

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 30. CONSUMER PROTECTION

~~SUBCHAPTER 4. THOUSAND CANKERS DISEASE~~

~~35:30-4-1. Establishment of quarantine~~

~~The State Board of Agriculture does hereby establish a quarantine for thousand cankers disease of walnut exterior.~~

~~35:30-4-2. Regulated area~~

~~Regulated articles from the entire states of Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and any other state or foreign country known to be infested with thousand cankers disease of walnut exterior shall be quarantined.~~

~~35:30-4-3. Regulated articles~~

~~The following shall be regulated pursuant to this quarantine:~~

- ~~(1) All plant and plant parts of the genus *Juglans* including but not limited to nursery stock, budwood, scionwood, green lumber, and other living, dead, cut, or fallen, including logs, boards, firewood, stumps, burls, roots, branches, bark, mulch, chips, and lumber for wood packing material;~~
- ~~(2) All life states of the walnut twig beetle (*Pityophthorus juglandis*); and~~
- ~~(3) The fungal pathogen *Geosmithia morbida* sp. nov.~~

~~35:30-4-4. Conditions governing movement~~

- ~~(a) All regulated articles originating from quarantined areas are prohibited entry into or transition through the State of Oklahoma unless accompanied by a phytosanitary certificate from the state of origin declaring, 'The article was officially inspected after harvest and found free of the fungus *Geosmithia*, the walnut twig beetle, and bark, and the articles were stored in such a manner to remain free of the walnut twig beetle in storage and transit.'~~
- ~~(b) Regulated articles originating in an area not known to have thousand cankers disease but in transit through an area known to have thousand cankers disease shall be regulated articles.~~
- ~~(c) Regulated articles to be used for research purposes may move pursuant to a compliance agreement with the Oklahoma Department of Agriculture, Food, and Forestry.~~

~~35:30-4-5. Movement for scientific purposes~~

~~Interstate and intrastate movement of regulated articles and all living stages of the walnut twig beetle (*Pityophthorus juglandis*) and the thousand canker disease fungal pathogen, *Geosmithia morbida* sp. nov., for scientific or experimental purposes may move under a compliance agreement and scientific permit.~~

~~SUBCHAPTER 6. EMERALD ASH BORER QUARANTINE~~

~~35:30-6-1. Establishment of quarantine~~

The State Board of Agriculture does hereby establish a quarantine for emerald ash borer, *Agrilus planipennis*.

35:30-6-2. Regulated area

Regulated articles from Delaware County, Oklahoma, and any other counties, states or foreign country known to be infested with emerald ash borer shall be quarantined.

35:30-6-3. Regulated articles

The following shall be regulated pursuant to this quarantine:

- (1) Emerald ash borer, *Agrilus planipennis*;
- (2) Firewood of all hardwood (non-coniferous) tree species;
- (3) Nursery stock, green lumber, and other living, dead, cut, or fallen material, including logs, stumps, roots, branches, mulch, and both composted and uncomposted chips of the genus *Fraxinus* (ash); and
- (4) Any other article, product, or means of conveyance not listed in this section may be designated as a regulated if determined by the Oklahoma Department of Agriculture, Food, and Forestry to present a risk of spreading emerald ash borer.

35:30-6-4. Conditions governing movement

- (a) All regulated articles originating from quarantined areas shall be prohibited entry to any destination outside the quarantined area.
- (b) Regulated articles originating in an area not known to have emerald ash borer but transiting through an area known to have emerald ash borer shall be considered to be regulated articles. The point of origin shall be indicated on shipping documents and accompanied by a certificate of inspection for this pest.

35:30-6-5. Movement for scientific purposes

Interstate and intrastate movement of regulated articles and all living stages of the emerald ash borer, *Agrilus planipennis*, for scientific or experimental purposes shall only move under a compliance agreement and scientific permit.

SUBCHAPTER 13. IMPORTED FIRE ANT QUARANTINE

35:30-13-3. Regulated area

Imported Fire Ant regulated areas are the Oklahoma counties of:

- (1) Bryan Jefferson, and McCurtain (1986);
- (2) Marshall (Additional Infested Area 1987);
- (3) Carter, Choctaw, Comanche, Johnston, and Love;
- (4) LeFlore, Pushmataha, Atoka, Coal, Pontotoc, Garvin, Murray, Stephens, Jefferson, Cotton, Tillman, and Jackson;
- (5) Latimer (2017); and
- (6) Pittsburgh (2020); and
- (7) Haskell (2024).

SUBCHAPTER 17. COMBINED PESTICIDE

PART 1. COMMERCIAL, ~~AND NON-COMMERCIAL,~~ AND PRIVATE CATEGORIES OF PESTICIDE APPLICATION

35:30-17-1. License and Certification Categories

License and certification categories of pesticide application shall comply with the category specific competency standards of 40 CFR 171.103(d) and 40 CFR 171.105(a) as referenced in sections 6 and 7 of the state certification and training plan and are as follows:

- (1) 1a: Agricultural Plant Category - Includes the application of pesticides to agricultural crops, agricultural grassland, and noncrop agricultural land. This category does not include the production of trees for any purpose.
- (2) 1b: Agricultural Animal Category - Includes the application of pesticides to animals, including those in feedlots, sales barns, egg production facilities and the animal holding facilities. This excludes Doctors of Veterinary Medicine applying pesticides as drugs or medication during the course of their normal practice.
- (3) 2: Forest Pest Control Category - Includes the application of pesticides in forest nurseries, forest seed production areas, trees grown for the production of forestry products, and other forest areas.
- (4) 3a: Ornamental and Turf Outdoor Pest Control Category - Includes the application of pesticides within residential or business areas to lawns, ornamental trees and shrubs, including park areas, golf courses, and other recreational areas, except as defined under licensed categories 2, 3b-c, 7, and 8.
- (5) 3b: Interiorscape Category - Includes the application of pesticides to interior plantings inside structures (i.e. hospitals, buildings, shopping malls, etc.) excluding residential structures with the exception of common use areas of multiple residential structures (i.e. foyers, atriums, indoor swimming pools, management offices, meeting rooms, etc.) except as defined under licensed categories 3c, 7, and 8.
- (6) 3c: Nursery/Greenhouse Category - Includes the application of pesticides in nursery and greenhouse facilities and to fields except as defined under licensed categories 2 (Forest Pest Control).
- (7) 4: Seed Treatment Category - Includes the application of pesticides to seed for any purpose.
- (8) 5: Aquatic Pest Control Category - Includes the application of pesticides to standing or running water in man-made or natural impoundments, streams, etc. This excludes public health activities (e.g. mosquito control) and water in totally closed systems.
- (9) 6: Right-of-Way Category - Includes the application of pesticides for public road maintenance, power line maintenance, railroad right-of-way, storage tank areas, and other similar areas.
- (10) 7a: General Pest Control Category - Includes the application of pesticides within and immediately adjacent to a structure, except for fumigation activities, control of termites and other wood destroying organisms in or on a structure, and control of birds or predatory animals. "Immediately adjacent to a structure" means not further than three (3) feet from the structure. Applications to restaurants are permitted in this category.
- (11) 7b: Structural Pest Control Category - The application of pesticides for the purpose of controlling termites and other wood destroying organisms in or on a structure, including wood borers and fungus.

