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## Texas Register Preamble

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The Texas Department of Agriculture (the Department or TDA) adopts on an emergency basis new Title 4, Chapter 19, Subchapter U, Citrus Canker Quarantine, §§19.400 - 19.408, concerning citrus quarantine. The new sections are adopted on an emergency basis to establish requirements and restrictions necessary to address dangers posed by quarantined infestation of destructive strains of citrus canker in Cameron, Harris, and Fort Bend counties, and recently infested Brazoria County of Texas.

Citrus canker is a non-systemic plant disease caused by strains or pathotypes of the bacterium *Xanthomonas citri* subsp. *citri*. The disease produces leaf-spotting, fruit rind-blemishing, defoliation, shoot dieback, fruit drop, and can predispose fruit to secondary infection by decay organisms. Marketability of symptomatic fresh fruit is reduced. While leaf lesions 2-10 mm diameter may appear within 14 days following host inoculation, symptoms may take several weeks to a few months to appear. Lower temperatures may increase the latency of the disease. Citrus canker bacterium can stay viable on the tree or soil for several months in old lesions on leaves, branches and other plant surfaces. *X. citri* subsp. *citri* is spread by wind-borne rain, splashing water, movement of infected plant material or mechanical contamination.

The detection of plants infected with citrus canker necessitates an emergency response by the Department in order to timely and properly destroy infected plants to combat and slow the spread of this highly destructive plant pathogen in Texas and prevent its spread to other states. TDA promptly destroys all plants anywhere in the state that test positive for any strain of citrus canker, in accordance with statute, to prevent the further spread of canker. The adoption of emergency rules is necessary to prevent the spread of citrus canker, especially in the citrus zone, which will help to prevent potential devastation to the state's citrus industry.

The movement, distribution or sale of citrus plants within or out of the quarantined areas will be regulated as a result of the emergency rules. Equipment or material coming in direct contact with infected plant material must be decontaminated prior to moving out of the quarantined area using any approved decontaminant. The citrus fruits sold, distributed or moved to packing houses for processing must be moved under the conditions of a compliance agreement.

The Department strongly urges residents in, and visitors to, the quarantined areas to be aware of the disease and may help combat it by contacting the Department, Texas A&M University (TAMU) AgriLife Extension, TAMU Kingsville-Citrus Center, USDA, or Texas Citrus Pest and Disease Management Corporation for more information.

The rules are adopted on an emergency basis under the Texas Agriculture Code, §71.004, which authorizes the Department to establish emergency quarantines; §73.004, which authorizes the Department to establish quarantines against citrus diseases and pests it determines are injurious; §71.007, which authorizes the Department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for specific treatment of a grove or orchard or of infested or infected plants, plant products, or substances; and §12.020, which authorizes the Department to assess administrative penalties for violations of Chapter 71 of the Texas Agriculture Code.

The code affected by the adoption is the Texas Agriculture Code, Chapters 12, 71 and 73.

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TITLE 4            AGRICULTURE  
PART 1            TEXAS DEPARTMENT OF AGRICULTURE  
CHAPTER 19        QUARANTINES AND NOXIOUS AND INVASIVE PLANTS  
SUBCHAPTER U     CITRUS CANCKER QUARANTINE  
RULE §19.400      Quarantined Pest  
ISSUE             05/24/2019  
ACTION            Emergency

[Preamble](#)

No Rule Available

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Quarantined pest is citrus canker, and its causal agent, the bacterial pathogen *Xanthomonas citri* subsp. *citri*. The quarantined pest is a serious plant disease that is not widely distributed in this state.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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Jessica Escobar

Assistant General Counsel

Texas Department of Agriculture

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CHAPTER 19	QUARANTINES AND NOXIOUS AND INVASIVE PLANTS
SUBCHAPTER U	CITRUS CANKER QUARANTINE
RULE §19.401	Quarantined Areas
ISSUE	05/24/2019
ACTION	Emergency

[Preamble](#)

No Rule Available

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(a) Quarantined areas are described in this section, and as defined on the Department's website at [www.TexasAgriculture.gov](http://www.TexasAgriculture.gov). A map of the quarantined area is also available on the Department's website.

