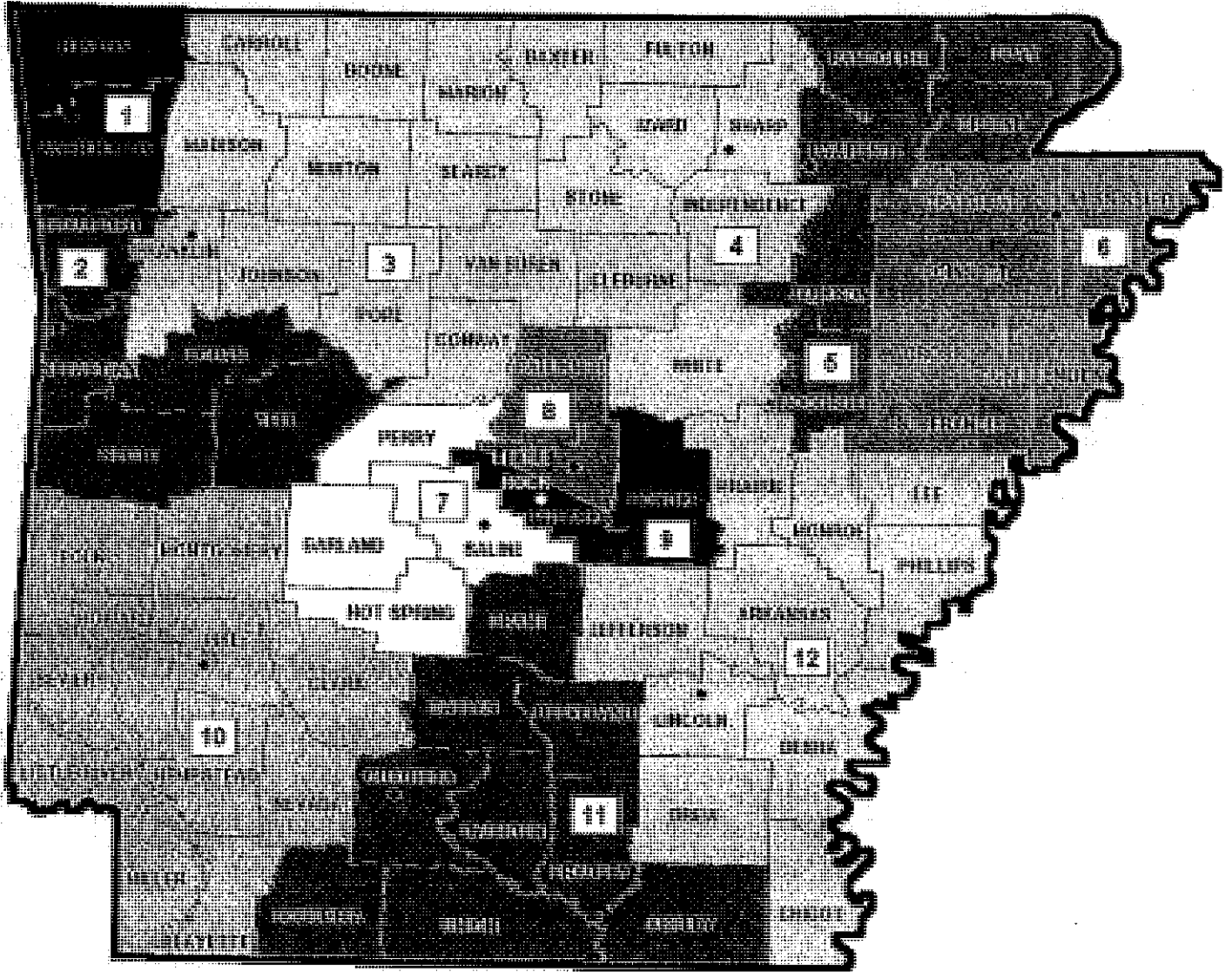
WEIGHTS AND MEASURES DIVISION

Assistant Deputy Director	-	Tim Chesser
Scale Technician	-	Paul Henderson
Scale Technician	-	Jerry Dickson
LPG Technician	-	Gary Howard

STATE PETROLEUM PRODUCTS DIVISION

Chemist Supervisor	-	Vacant Position
Chemist	-	Vacant Position
Chemist	-	Wilford Jones
Chemist	-	Teresa Dillard
Chemist	-	Fred Harris

ARKANSAS BUREAU OF STANDARDS INVESTIGATIVE AREAS BY COUNTY



AREA	INVESTIGATOR	COUNTIES
1	Don Siefken	Benton, Washington
2	Creenna Bocksnick	Crawford, Sebastian, Logan, Scott, Yell
3	Jan Hudspeth	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	Larry Miller	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

DEPUTY DIRECTOR
VACANT

**PETROLEUM
PRODUCTS
DIVISION**

**WEIGHTS & MEASURES
DIVISION**

**OFFICE OF
ADMINISTRATION**

**AGRICULTURE
PROGRAM MANAGER
VACANT**

**PB AGRICULTURE
SPECIALIST
ROGER FRAZIER**

**ASSISTANT DEPUTY
DIRECTOR
TIM CHESSE**

**ADMINISTRATIVE
SPECIALIST III
BECKY HOGAN**

Chemist
Vacant Position
Wilford Jones
Teresa Dillard
Fred Harris

Metrologist
Vacant Position
Charles Hawkins

**Plant Board
Inspector**
Dorothy Lawson

**Agriculture
Program Manager**
Randy Burns

**Plant Board
Inspector**
Arch Westmoreland
Jan Hudspeth
Richard Slater
Larry Miller
Mark Bell
Larry Wornock
Lynn Bellott
Shelby Mross
Mike Harris
Don Siefken
Creenna Bocksnick
Gary King

Inspector
Jerry Dickson
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 33rd 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 72nd National Conference on Weights and Measures annual meeting in July, 1987.
- 1987 72nd 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 80th General Assembly.
- 1997 Metrology Laboratory Addition completed.
- 1997 52nd 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 83rd 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 (GIPSA) in their annual National Sample Collection Program. Laboratory technicians, in addition to GIPSA'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.