- (12) 7c: Fumigation Category - The use of liberated gas within a structure or storage area, to include railcars, ships, etc., or the application of fumigants to soil.
- (13) 8: Public Health Pest Control Category - The application of pesticides by local, state, federal or other governmental employees or commercial pesticide applicators in public health programs, to include municipal and other areawide mosquito control programs.
- (14) 9: Regulatory Pest Control Category - Includes the application of pesticides by state, federal or other government employees for the control of designated regulated pests.
- (15) 10: Demonstration and Research Pest Control Category - Includes persons engaged in the application of pesticides for scientific research or for the purpose of demonstrating pesticide products or methods of application.
- (16) 11a: Bird and Vertebrate Animal Pests Control Category - The application of pesticides for the control of birds or vertebrate animals pests and subject to the rules of the Oklahoma Department of Wildlife Conservation and the Wildlife Services Division of the Board.
- (17) 11b: Predatory Animal Control Category - The application of pesticides for the control of predatory animals and subject to the rules of the Oklahoma Department of Wildlife Conservation, and the Wildlife Services Division of the Board.
- (18) 12a: Pressure Facility Timber Treating Category - Includes the treatment of wood in a pressure treating facility by the impregnation or application of chemical solutions for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- (19) 12b: Ground Line Utility Pole Timber Treating Category - Includes the ground line treatment of utility poles with chemical solutions for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- (20) 12c: Construction Industry Timber Treating Category - Includes the application of chemical solutions to wood members of structure which will be covered by paint, varnish, or similar covering for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- (21) 12d: Home Owner Timber Treating Category - Includes the application of chemical solutions to wood constructions around the home, including decks, for the purpose of retarding or preventing deterioration or destruction by insects, fungi, bacteria, or other wood destroying organisms.
- (22) 13: Antimicrobial Category - Includes applications of an antimicrobial pesticide intended to disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms or protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime.
- (23) 14: Specialty Category - Includes any area of pesticide application not defined in Category 1 thru ~~12~~ 13 when the pesticide to be used is classified as restricted.
- (24) 15: Aerial Category - The use of a pesticide applied by aircraft to any crop or site. In addition to certification in this category, certification in one or more of the appropriate use categories is required.
- (25) 16: Private Applicator Category- Any person who uses or supervises the use of any restricted pesticide for purposes of producing any agricultural commodity on property owned or rented by the person, or employer, or on the property of another person if applied without

compensation other than trading of personal services between producers of agricultural commodities.

(a) Private Applicator Fumigation Category - The use of liberated gas within a structure or storage area, to include railcars, ships, etc., or the application of fumigants to soil.

(b) Private Applicator Aerial Category - The use of a pesticide applied by aircraft to any crop or site. In addition to certification in this category, certification in one or more of the appropriate use categories is required.

35:30-17-1.2. Schedule of combined pesticide program fees

(a) The fees for issuance or renewal of pesticide applicators licenses shall be as follows:

(1) Commercial applicator - One Hundred Dollars (\$100.00) per category, Five Hundred Dollars (\$500.00) maximum for each location.

(2) Non-commercial applicator - Fifty Dollars (\$50.00) per category, Two Hundred Fifty Dollars (\$250.00) maximum for each location.

(3) Duplicate issue - Ten Dollars (\$10.00) each.

(4) Private applicator - Twenty Dollars (\$20.00) each.

(5) For licenses that expire on September 30th of each year, failure to remit a commercial or non-commercial applicator license renewal fee by the 1st day of October shall result in a penalty of twice the amount of the license renewal fee, and after the 1st day of November shall also result in an additional One Hundred Dollar (\$100) penalty which shall be paid prior to license renewal.

~~(5)~~ (6) For licenses that expire on December 31st of each year, failure to remit a commercial or non-commercial applicator license renewal fee by the 1st day of January shall result in a penalty of twice the amount of the license renewal fee, and after the 1st day of February shall also result in an additional One Hundred Dollar (\$100) penalty which shall be paid prior to license renewal.

(b) The issuance and annual registration fees for each pesticide and device label shall be as follows:

(1) Pesticide - Two Hundred Ten Dollars (\$210.00) each.

(2) Device - Two Hundred Ten Dollars (\$210.00) each.

(3) Failure to remit the registration fees for pesticides and devices by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.

(c) The annual permit fee for a restricted use pesticide dealer shall be Fifty Dollars (\$50.00) for each location. Failure to remit the permit fee by the 15th of the month following the month of expiration shall result in a penalty of twice the amount of the renewal fee.

(d) The fee for each written examination or practical conducted for the combined pesticide program shall be as follows:

(1) Written examination - Fifty Dollars (\$50.00).

(2) Practical conducted - Fifty Dollars (\$50.00).

(e) Applicator certification fees shall be as follows:

(1) Re-certification procedure - Fifty Dollars (\$50.00) for each.

(2) Reciprocal certification procedure - One Hundred Dollars (\$100.00) for each.

(f) Identification card fees shall be as follows:

(1) Service technician - Twenty Dollars (\$20.00) each.

- (2) Certified applicator - No charge.
- (3) Duplicate issue or transfers - Ten Dollars (\$10.00) each.
- (g) The annual permit fee for pesticide producing facilities, including facilities that produce pesticidal devices, shall be One Hundred Dollars (\$100.00) for each location.
 - (1) All permits for pesticide producer establishments shall be issued for a period of one (1) year and shall be renewed annually.
 - (2) All permits shall expire on June 30 each year and may be renewed without penalty upon filing of a properly completed application not later than the fifteenth day of the month first following the date of expiration.
 - (3) If the application is not received by that date, a penalty of twice the amount of the renewal fee shall be charged for renewal of the permit.
- (h) All fees and monies collected under this program shall be paid to the Oklahoma Department of Agriculture, Food, and Forestry.