(b) Quarantined areas include:

(1) In Fort Bend and Harris Counties: The quarantine boundary is described as, starting at a point described as N29.7166139524 degrees and W95.6013268808 degrees, then South along Shady Breeze Drive to a point described as N29.7142932806 degrees and W95.6011334915 degrees, then East along Westpark Tollway to a point described as N29.7146800592 degrees and W95.5962987587 degrees, then South along Cook Road to a point described as N29.6763889689 degrees and W95.5959119801 degrees, then East along Bissonnet Street to a point described as N29.6655591655 degrees and W95.5885631843 degrees, then South East along Kirkwood Road to a point described as N29.6415788853 degrees and W95.5723184784 degrees, then East along West Airport Boulevard to a point described as N29.6440929481 degrees and W95.5388621218 degrees, then South East along South Loop 8 to a point described as N29.6172118282 degrees and W95.5595547819 degrees, then West along U.S. Highway 90 to a point described as N29.629588746 degrees and W95.5922375822 degrees, then South West along Interstate Highway 69 to a point described as N29.6168250495 degrees and W95.6061616155 degrees, then South East to a point described as N29.611410147 degrees and W95.6030673847 degrees, then South West along Country Club Boulevard to a point described as N29.6048349094 degrees and W95.6104161804 degrees, then North West along William Trace Boulevard to a point described as N29.5974861137 degrees and 95.6222129303 degrees, then South West along Interstate Highway 69 to a point described as N29.6007737338 degrees and 95.6314956191 degrees, then North West along State Highway 6 to a point described as N29.6090894752 degrees and W95.6438725379 degrees, then South West along University Boulevard to a point described as N29.5936183274 degrees and W95.6492874387 degrees, then West along New Territory Boulevard to a point described as N29.5898513129 degrees and W95.6774894667 degrees, then North West along State Highway 99 to a point described as N29.6573433334 degrees and W95.7154981303 degrees, then North along Harlem Road to a point described as N29.6619612082 degrees and W95.7151429089 degrees, then East along Madden Road to a point described as N29.6620781561 degrees and W95.7057571299 degrees, then North to a point described as N29.6688467839 degrees and W95.7059505183 degrees, then East to a point described as N29.6688467839 degrees and W95.7028562893 degrees, then North to a point described as N29.6702005099 degrees and W95.7024695107 degrees, then East to a point described as N29.6698137304 degrees and W95.694540547 degrees, then North to a point described as N29.6707806779 degrees and W95.694540547 degrees, then East to a point described as N29.6713608449 degrees and W95.6800363467 degrees, then North to a point described as N29.683931153 degrees and W95.6810032933 degrees, then West to a point described as N29.6845113218 degrees and W95.7013091739 degrees, then North along Addicks Clodine Road to a point described as N29.7009494162 degrees and W95.7011157855

degrees, then East along Bellaire Boulevard to a point described as N29.700756026 degrees and W95.6846776911 degrees, then South along Chickory Woods Lane to a point described as N29.6984353533 degrees and W95.6846776911 degrees, then East along Espinosa Drive to a point described as N29.6982419649 degrees and W95.6792627885 degrees, then South along Caracas Drive to a point described as N29.6955345136 degrees and W95.6790693983 degrees, then East along Sinaloa Drive to a point described as N29.6959212931 degrees and W95.6765553373 degrees, then North along San Pablo Drive to a point described as N29.6966948504 degrees and W95.6755883907 degrees, then East along Alamos Drive to a point described as N29.697081629 degrees and W95.6653387553 degrees, then North East along Addicks Clodine Road to a point described as N29.7100387148 degrees and W95.6603106322 degrees, then East along Westpark Tollway to a point described as N29.7104254934 degrees and W95.653348616 degrees, then North along Cedar Gardens Drive to a point described as N29.7140998913 degrees and W95.6529618365 degrees, then East along West Bend Drive to a point described as N29.7144866699 degrees and W95.6444527058 degrees, then South East along Westpark Tollway to a point described as N29.7135197234 degrees and W95.6158310829 degrees, then North on Synott Road to a point described as N29.717000731 degrees and 95.6154443043 degrees, then East along Brant Rock Drive to the starting point.

