

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND
FORESTRY
CHAPTER 30. CONSUMER PROTECTION**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 10. Moss Ball (*Aegagropila Linnaei*) Quarantine [NEW]

35:30-10-1. Establishment of quarantine [NEW]

35:30-10-2. Regulated area [NEW]

35:30-10-3. Regulated articles [NEW]

35:30-10-4. Conditions governing movement [NEW]

Subchapter 13. Imported Fire Ant Quarantine

35:30-13-3. Regulated area [AMENDED]

Subchapter 17. Combined Pesticide

~~Part 1. Commercial, Non-Commercial, And Private Categories Of Pesticide Application
[Withdrawn]~~

~~35:30-17-1.2. Schedule of combined pesticide program fees [AMENDED][Withdrawn]~~

~~35:30-17-1.3. Commercial pesticide applicator business license renewal [AMENDED]
[Withdrawn]~~

~~35:30-17-2. Consultant license [AMENDED][Withdrawn]~~

~~Part 3. Certification, Conduct Of Examinations, And Recertification [Withdrawn]~~

~~35:30-17-6. Recertification [AMENDED][Withdrawn]~~

~~Part 5. Prerequisites For Licensing [Withdrawn]~~

~~35:30-17-10. Application insurance requirements [AMENDED][Withdrawn]~~

~~35:30-17-11. Application for license required [AMENDED][Withdrawn]~~

~~Part 6. Pesticidal Product Producing Establishments [Withdrawn]~~

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

~~Part 12. Minimum Residue Levels For Termiticides Applied To Soil And Permitted Tolerances For Pesticide Tank Mix And Concentrate Sample Analysis [Withdrawn]~~

~~35:30-17-31. Borate or other wood applied termiticide treatment [NEW][Withdrawn]~~

Part 15. Minimum Standards For Termite Work For Existing Structures

35:30-17-70. Borate or other wood applied termiticide treatment for post-construction [NEW]

Part 17. Minimum Standards For Termite Work For Preconstruction (Pretreats) And New Construction

35:30-17-74. Borate or other wood applied termiticide treatment for new construction [NEW]

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 [AMENDED]

Subchapter 24. Oklahoma Industrial Hemp Program

35:30-24-7. Fees [AMENDED]

35:30-24-11.1. Allowable testing thresholds [AMENDED]

Subchapter 27. Feed

Part 3. Pet Food

- 35:30-27-51. Definitions and terms [AMENDED]
- 35:30-27-52. Label format and labeling [AMENDED]
- 35:30-27-53. Brand and product names [AMENDED]
- 35:30-27-54. ~~Expression of guarantees~~ Intended use statement and nutritional adequacy claims [AMENDED]
- 35:30-27-55. Ingredients [AMENDED]
- 35:30-27-56. ~~Drugs and pet food Additives and drugs~~ [AMENDED]
- 35:30-27-57. ~~Nutritional adequacy~~ Pet and specialty pet nutrition facts [AMENDED]
- 35:30-27-58. Feeding directions [AMENDED]
- 35:30-27-59. ~~Statements~~ Determination of calorie content for dog and cat foods [AMENDED]
- 35:30-27-60. Descriptive terms [AMENDED]
- 35:30-27-61. Manufacturer or distributor; name and address [AMENDED]
- 35:30-27-62. Handling and Storage Instructions [NEW]
- Subchapter 30. Soil Amendment
- 35:30-30-1. Definitions [AMENDED]
- 35:30-30-3. Contents of the label [AMENDED]
- ~~Subchapter 37. Nursery Stock Sales~~ [AMENDED] [Withdrawn]
- ~~35:30-37-10. Prohibited sales of aquatic plants~~ [AMENDED] [Withdrawn]

SUMMARY:

The proposed rule amendments establish a quarantine for moss balls (*Aegagropila Linnaei*); adds multiple counties to the regulated area for fire ants; updates reference to the current CFR revisions; establishes rules for borate or other wood applied termiticide treatments; adds a separate license to the Industrial Hemp Program for fiber growers; updates references for hemp allowable thresholds to reference OMMA; adds definitions for pet food; updates language for label format and labeling for pet food; updates language for brand and product names for pet food; replaces expression of guarantees for pet food with intended use statement and nutritional adequacy claims for pet food; updates the requirements for ingredients for pet food; updates language for additives and drugs for pet food; replaces language for nutritional adequacy with pet and specialty pet nutrition facts for pet food; updates requirements for feeding directions for pet food; updates requirements for calorie content for pet food; updates language for descriptive terms for pet food; updates language for manufacturer or distributor requirements for pet food; adds a rule for handling and storage instructions for pet food; adds a definition for beneficial substance and plant biostimulant to the soil amendment definitions; and adds language to require a statement identifying the purpose for soil amendment labels.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) & (A)(8); State Board of Agriculture; 2 O.S. § 3-81 et seq.; 2 O.S. § 3-401 et seq.; 2 O.S. § 8-85.1 et seq.; 2 O.S. § 3-32.1 et seq.; and 2 O.S. § 8-41.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Kiersten Wormus at kiersten.wormus@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period beginning November 1, 2024, and ending December 2, 2024.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., December 3, 2024, in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kiersten Wormus at the address listed above during the period beginning November 1, 2024, and ending December 2, 2024.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Kiersten Wormus at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Kiersten Wormus, (405) 522-5803, e-mail address: at Kiersten.wormus@ag.ok.gov.