35:30-17-1.3. Commercial pesticide applicator license renewal

- (a) Each license for commercial pesticide application for companies with names beginning with a number or with the letters A, B, C, D, E, F, G, H, I, J, K, and L shall expire on the 30th day of September following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of October of each year. If the application is not received by October 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by November 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.
- (b) Each license for commercial pesticide application for companies with names beginning with the letters M, N, O, P, Q, R, S, T, U, V, W, X, Y, and Z shall expire on the 31st day of December following issuance or renewal, and may be renewed for the ensuing calendar year, without penalty or reexamination if a properly completed application is filed with the Board not later than the 1st day of January of each year. If the application is not received by January 1, a penalty of twice the amount of the renewal fee shall be charged for renewal of the license. If the application is not received by February 1, an additional penalty of One Hundred Dollars (\$100.00) shall be paid by the applicant prior to license renewal.

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations

- (a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2024~~ 2023 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.
- (b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 9. MINIMUM STANDARDS FOR CONTRACTS AND KEEPING OF RECORDS

35:30-17-21.¹ Records required for pesticide applications and restricted use pesticide sales

(a) Commercial and non-commercial applicators shall keep accurate records pertaining to pesticide activities, which, at a minimum, show:

- (1) Start and stop time of application.
- (2) Total amount of pesticide used.
- (3) Name and address of the commercial or non-commercial company.
- (4) Name, certification number, and certification expiration date number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
- (5) Name and address of person for whom applied.
- (6) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
- (7) Date of application.
- (8) Application rate.
- (9) Dilution rate for mixing.
- (10) Total quantity tank mix used.
- (11) Complete trade name of pesticide product used.
- (12) EPA registration number of pesticide product used.
- (13) Name of adjuvants used when the label requires specific adjuvants.
- (14) Name of drifting agents used when the label requires specific drifting agents.
- (15) Target pest for the application.
- (16) Site where the pesticide was applied.
- (17) Size of the area treated.
- (18) Restricted Entry Interval as stated on the product label.
- (19) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
- (20) Copies of any contracts issued.
- (21) Copies of any wood infestation reports issued.
- (22) Other information as required by the Board.

(b) Private applicators of restricted use pesticides shall keep accurate records pertaining to applications, which, at a minimum, show:

- (1) Start and stop time of application.
- (2) Total amount of pesticide used.
- (3) Name and address of the private applicator.
- (4) Name, certification number, and certification expiration date number of the certified applicator who made or supervised the application and name of the non-certified applicator under direct supervision, if any.
- (5) Legal description of the land where applied. The legal description may be a street address if properly marked, but shall not be a Post Office Box address.
- (6) Date of application.
- (7) Application rate.
- (8) Dilution rate for mixing.

- (9) Total quantity tank mix used.
 - (10) Complete trade name of pesticide product used.
 - (11) EPA registration number of pesticide product used.
 - (12) Name of adjuvants used when the label requires specific adjuvants.
 - (13) Name of drifting agents used when the label requires specific drifting agents.
 - (14) Target pest for the application.
 - (15) Site where the pesticide was applied.
 - (16) Size of the area treated.
 - (17) Restricted Entry Interval as stated on the product label.
 - (18) A copy of the pesticide product label or labeling that is attached to the container or included in the shipping case.
 - (19) Other information as required by the Board.
- (c) Restricted use pesticide dealers shall keep accurate records of restricted use pesticide sales, which, at a minimum show:
- (1) Complete brand name of the pesticide.
 - (2) EPA registration number of the pesticide.
 - (3) Date the pesticide was sold.
 - (4) Total amount of restricted use pesticide sold.
 - (5) Name and address of the residence or principal place of business of any person to whom the restricted use pesticide was distributed or sold for application by a certified applicator.
 - (6) Name, address, license or certification number, and certification expiration date, or copy of the applicator's card of a certified or private applicator.
 - (7) The category(ies) in which the applicator is certified relevant to the pesticide(s) sold.
 - ~~(7)~~ (8) Other information as required by the Board.
- (d) Failure to allow inspection of records by the Board, to provide copies of records to the Board when requested in person, or to provide a summary of records to the Board within seven (7) working days when requested by mail or in person shall be a violation of this section.
- (e) Records retained pursuant to this section shall be easily accessible for inspection by authorized agents of the Board during reasonable business hours.
- (f) Commercial and non-commercial applicators shall maintain records retained pursuant to this section at their principle place of business. A commercial or non-commercial applicator's principle place of business shall not be located in a closed gated community or at a residence unless the applicator submits a plan of access to the principle place of business and that plan is approved by the Board.
- (g) Proof of training for a service technician making termite application shall be recorded by the licensee and available for review by the Department. The training records shall include the following information:
- (1) Name;
 - (2) Date of training; and
 - (3) Service technician number.

**PART 12. MINIMUM RESIDUE LEVELS FOR TERMITICIDES APPLIED TO SOIL
AND PERMITTED TOLERANCES FOR PESTICIDE TANK MIX AND
CONCENTRATE SAMPLE ANALYSIS**

35:30-17-28. Soil residue levels, parts per million (ppm)

(a) Post construction termiticide treatments with sampling performed within 180 days of treatment shall disclose residue threshold levels established in the vertical barrier for termiticides based on values obtained from research conducted at the U.S. Forest Research Center, Gulfport, Mississippi; Kard et al. 1989; Kard 1991, 1992, 1994, The Bayer Company, Agricultural Division, and the Board may establish interim residue levels for termiticide products for which no lowest expected threshold value exists utilizing input from Oklahoma State University, manufacturers, or industry until a value has been established.

(1) Torpedo and other 25.6 % Permethrin products shall have a residue threshold level of 63 ppm.

(2) Tribute and other 24.5 % Esfenvalerate products shall have a residue threshold level of 150 ppm.

(3) Prevail FT and other 24.8% Cypermethrin products shall have a residue threshold level of 46 ppm.

(4) Demon TC and other 25.3% Cypermethrin products shall have a residue threshold level of 28 ppm.

(5) Dragnet FT and other 36.8% Permethrin products shall have a residue threshold level of 85 ppm.