(2)In Harris County: The quarantine boundary is described as, starting at the intersection of Stella Link Road and North Braeswood Boulevard, then westerly along North Braeswood Boulevard to its intersection with Academy Street, then northerly along Academy Street to its intersection with Merrick Street, then easterly along Merrick Street to its intersection with Stella Link Road, then northerly along Stella Link Road to its intersection with Blue Bonnet Boulevard, then easterly along Blue Bonnet Boulevard to its intersection with Sewanee Street, then northerly along Sewanee Street to its intersection with Glen Haven Boulevard, then easterly along Glen Haven Boulevard to its intersection with Buffalo Speedway, then southerly along Buffalo Speedway to its intersection with South Braeswood Boulevard, then easterly along South Braeswood Boulevard to its intersection with Greenbush Drive, then southerly along Greenbush Drive to its intersection with Buffalo Speedway, then southerly along Buffalo Speedway to its intersection with Durhill Street, then westerly along Durhill Street to its intersection with Latma Drive, then northwesterly along Latma Drive to its intersection with Stella Link Road, then northerly along Stella Link Road to its intersection with Linkwood Drive, then northwesterly along Linkwood Drive to its intersection with South Braeswood Boulevard, then easterly along South Braeswood Boulevard to its intersection with Stella Link Road, then northerly along Stella Link Road to the starting point.

(3)In Cameron County: The quarantine boundary is described as, starting at a point described as N26.037815 degrees and W97.662652 degrees, then North West along U.S. Highway 281 to a point described as N26.043182 degrees and W97.662384 degrees, then North East along Farm to Market Road 732 to a point described as N26.045021 degrees and W97.666146 degrees, then North West along Joines Road to a point described as N26.07366 degrees and W97.640404 degrees, then North to a point described as N26.077092 degrees and W97.64515 degrees, then North East along Farm to Market Road 732 to a point described as N26.077092 degrees and W97.64515 degrees, then South East along Pennsylvania Avenue to a point described as N26.101461 degrees and W97.627285 degrees, then East along State Highway 100 to a point described as N26.073305515 degrees and W97.499314413 degrees, then South along Old Alice Road to a point described as N26.045394196 degrees and W97.504870042 degrees, then South West to a point described as N26.040001059 degrees and W97.510593706 degrees, then South to a point described as N26.003180323 degrees and W97.515121111 degrees, then East to a point described as N26.00304269 degrees and W97.512721575 degrees, then South to a point described as N26.0015193 degrees and W97.512867198 degrees, then East to a point described as N26.001250533 degrees and W97.508846831 degrees, then South to a point described as N25.995337159 degrees and W97.50931978 degrees, then East along Abilene Trail to a point described as N25.993839022 degrees and W97.495641435 degrees, then South along Stagecoach Trail to a point described as N25.978458918 degrees and W97.496850497 degrees, then West along Farm to Market Road 3248 to a point described as N25.945208997 degrees and W97.54445823

degrees, then North West along U.S. Highway 281 to a point described as N25.961952175 degrees and W97.578028281 degrees, then South to a point described as N25.944069784 degrees and W97.580010328 degrees, then North West along the Rio Grande River to the starting point.

