

Texas Administrative Code

Chapter 19, Subchapter O West Indian Fruit Fly Quarantine

<u>SECTION</u>	<u>NAME OF SECTION</u>
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§19.150	Quarantined Pest
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§19.151	Quarantined Areas
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§19.152	Quarantined Articles
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§19.153	Restrictions
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§19.154	Establishment of Quarantined Area; Core Area; Treatment of Infestation; and Destruction of Quarantined Articles
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(<http://www.TexasAgriculture.gov>) or through press releases by the department.

Source Note: The provisions of this §19.151 adopted to be effective April 22, 2015, 40 TexReg 2192

§19.152 Quarantined Articles

The fruit or berries of all of the following plants are regulated articles:

Attached Graphic

§19.150 Quarantined Pest

The quarantined pest is the West Indian fruit fly, *Anastrepha obliqua* (Macquart) in any living stage of development.

Source Note: The provisions of this §19.150 adopted to be effective February 14, 2001, 26 TexReg 1263

Source Note: The provisions of this §19.152 adopted to be effective February 14, 2001, 26 TexReg 1263; amended to be effective April 22, 2015, 40 TexReg 2192

§19.151 Quarantined Areas

(a) Quarantined areas. Those areas designated on the department's website (<http://www.TexasAgriculture.gov>) as quarantined areas under this subchapter, are declared to be quarantined areas.

(b) Core areas. Those areas designated on the department's website (<http://www.TexasAgriculture.gov>) as core areas under this subchapter, are declared to be core areas.

(c) New or revised quarantined infested areas or core areas. On the basis of new or revised information, the department may declare, augment, diminish, fuse, eliminate, rename, or otherwise modify quarantined areas and core areas.

(1) Designation or modification of a quarantined area or a core area is effective upon the posting of the notification of the quarantined area or core area on the department's website (<http://www.TexasAgriculture.gov>).

(2) Notification shall consist in the posting on the department's website of a map and a description of each affected quarantined area or core area.

(3) A printed copy of any current notifications of this quarantine is available at the department's Valley Regional Office, 900-B, East Expressway 83, San Juan, Texas 78589, (956) 787-8866. In addition, supplemental information also may be made available on the department's website

§19.153 Restrictions

(a) Movement of regulated articles.

(1) General. Regulated articles shall not be moved within or out of a quarantined area or distributed within a quarantined area.

(2) Exceptions. Regulated articles may be moved within or out of a quarantined area or sold to the public under the conditions of a permit or compliance agreement issued by the department or by the United States Department of Agriculture (USDA).

(b) Treatment of regulated articles. Accepted treatments for regulated articles can be found in Title 7 of the Code of Federal Regulations (7 CFR) 301.32-10, Treatments.

(c) Unless otherwise specified in a written notice issued by the department or the USDA or in a written compliance agreement between the person and the department or the USDA, a wholesaler, fruit retailer, street fruit vendor, or flea market stall operator located within the quarantined area shall cover or enclose detached fruit that are regulated articles with air curtains, screens of mesh 2 millimeters or smaller, plastic sheets, boxes without holes or other openings, or tarpaulins.

(d) A person who within the quarantined area is holding or displaying for sale or distribution a plant whose fruit are

regulated articles shall ensure that all regulated articles regularly are removed such that each such plant is free from regulated articles at all times prior to sale or distribution.

producer or handler, in accordance with the Texas Agriculture Code, §71.0091.

Source Note: The provisions of this §19.153 adopted to be effective February 14, 2001, 26 TexReg 1263; amended to be effective April 22, 2015, 40 TexReg 2192

Source Note: The provisions of this §19.154 adopted to be effective February 14, 2001, 26 TexReg 1263; amended to be effective September 24, 2001, 26 TexReg 7269; amended to be effective April 22, 2015, 40 TexReg 2192

§19.154 Establishment of Quarantined Area; Core Area; Treatment of Infestation; and Destruction of Quarantined Articles

(a) When two or more quarantined pests, a mated female or one larva is detected, a quarantined area is established around the detection site. The quarantined area shall cover an area of approximately 81 square miles, which includes an approximately 4.5 mile radius around the detection site. Within a quarantined area, a core area of 0.5 mile radius from each detection site will be established. In the interest of practicality, the department may vary the shape and size of quarantined areas, in order to utilize roads or other recognizable geographic features to demarcate boundaries of quarantined areas or core areas. Core areas shall be treated as prescribed by the department or the USDA. Within a core area, the required treatment program shall restart if an additional quarantined pest is detected inside that core area.

(b) The owner or orchard manager may be required to bear all treatment expenses.

(c) The owner or orchard manager shall enter into a compliance agreement with the department to make the required treatments and handle the regulated articles as prescribed in the compliance agreement.

(d) At noncommercial locations, regulated articles will be handled as prescribed by the department or the USDA.

(e) The quarantined pest shall be considered eradicated from the quarantined area when additional flies are not detected beginning with the most recent detection of a quarantined pest and continuing for two generations, followed by one generation without trapping any quarantined pests. The number of days required to complete a fly generation will vary, based on a degree-day model calculated by the department or the USDA.

(f) In addition to assessment of administrative penalties as provided in the Texas Agriculture Code, §12.020, a violation of this subchapter may require destruction of quarantined articles.

(g) If the producer or handler of quarantined articles required to be destroyed or treated refuses to destroy or treat the articles, the department may destroy or treat the quarantined articles and charge the costs of destruction or treatment to the

Figure: 4 TAC §19.152

<u>Common Name</u>	<u>Botanical Name</u>
Sapote	<i>Diospyros spp.</i>
Common Guava	<i>Psidium guajava</i>
Grapefruit	<i>Citrus paradisi</i>
Hog-plum	<i>Spondias mombin</i>
Barbados Cherry	<i>Malpighia glabra</i>
Japanese Plum	<i>Prunus salicina</i>
Jew plum	<i>Spondias cytherea</i>
Ketembilla	<i>Dovyalis hebecarpa</i>
Loquat	<i>Eriobotrya japonica</i>
Malay-apple	<i>Syzygium malaccense</i>
Mango	<i>Mangifera indica</i>
Passion Fruit	<i>Passiflora spp.</i>
Peach	<i>Prunus persica</i>
Pear	<i>Pyrus communis</i>
Ramon	<i>Brosimum alicastrum</i>
Red Mombin	<i>Spondias purpurea</i>
Rose-apple	<i>Syzygium jambos</i>
Sapodilla	<i>Manilkara zapoya</i>
Sapote	<i>Pouteria sapota</i>
Sour Orange	<i>Citrus aurantium</i>
Strawberry Guava	<i>Psidium littorale</i>
Sweet Lime	<i>Citrus aurantifolia</i>
Sweet Orange	<i>Citrus sinensis</i>