~~(6) Dursban TC shall have a residue threshold level of 51 ppm.~~

~~(7) (6) Premise and other Imidacloprid products shall have a residue threshold level of 10 ppm.~~

~~(8) Cyren TC shall have a residue threshold level of 51 ppm.~~

~~(9) Navigator 4TC shall have a residue threshold level of 51 ppm.~~

~~(10) Chlorpyrifos Pro Termite Concentrate shall have a residue threshold level of 51 pm.~~

~~(11) (7) Termidor WG, and Termidor SC and other Fipronil products shall have a residue threshold level of 12 ppm.~~

~~(12) (8) Cypermethrin G-Pro, EPA Reg. No. 79676-1, and other 24.8% Cypermethrin products shall have a residue threshold level of 46 ppm.~~

~~(13) (9) Permethrin TC, EPA Reg. No. 51036-287, and Permethrin Pro, EPA Reg. No. 1021-1836, and other 36.8% Permethrin products shall have a residue threshold level of 85 ppm.~~

~~(14) (10) Demon Max Insecticide, EPA Reg. No. 100-1218, and other 25.3% Cypermethrin products shall have a residue threshold level of 28 ppm.~~

~~(15) (11) Talstar One Multi-Insecticide, EPA Reg. No. 279-3206, and other 7.9% Bifenthrin products shall have a residue threshold level of 11 ppm.~~

~~(16) (12) Biflex SFR Termiticide/Insecticide, EPA Reg. No. 279-3177, and other 23.4% Bifenthrin products shall have a residue threshold level of 11 ppm.~~

(b) Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels established in the vertical barrier for termiticides based on values obtained from research conducted at the U.S. Forest Research Center, Gulfport, Mississippi; Kard et al. 1989; Kard 1991, 1992, 1994, The Bayer Company, Agricultural Division, and the Board may establish interim residue levels for termiticide products for which no lowest expected threshold value exists utilizing input from Oklahoma State University, manufacturers, or industry until a value has been established.

- (1) Torpedo and other 25.6 % Permethrin products:
 - (A) Shall have a residue threshold level within 30 days of treatment of 90 ppm.
 - (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 63 ppm.
- (2) Tribute and other 24.5 % Esfenvalerate products:
 - (A) Shall have a residue threshold level within 30 days of treatment of 204 ppm.
 - (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 150 ppm.
- (3) Prevail FT and other 24.8% Cypermethrin products:
 - (A) Shall have a residue threshold level within 30 days of treatment of 64 ppm.
 - (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 46 ppm.
- (4) Demon TC and other 25.3% Cypermethrin products:
 - (A) Shall have a residue threshold level within 30 days of treatment of 41 ppm.
 - (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 28 ppm.
- (5) Dragnet FT and other 36.8% Permethrin products:
 - (A) Shall have a residue threshold level within 30 days of treatment of 97 ppm.
 - (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 85 ppm.
- ~~(6) Dursban TC:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 100 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 51 ppm.~~
- ~~(7) (6) Premise and other Imidacloprid products:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 10 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 10 ppm.~~
- ~~(8) Cyren TC:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 100 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 51 ppm.~~
- ~~(9) Navigator 4TC:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 100 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 51 ppm.~~
- ~~(10) Chlorpyrifos Pro Termite Concentrate:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 100 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 51 ppm.~~
- ~~(11) (7) Termidor WG, and Termidor SC and other Fipronil products:~~
 - ~~(A) Shall have a residue threshold level within 30 days of treatment of 12 ppm.~~
 - ~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 12 ppm.~~

~~(12)~~ (8) Cypermethrin G-Pro, EPA Reg. No. 79676-1, and other 24.8% Cypermethrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 64 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 46 ppm.

~~(13)~~ (9) Permethrin TC, EPA Reg. No. 51036-287, and Permethrin Pro, EPA Reg. No. 1021-1836, and other 36.8% Permethrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 97 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 85 ppm.

~~(14)~~ (10) Demon Max Insecticide, EPA Reg. No. 100-1218, and other 25.3% Cypermethrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 41 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 28 ppm.

~~(15)~~ (11) TalstarOne Multi-Insecticide, EPA Reg. No. 279-3206, and other 7.9% Bifenthrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 11 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 11 ppm.

~~(16)~~ (12) Biflex SFR Termiticide/Insecticide, EPA Reg. No. 279-3177, and other 23.4% Bifenthrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 11 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 11 ppm.

(c) Pre-construction termiticide treatments (pre-treats) with sampling performed within 30 days or 180 days of treatment shall disclose residue threshold levels established in the horizontal barriers for termiticides based on values obtained from research conducted at the U.S. Forest Research Center, Gulfport, Mississippi; Kard et al. 1989; Kard 1991, 1992, 1994, The Bayer Company, Agricultural Division, and the Board may establish interim residue levels for termiticide products for which no lowest expected threshold value exists utilizing input from Oklahoma State University, manufacturers, or industry until a value has been established.

(1) Torpedo and other 25.6 % Permethrin products:

(A) Shall have a residue threshold level within 30 days of treatment of 68 ppm.

(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 47 ppm.

(2) Tribute and other 24.5 % Esfenvalerate products:

(A) Shall have a residue threshold level within 30 days of treatment of 153 ppm.

(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 113 ppm.

- (3) Prevail FT and other 24.8% Cypermethrin products:
 (A) Shall have a residue threshold level within 30 days of treatment of 48 ppm.
 (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 35 ppm.
- (4) Demon TC and other 25.3% Cypermethrin products:
 (A) Shall have a residue threshold level within 30 days of treatment of 31 ppm.
 (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 21 ppm.
- (5) Dragnet FT and other 36.8% Permethrin products:
 (A) Shall have a residue threshold level within 30 days of treatment of 73 ppm.
 (B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 64 ppm.
- ~~(6) Dursban TC:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 75 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 38 ppm.~~
- ~~(7) (6) Premise and other Imidacloprid products:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 5 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 5 ppm.~~
- ~~(8) Cyren TC:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 75 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 38 ppm.~~
- ~~(9) Navigator 4TC:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 75 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 38 ppm.~~
- ~~(10) Chlorpyrifos Pro Termite Concentrate:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 75 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 38 ppm.~~
- ~~(11) (7) Termidor WG, and Termidor SC and other Fipronil products:~~
~~(A) Shall have a residue threshold level within 30 days of treatment of 9 ppm.~~
~~(B) Shall have a residue threshold level after 30 days and within 180 days of treatment of 9 ppm.~~
- ~~(12) (8) Cypermethrin G-Pro, EPA Reg. No. 79676-1, and other 24.8% Cypermethrin products:~~
~~(A) Shall have a residue threshold level within thirty (30) days of treatment of 48 ppm.~~
~~(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 35 ppm.~~
- ~~(13) (9) Permethrin TC, EPA Reg. No. 51036-287, and Permethrin Pro, EPA Reg. No. 1021-1836, and other 36.8% Permethrin products:~~

(A) Shall have a residue threshold level within thirty (30) days of treatment of 73 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 64 ppm.