(4)In Brazoria County and the adjacent area of Harris County: The quarantine boundary is described as, starting at a point described as N29.62598819 degrees and W95.266591998 degrees, then East along Almeda Genoa Road to a point described as N29.627130034 degrees and W95.249026799 degrees, then North East along Clearwood Drive to a point described as N29.632563989 degrees and W95.246256988 degrees, then North along Interstate Highway 45 to a point described as N29.651657784 degrees and W95.251359728 degrees, then East along Marleen Street to a point described as N29.652713805 degrees and W95.226735226 degrees, then South East along State Highway 3 to a point described as N29.637616657 degrees and W95.211540768 degrees, then South West along South Shaver Street to a point described as N29.626500058 degrees and W95.226619915 degrees, then South East along Interstate Highway 45 to a point described as N29.583976741 degrees and W95.181246397 degrees, then South West along Blue Spruce Vale Way to a point described as N29.571100719 degrees and W95.195038307 degrees, then North West along Beamer Road to a point described as N29.572851511 degrees and W95.199176592 degrees, then South West along Dixie Farm Road to a point described as N29.5488365 degrees and W95.245129139 degrees, then North West along Farm to Market Road 518 to a point described as N29.564863322 degrees and W95.285403451 degrees, then North along State Highway 35 to a point described as N29.581828296 degrees and W95.286188027 degrees, then East along McHard Road to a point described as N29.582386972 degrees and W95.269586196 degrees, then North East along Pearland Parkway to the starting point.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER U     CITRUS CANCKER QUARANTINE  
RULE §19.402      Regulated Articles Subject to the Quarantine  
ISSUE             05/24/2019  
ACTION            Emergency

[Preamble](#)

No Rule Available

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(a)For purposes of this subchapter, a regulated article is a quarantined article defined under Texas Agriculture Code, §71.0092.

(b)Any other product, article, or means of conveyance, of any character whatsoever, not covered by subsection (a) of this section, when it is determined by an inspector that it presents a risk of spread of citrus canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the provisions of this subchapter.

(c)Any article that is described as a regulated article by Title 7, Code of Federal Regulations (CFR) §301.75-3.

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RULE §19.403	Restrictions on Movement, Sale, Distribution and Propagation of Articles Subject to the Quarantine	
ISSUE	05/24/2019	
ACTION	Emergency	
<a href="#">Preamble</a>		No Rule Available

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(a) Movement of regulated articles.

(1) Regulated articles that are plants. Movement, sale or distribution through, within, into or from a quarantined area is prohibited, unless:

(A) authorized by the Department or USDA-APHIS-PPQ under a compliance agreement, limited permit or special permit; or

(B) within a given property, except, within 10 feet of where a plant which is symptomatic or diagnosed with citrus canker has been found, and the area has been treated according to a compliance agreement or permit issued by the Department or USDA.

(2) Regulated articles that are fruit. Regulated articles that are fruit that are moved from the property where they were produced, or are distributed or sold:

(A) must be free of leaves, stems and debris; or

(B) must be under a compliance agreement or permit issued by the Department or USDA.

(3) Fruit shall not be moved out of a quarantined area, except under a compliance agreement or special permit with the Department or the USDA.

(4) Landscapers and mowers. Landscapers and mowers servicing a quarantined area must come under a compliance agreement with the Department or USDA, and decontaminate tools, appliances and equipment by steam cleaning or by washing with an approved disinfectant prior to moving regulated articles out of the quarantined area.

(b) Transitory movement of regulated articles through a quarantined area shall be done only in a completely covered and enclosed insect-proof and water-proof container that shall not remain in the quarantined area beyond the time required for simple transit.

(c) Propagation, sale or distribution of regulated articles.

(1) Propagation and growing of any regulated articles that are plants, rootstock or budwood for movement or use inside, into or from a quarantined area shall be in certified citrus nursery facilities under the requirements

and restrictions in chapter 21, subchapter D, of this title, relating to "Citrus Nursery Stock Certification Program."