~~(14)~~ (10) Demon Max Insecticide, EPA Reg. No. 100-1218, and other 25.3% Cypermethrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 31 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 21 ppm.

~~(15)~~ (11) TalstarOne Multi-Insecticide, EPA Reg. No. 279-3206, and other 7.9% Bifenthrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 11 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 11 ppm.

~~(16)~~ (12) Biflex SFR Termiticide/Insecticide, EPA Reg. No. 279-3177, and other 23.4% Bifenthrin products:

(A) Shall have a residue threshold level within thirty (30) days of treatment of 11 ppm.

(B) Shall have a residue threshold level after thirty (30) days and within one hundred eighty (180) days of treatment of 11 ppm.

(d) Any distributor product, as defined by 40 C.F.R. § 152.132, or any product with an alternate brand name and identical registration number shall be subject to the residue threshold levels for the related primary registration or brand name contained in this section.

(e) Any product not listed in this section shall have the residue threshold levels as established either through independent research projects accepted by the Department or through accepted documentation provided to the Department by the manufacturer.

(1) Any residue threshold levels established pursuant to this subsection shall be communicated to the public through the Department's website.

(2) The Department shall maintain a list of all records, studies, and correspondence utilized to establish residue threshold levels pursuant to this subsection.

PART 18. MINIMUM STANDARDS FOR THE USE OF TERMITE BAITS AND BAITING SYSTEMS FOR NEW CONSTRUCTION AND EXISTING STRUCTURES

35:30-17-75.1. General requirements for application

(a) Commercial and noncommercial applicators applying termite bait or termite baiting systems shall have a valid Oklahoma license in the structural pest category.

(b) Application shall be performed by a certified applicator, certified in the structural pest category or under the terms of "Direct Supervision" as defined in 2 O.S. § 3-81(15).

(c) Any certified applicator or any person working under the supervision of a certified applicator who applies termite bait or termite baiting systems shall be trained in the use of termite baits or termite baiting systems prior to any application. The manufacturer shall give prior notice to the

Board of the time, location, and agenda of certification and training programs. The Board may attend and observe certification and training programs. The manufacturer shall identify all trained certified applicators and service technicians in writing to the Board.

(d) A written contract pursuant to 2 O.S. § 3-81(11) and OAC 35:30-17-20 shall be completed prior to a termite bait or termite baiting system application, and shall also include the following:

(1) A term for at least one year with an option for renewal by the parties.

(2) A block for the consumer to initial verifying a consumer information sheet on the termite bait or termite baiting system was provided.

(e) Termite bait or baiting systems may be used as a new construction treatment in place of a preconstruction treatment.

(f) Above-ground bait stations shall be used according to their label when the presence of subterranean termites are detected in a structure. Above-ground bait stations shall be monitored no less than quarterly.

(g) Records of contracts, graphs, monitoring, and bait applications shall be kept according to the minimum standards.

(h) Proof of training for a service technician making termite application shall be recorded by the licensee and available for review by the Department. The training records shall include the following information:

(1) Name;

(2) Date of training; and

(3) Service technician number.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations

(a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2021~~ 2023 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.

(b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

35:30-17-93. Handling pesticide containers by commercial applicators

The following procedure governs handling of pesticide containers other than bulk pesticide containers by commercial applicators:

(1) Full or partially full containers:

(A) Pesticide containers shall be stored in a secure and locked enclosure.

(B) Pesticide containers shall be free of leaks.

(C) The storage area shall be maintained in good condition without ~~unnecessary~~ unnecessary debris.

(D) Storage areas shall be identified by signs.

- (2) Empty containers. Empty containers shall be stored in a secured area and kept for no more than ninety (90) days following use.
- (3) Metal, glass, and plastic containers:
- (A) All metal, glass, and plastic containers shall be triple-rinsed or pressure rinsed immediately after the pesticide is removed by the following or equivalent procedures:
- (i) Using water or a detergent as a rinse capable of removing the pesticide, each container shall be filled with rinse equal to approximately ten percent (10%) of the volume of pesticides originally in the container.
 - (ii) The rinse shall be agitated thoroughly on all interior surfaces of the container. Agitation shall be accomplished by use of agitation equipment approved by the Department or by manual agitation of the rinse.
 - (iii) The rinsing procedure shall be repeated three times.
 - (iv) If the rinsate containing the rinse can be used in subsequent applications of the pesticide without reducing the effectiveness of the pesticide, the rinsate may be placed in the containment tank specified for that pesticide. If the rinsate is not classified as a controlled industrial waste upon disposal, it shall be placed in an approved surface impoundment.
- (B) Upon completion of the triple-rinsing or pressure rinsing procedures, containers shall be disposed of as follows:
- (i) Disposal in any permitted solid waste facility or sanitary landfill so long as all metal and plastic containers are pierced in each end;
 - (ii) Return, if possible, to the pesticide sales agent or the pesticide manufacturer pursuant to prior agreement; or
 - (iii) Resale to a third party for recycling or reconditioning.
- (C) All pesticides shall be removed from paper and plastic bags to the maximum extent possible when the pesticide is initially mixed for application. Paper and plastic containers shall be disposed of as follows:
- (i) Cut all sides of the container and open the container fully, without folds or crevices, on a flat surface. Shake any pesticides remaining in the opened container into the pesticide mix.
 - (ii) After cutting and flattening the pesticide containers, dispose of containers in a solid waste facility or sanitary landfill.

SUBCHAPTER 24. OKLAHOMA INDUSTRIAL HEMP PROGRAM

35:30-24-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Acceptable Hemp THC Level" means when a laboratory tests a sample, it shall report the total delta-9 tetrahydrocannabinol content concentration level on a dry-weight basis and the measurement of uncertainty. The acceptable hemp THC level, for the purpose of compliance with the requirements of the state hemp plan, is when the application of the measurement of uncertainty to the reported total delta-9 tetrahydrocannabinol content concentration level on a dry-weight basis produces a distribution or range that includes 0.3% or less.

"Building" means any single standing structure with walls and a roof but shall not include separate structures connected by corridors or breezeways.

"Cannabis" means the plant that, depending upon its THC concentration level, is further defined as either "hemp" or "marijuana". Cannabis is a genus of flowering plants in the family Cannabaceae of which Cannabis sativa is a species and Cannabis indica and Cannabis ruderalis are subspecies thereof. Cannabis refers to any form of the plant where the total delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined. The term "Cannabis" is important in describing regulations that apply to plant production, sampling, or handling prior to determining the plant's THC content.

"Contiguous field" means any contiguous tract of land used for the cultivation of industrial hemp and may include contiguous tracts of land occasionally intersected by roads, streams, or other natural features but shall not include a tract or tracts of land intersected by property owned by a third party or gaps in the cultivation of industrial hemp exceeding one quarter of a mile.

"Controlled Substances Act (CSA)" means the federal statutes, codified at 21 U.S.C. 801-971, establishing federal U.S. drug policy under which the manufacture, importation, exportation, possession, use, and distribution of certain substances is regulated. Because cannabis containing THC concentration levels of higher than 0.3 percent is deemed to be marijuana, a schedule I controlled substance, its regulation falls under the authorities of the CSA. The requirements of the CSA are relied upon for the disposal of cannabis that contains THC concentrations above 0.3 percent.

"Cultivation" means the act of planting, growing, or harvesting industrial hemp and any related agricultural activities.

"Cultivation site" means the contiguous field, building, storage area, or processing area in which one or more varieties of industrial hemp may be lawfully cultivated, stored, or processed.

"Decarboxylated" means the completion of the chemical reaction that converts THC-acid (THCA) into total delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums total delta-9-THC and eighty-seven and seven tenths (87.7) percent of THCA. This term, commonly used in scientific references to laboratory procedures, is the precursor to the term "post-decarboxylation," a term used in the 2018 Farm Bill's mandate over cannabis testing methodologies to identify THC concentration levels.

"Delta-9 tetrahydrocannabinol", "Delta-9 THC" or "THC" means the primary psychoactive component of cannabis. Hemp production shall be verified as having THC concentration levels of 0.3 percent or less on a dry weight basis.

"Department" means the Oklahoma Department of Agriculture, Food, and Forestry, its employees, officers, and divisions.

"Growing area" means the portion of a contiguous field or building in which a single variety of industrial hemp is planted, grown, and harvested.

"Handling" means possessing or storing industrial hemp for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process industrial hemp. Handling includes possessing or storing industrial hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial hemp to the premises of another licensed person.

"Industrial hemp" means the plant, Cannabis-sativa L., and any part of the plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.

"Key Participants" means a person or persons who have a direct or indirect financial interest in an entity producing hemp, such as an owner or a partner in a partnership. Executive level corporate employees, including chief executive officer, chief operating officer, and chief financial officer shall be considered Key Participants. Management level positions such as farm, field, and shift managers shall not be considered Key participants.

"License" means authorization by the Department for any person to grow and cultivate industrial hemp on a registered land area as part of the Oklahoma Industrial Hemp Program.

"Licensee" means a person who holds a valid Industrial Hemp License to grow industrial hemp under the Oklahoma Industrial Hemp Program. A licensee shall have the ability to remediate noncompliant industrial hemp with a total delta-9 tetrahydrocannabinol concentration of not more than one percent (1.0%) on a dry-weight basis for retesting as set forth by the Department as long as the noncompliant industrial hemp has a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis after retesting, and the option to remediate the industrial hemp through the reasonable destruction of the flower or plant that is above three-tenths of one percent (0.3%) on a dry-weight basis. All noncompliant hemp must be tracked and documented. The State Board of Agriculture shall have jurisdiction over such remediation, with includes, but is not limited to, destruction through composting, burning, or other regulated disposal methods if the industrial hemp is not remediated into a final product before processing below three-tenths of one percent (0.3%) on a dry-weight basis;

"Postdecarboxylation" means testing methodologies for THC concentration levels in hemp, where the total potential total delta-9-tetrahydrocannabinol content, derived from the sum of the THC and THCA content, is determined and reported on a dry weight basis. The postdecarboxylation value of THC can be calculated by using a chromatograph technique using heat, known as gas chromatography, through which THCA is converted from its acid form to its neutral form, THC. The result of this test calculates total potential THC. The postdecarboxylation value of THC can also be calculated by using a high-performance liquid chromatograph technique, which keeps the THCA intact, and requires a conversion calculation of that THCA to calculate total potential THC.

"Processing" means converting industrial hemp into a marketable form, including the production of all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers.

"Processing area" means any physical location in which entire harvested plants are altered by any manner of mechanical, chemical, or other processing techniques. The processing area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Produce" refers to the propagation of cannabis to produce hemp.

"Storage area" means any physical location in which harvested plants or plant parts are stored. The storage area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.

"Subcontractor" means a person or business entity that has contracted with an

institutional licensee and provides supplies, labor, land, or expertise related to the institutional licensee's participation in the Oklahoma Industrial Hemp Program.

"USDA" means the United States Department of Agriculture.

35:30-24-3. Application

- (a) Any person, eighteen (18) years of age or older, or business entity may participate in in the Oklahoma Industrial Hemp Program by filing an application with the Department for a license:
- (1) Not less than thirty (30) days prior to the planting, cultivation, handling, or processing of any industrial hemp crop; or
 - (2) No later than December 1 if a subsequent license is required to harvest industrial hemp crops planted before December 31 but scheduled for harvest after December 31.
- (b) An applicant shall submit a separate application, pay separate application and inspection fees, and obtain a separate license for each cultivation site.
- (c) The application shall be on a form provided by the Department and shall, at a minimum, contain the following information:
- (1) The name and address of the applicant;
 - (2) EIN number, if the applicant is a business entity, along with names and email addresses of key participants;
 - (3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the cultivation of industrial hemp;
 - (4) If the applicant intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;
 - (5) If the applicant intends to utilize subcontractors, the address for the subcontractors' primary business locations and any satellite business offices located in Oklahoma;
 - (6) If the applicant intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the cultivation of industrial hemp;
 - (7) Proof of ownership for the cultivation site and the following information if the cultivation site is not wholly owned by the applicant:
 - (A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site;
 - (B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of industrial hemp at the cultivation site; and
 - (C) If applicable, a copy of the property lease for the entire duration of the license;
 - (8) If the application identifies a contiguous field as the cultivation site:
 - (A) A legal description (Section, Township, Range) of the contiguous field;
 - (B) The global positioning location coordinates at the approximate center of the contiguous field; and
 - (C) An annotated map or aerial photograph with sufficient detail and clarity to

define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of industrial hemp corresponding to each growing area;