(2)Certified citrus nursery facilities shall comply with structural and sanitation requirements and restrictions applicable to interstate movement from citrus canker quarantined areas, as specified in the "Interstate Movement of Citrus Nursery Stock From Areas Quarantine for Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid" as published by USDA-APHIS-PPQ.

(d)Disposal of regulated articles. Infected plants, plant parts or regulated articles that are completely covered can move out of the quarantined area for burning or burial in a landfill under a compliance agreement or permit issued by the Department or USDA.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER U     CITRUS CANCKER QUARANTINE  
RULE §19.404      Ongoing Pest Management  
ISSUE              05/24/2019  
ACTION             Emergency

[Preamble](#)

No Rule Available

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At all times, all citrus plants for sale or distribution must be inspected regularly for symptoms of citrus canker. If any regulated article exhibits symptoms of citrus canker:

(1)the regulated article must be held at the location from sale or distribution, pending inspection, sampling and testing by the Department, and the location must immediately notify the nearest regional Department office; and

(2)plants or plant parts that test positive for citrus canker shall be destroyed and disposed of under Department supervision.

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RULE §19.405     Citrus Fruit Harvest  
ISSUE            05/24/2019  
ACTION           Emergency

[Preamble](#)

No Rule Available

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(a) Compliance agreement required. Regulated fruit from a quarantined area intended for noncommercial or commercial movement, sale or distribution, shall not be moved from the production site, except under a compliance agreement with the Department or USDA.

(b) Disinfecting of regulated fruit.

(1) Disinfecting of regulated fruit shall include chemical treatment of regulated fruit, as prescribed in the USDA Treatment Manual D301.75-11(a).

(2) Following treatment of regulated fruit in accordance with this subsection, personnel must clean their hands as prescribed in the USDA Treatment Manual D301.75-11.

(3) Vehicles, equipment and other inanimate objects must be cleaned and treated as prescribed in the USDA Treatment Manual D301.75-11(d).

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RULE §19.406      Consequences for Failure to Comply with Quarantine Requirements or Restrictions  
ISSUE              05/24/2019  
ACTION             Emergency

[Preamble](#)

No Rule Available

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(a) A person who fails to comply with quarantine restrictions or requirements or a Department order relating to the quarantine is subject to administrative or civil penalties up to \$10,000 per day for any violation of the order and to the assessment of costs for any treatment or destruction that must be performed by the Department in the absence of such compliance.

(b) The Department is authorized to seize and treat or destroy or order to be treated or destroyed, any regulated article:

(1) that is found to be infested with the quarantined pest; or,

(2) regardless of whether infected or not, that is transported within, out of, or through the quarantined area in violation of this subchapter.

(c) Regulated articles seized pursuant to any Department order shall be destroyed at the owner's expense under the supervision of a Department inspector.

The agency certifies that legal counsel has reviewed the emergency adoption and found it to be within the state agency's legal authority to adopt.

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RULE §19.407      Appeal of Department Action Taken for Failure to Comply with Quarantine Restrictions  
ISSUE              05/24/2019  
ACTION             Emergency

[Preamble](#)

No Rule Available

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An order under the quarantine may be appealed according to procedures set forth in the Texas Agriculture Code, §71.010.

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 RULE §19.408      Conflicts between Graphical Representations and Textual Descriptions; Other  
                           Inconsistencies  
 ISSUE              05/24/2019  
 ACTION             Emergency

[Preamble](#)

No Rule Available

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(a)In the event that discrepancies exist between geographical descriptions and representations and textual descriptions of the geographic area in this subchapter, the representation or description creating the larger geographical area or more stringent requirements regarding the handling or movement of regulated articles shall control.

(b)The textual description of the plant disease shall control over any graphical representation of the same.

(c)Where otherwise clear as to intent, the mistyping of a scientific or common name in this subchapter shall not be grounds for exemption of compliance with the requirements of this subchapter.

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