- (9) If the application identifies a building as the cultivation site:
 - (A) The physical address of the building;
 - (B) The global positioning location coordinates of the building; and
 - (C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of industrial hemp corresponding to each growing area;
 - (10) A description of any areas used to store or process plants or plant parts, including but not limited to:
 - (A) The physical address or location of any storage areas or processing areas;
 - (B) The global positioning location coordinates of any storage areas or processing areas; and
 - (C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;
 - (11) A schedule identifying the intended dates of planting and intended dates of harvesting any industrial hemp crop or crops;
 - (12) A statement of intended use and disposition for the industrial hemp harvested from the cultivation site or any plant parts thereof;
 - (13) A notarized and sworn statement from an official or employee of the applicant and from an official or employee of any associated subcontractor that only industrial hemp seed will be planted at the cultivation site; and
 - (14) Acknowledgement and agreement with the following terms and conditions:
 - (A) Any information provided by the applicant or subcontractors shall be subject to public disclosure under the Open Records Act;
 - (B) Any information provided by the applicant or subcontractors may be released by the Department to law enforcement agencies without notice to the applicant or its subcontractors;
 - (C) The applicant and subcontractors shall fully cooperate with the Department, grant the Department physical access to any part of the cultivation site and allow the Department to conduct inspection and sampling; and
 - (D) The applicant and subcontractors shall submit all required reports by the dates specified by the Department.
 - (15) Current criminal history reports for all key participants dated within sixty (60) days prior to the application submission date. A license application shall not be considered complete without all required criminal history reports.
- (d) The application for a processor/ handlers license shall be on a form provided by the Department and shall, at a minimum, contain the following information:
- (1) The name and address of the applicant;
 - (2) EIN number, if the applicant is a business entity, along with the names and email

addresses of key participants; and

(3) The contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the processing or handling of industrial hemp.

(4) Current criminal history reports for all key participants dated within sixty (60) days prior to the application submission date. A license application shall not be considered complete without all required criminal history reports.

(e) Each applicant and subcontractor shall fully cooperate with the Department, grant the Department physical access to any part of a cultivation site, and allow the Department to conduct inspection and sampling.

(f) Incomplete applications shall not be processed by the Department and any associated application fees shall be retained by the Department.

(g) Applications that are denied by the Department may be resubmitted within twelve (12) months of the original filing. The Department may waive application fees for resubmitted applications.

(h) Any person, eighteen (18) years of age or older, or business entity that intends to conduct research using industrial hemp shall submit a summary of the research that will be conducted with the application to the Oklahoma Department of Agriculture, Food, and Forestry for approval.

35:30-24-5.3. Establishing records with USDA Farm Service Agency

Licensees shall report industrial hemp crop acreage or square footage to the USDA Farm Service Agency (“FSA”) and shall provide the FSA, ~~at a minimum,~~ the following information:

~~(1) Street address and, to the extent practicable, geospatial location for each lot, greenhouse, or indoor growing structure where industrial hemp will be produced. If an applicant operates in more than one location, information shall be provided for all production sites.~~ FSA-578 Report;

~~(2) Acreage or square footage for each lot, greenhouse, or indoor growing structure dedicated to the production of industrial hemp.~~ Name of the producer, which must match the name on the hemp license;

~~(3) License number.~~ Acreage report that includes the producer’s license number;

~~(4) Total acreage or square footage of industrial hemp planted, harvested, and destroyed.~~ Location and number of lots intended to be planted; and

~~(5) Any changes to the information provided shall be reported within thirty (30) days to USDA Farm Service Agency. Each variety or strain must be reported as a separate lot;~~

~~(6) Research lots may be grown for research purposes only;~~

~~(7) Research lots will report the average planting date if field was planted over several days;~~

~~(8) Greenhouse, Warehouse, or similar indoor facility must follow the same guidance as traditional growers. They must report: location, subfield(s), and planting date(s) for all varieties and end-uses; and~~

~~(9) Crops used for propagation purposes to sell to other producers will report the crop using Se as the intended use when it is seeded in the greenhouse or similar facility. Crop may be reported using the same method as a research grower.~~

35:30-24-6. Continuing obligation to provide information

(a) Every licensee shall have a continuing obligation to provide current information to the Department and FSA. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information.

(b) The licensee shall file an amendment to the licensee's application with the Department and FSA not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated.

(c) The licensee shall immediately notify the Department and FSA of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.

(d) The employment of a new subcontractor or replacement of an existing subcontractor associated with a license for a particular cultivation site shall require the submission of a new application and the payment of new application and inspection fees by the licensee.

35:30-24-6.1. Transportation

Upon the request of the Department or any authorized law enforcement officer, any person transporting industrial hemp shall produce the following documents for inspection:

(a) Copy of current hemp grower's license;

(b) Current approved certificate of analysis for the harvested hemp crop; and

(c) Processor/Handlers license number, name, address, and contact information.

35:30-24-11. Inspection and testing

(a) The Department shall utilize an evidence gathering methodology approved by the United States Department of Agriculture for the inspection of cultivation sites and the collection of industrial hemp test samples.

(b) The Department may develop laboratory testing methodologies to verify the concentration of total delta-9 tetrahydrocannabinol in industrial hemp test samples or the Department may contract with another laboratory to conduct such testing using laboratory protocols approved by the Department. If the Department contracts with another laboratory, the contracted laboratory shall meet the following minimum requirements:

(1) Analytical testing of samples for total delta-9 tetrahydrocannabinol concentration shall use post-decarboxylation or other similarly reliable methods;

(2) Testing methodology shall account for the potential conversion of total delta-9 tetrahydrocannabinolic acid (THCA) in hemp into total delta-9 tetrahydrocannabinol (THC) and the test results shall reflect the total available THC derived from the sum of the THC and THCA content;

(3) Total delta-9 tetrahydrocannabinol concentration level shall be determined and reported on dry weight basis; and

(4) A measurement of uncertainty shall be estimated and reported with the lab results. The laboratory shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty.

(c) The Department shall inspect and take samples from any cultivation site and mature *Cannabis sativa* L. plants located thereon, as follows:

- (1) Within ~~fifteen (15)~~ thirty (30) days prior to the anticipated harvest of cannabis plants, a sample from the flower material shall be collected to determine the total delta-9 tetrahydrocannabinol concentration.
 - (2) The Department shall send notification of routine inspections to the licensee and subcontractor, if applicable, describing the date, time, scope, and process of routine testing. The licensee, subcontractor, or representative shall be present during routine inspections and grant unrestricted access to the Department.
 - (3) The Department may conduct unannounced inspections and collect samples from any cultivation site during regular business hours without advance notice.
 - (4) A producer shall not harvest the cannabis plants prior to collection of samples.
- (d) Industrial hemp test samples collected by the Department during routine or unannounced inspections shall be tested to verify that the ~~delta-9 tetrahydrocannabinol concentration of~~ industrial hemp does not exceed ~~0.3% on dry weight basis~~ the acceptable hemp THC level.
- (e) Industrial pre-harvest hemp sampling shall be conducted according to the Department standard field operating procedures.
- (f) The licensee shall pay the hourly inspection fees and laboratory analysis costs for any routine and unannounced inspections within thirty (30) days after receiving an invoice from the Department.
- (g) The Department shall waive all hourly inspection fees and laboratory analysis costs for an unannounced inspection if no violations or inconsistencies are identified by the Department.

35:30-24-13. Destruction

- (a) The licensee shall destroy all Cannabis sativa L. plants or plant parts if required by the rules of this subchapter or by order of the Department.
- (b) Destruction of plants shall be conducted pursuant to the USDA Remediation and Disposal Guidelines for Hemp Growing Facilities ~~provisions of subsection (e) of this section unless the Department provides the licensee written authorization for an alternate method of destruction.~~
- (c) The licensee shall document the destruction of Cannabis sativa L. plants or plant parts in a corrective action plan, as follows:
- (1) The licensee shall submit a notification of intended destruction, including the time and date of destruction, to the Department not less than five (5) days prior to the date that the licensee intends to undertake the destruction of the Cannabis sativa L. plants or plant parts. ~~Destruction shall only occur in the presence of a Department inspector or representative;~~
 - (2) The licensee shall make and retain a date-stamped electronic video recording the collection, ignition, and incineration of the Cannabis sativa L. plants or plant parts. The video recording shall be retained as a record relating to the destruction of industrial hemp for not less than three (3) years. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was complete; and

- (3) An officer or employee of the licensee or subcontractor responsible for oversight of the Oklahoma Industrial Hemp Program and communications with the Department relating to the cultivation of industrial hemp shall submit an affidavit to the Department affirming the destruction not more than ten (10) days following the destruction.
- (d) Destruction by incineration shall be conducted safely and shall be conducted in a manner consistent with the requirements for prescribed burning at 2 O.S. §16-28.2. The licensee shall delay the destruction required by this subchapter or by order of the Department until the risk of starting a wildfire is minimal.
- (e) If a producer has produced cannabis exceeding the acceptable hemp THC level, the material shall be disposed of in accordance with the ~~CSA and DEA regulations as the material constitutes marijuana, a schedule I controlled substance under the CSA~~ USDA Remediation and Disposal Guidelines for Hemp Growing Facilities. The material shall be ~~collected for destruction by a person authorized under the CSA to handle marijuana, such as a DEA-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer~~ disposed of by one of the following methods: plowing under, mulching or composting, disking, bush mower or chopper, deep burial, or burning.

SUBCHAPTER 30. SOIL AMENDMENT

35:30-30-3. Contents of the label

- (a) Label information may be printed on the primary or secondary display panel on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.
- (b) The Board shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.
- (1) The product name as registered.
 - (2) The quantity of the product in quarts, cubic feet, yards, or metric equivalents or the weight of the product in ounces, pounds, tons or metric weights or the fluid measure in fluid oz, quarts or gallons or metric equivalents as determined by the dominant method of sale by the industry and as registered.
 - (3) The guaranteed analysis for inorganic based soil amendments shall include the name and the percentage of each active ingredient, ~~and the percentage of inert ingredients.~~
 - (4) The guaranteed analysis for microbiological based soil amendments intended as an inoculum shall include the expiration date, state the number and kind of viable organisms per milliliter, or, if the product is other than liquid, state the number and kind of viable organisms per gram. If the product is not intended as an inoculum, then the product label shall state that the product is not a viable culture.
 - (5) In lieu of a guaranteed analysis for organic based soil amendments an ingredient list shall show all components whether organic or inorganic. Components shall be listed in order of decreasing volume, if they comprise at least three percent (3%) or more of the total volume of the product. Components shall be described as follows:

- (A) Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than fifteen per cent (15%) wood by volume.
 - (B) Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.
 - (C) Wood products shall be described as raw, aged, processed, reprocessed or composted.
 - (D) Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.
 - (E) The base material for any other composted product shall be described as listed.
 - (F) Mulches shall be described as listed in the components.
 - (G) Manures shall be described as listed in the components.
- (6) Application rates and intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made, they should be stated in this section of the label.
- (7) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.
- (8) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient information must be provided to determine the date or month and year of manufacture from the code.
- (9) The Board may require a registrant to include a warning or caution statement to ensure safety.

SUBCHAPTER 31. LIME

35:30-31-4. Schedule of ag-lime program fees

- (a) The annual vendors license fee shall be Twenty Five Dollars (\$25.00). Each license shall expire December 31 of each year.
- (b) An inspection fee of ten cents (\$0.10) per ton shall be paid to the Board on all agricultural liming material sold or distributed for use within this state. If no lime was sold or distributed in this state for the semiannual period, manufacturers shall submit a statement reflecting that information and shall remit a minimum fee of Five Dollars (\$5.00).
- (c) If the Board finds any deficient inspection fees due, as a result of an audit of the records of any person subject to the provisions of the Oklahoma Agricultural Liming Materials Act, the Board shall assess a penalty fee of ten percent (10%) maximum not to exceed Two Thousand Dollars (\$2,000.00) of amount due, or One Hundred Dollars (\$100.00), whichever is greater. The audit penalty shall be added to the deficient inspection fees due and payment made within thirty (30) days.
- (d) The Board shall not issue and may revoke any registration, if the Board determines that the registration is for the primary purpose of disposal of the product or substance.