

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 - 19.409, concerning citrus quarantine. The new sections are adopted on an emergency basis to establish requirements and restrictions necessary to address dangers posed by two newly quarantined infestations of a destructive strain of citrus canker in Harris and Fort Bend counties.

The term "citrus canker" is historically referred to as a plant disease with a group of strains or pathotypes of the bacterium *Xanthomonas citri* subsp. *citri*. The disease produces leaf-spotting, fruit rind-blemishing, defoliation, shoot dieback, fruit drop, and it can expose the interior of fruit to secondary infection by decay organisms. The disease does not travel through the tree to become systemic. The marketability of symptomatic fresh fruit is negatively impacted. Leaf lesions may appear within 14 days following inoculation and can attain 2-10 mm diameter on a susceptible host. In the field, symptoms may take several months to appear, and lower temperatures may increase the latency of the disease. Citrus canker bacterium can stay viable in old lesions on leaves, branches and other plant surfaces for several months, including in those dropped on the ground. *X. citri* subsp. *citri* can spread by wind, splashing water, movement of infected plant material or mechanical contamination.

On May 13, 2016, a virulent strain of citrus canker that attacks all known citrus varieties was detected in Harris County and later in Fort Bend County. Two adjacent sour orange trees were detected positive for citrus canker in a city park in Houston. Both trees were destroyed and on June 30, 2016 the Department quarantined an half-mile radius area around the positive detections. On August 10, 2016, a quarantined area was declared in Fort Bend County due to positive detections of citrus canker on various citrus varieties at a nursery in Richmond, Texas. This quarantine was further expanded due to additional positive finds of citrus canker in the residential areas of Fort Bend County. The current infestations are the first known incidences of citrus canker in Texas after its eradication in 1943. These discoveries necessitate an emergency response by the Department in order to properly destroy infected plants and combat the spread of this highly destructive plant pathogen and prevent its spread in Texas and to other states.

While there is no commercial citrus under quarantine at this time, spread of citrus canker could be devastating to the industry. The emergency rules will help 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 urges residents in, and visitors to the quarantined areas to be aware of the disease and help combat it by contacting the Department, Texas A&M University (TAMU) AgriLife Extension, TAMU Kingsville-Citrus Center, United States Department of Agriculture, or Texas Citrus Pest and Disease Management Corporation for more information. For practical purposes, borders of the quarantined area are set using the closest property lines, roads, canals or river and posted on the Department's website: www.texasagriculture.gov.

The rules are adopted on an emergency basis under the Texas Agriculture Code, §71.004, which authorizes the Department to establish emergency quarantines; §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 and 71.

<rule>

SUBCHAPTER U. CITRUS CANKER QUARANTINE.

§19.400. Quarantined Pest.

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

§19.401. Quarantined Areas.

Quarantined areas are described in this subchapter, and as defined on the Department's website at www.TexasAgriculture.gov. A map of the quarantined area is also available on the Department's website.

(1) On the basis of new or revised information, the Department may declare, augment, diminish, fuse, eliminate, rename or otherwise modify quarantined areas.

(2) Designation or modification of a quarantined area is effective upon the posting of the notification of the quarantined area on the Department's website.

§19.402. Regulated Articles.

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

(b) The following are also regulated articles under this subchapter.

(1) Plants or plant parts, including fruit and seeds, or any of the following: all species, clones, cultivars, strains, varieties, and hybrids of the genera *Citrus* and *Fortunella*, and all clones, cultivars, strains, varieties, and hybrids of the species *Clausena lansium* and *Poncirus trifoliata*.

(2) Grass, plant, and tree clippings.

(3) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraph (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.

(4) Any other article that is a regulated article under 7 CFR §301.75-3.

§19.403 . Production and Growing of Regulated Articles.

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 "Certified Nursery Stock Certification Program." Additionally the facility 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 and Other Rutaceous Plants for Planting from Areas Quarantined for Citrus Canker, Citrus Greening, or

Asian Citrus Psyllid," as published by the USDA-APHIS-PPQ, Plant Protection and Quarantine; a link to the current version of that document can be found at:
http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/.

§19.404. Movement, Sale or Distribution of Regulated Articles.

(a) Regulated articles that are plants.

(1) Movement, sale or distribution through, within, into or from a quarantined area is prohibited, except as provided in §19.403 of this subchapter, relating to “production and growing of regulated articles;” unless:

(A) As 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 a compliance agreement or permit issued by the Department or USDA.

(b) Regulated articles that are fruit.

(1) 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.

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

(c) Landscapers and mowers. Landscapers and mowers servicing a quarantined area must come under 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.

(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.

§19.405. Ongoing Pest Management.

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; 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.

§19.406. Citrus Fruit Harvest.

(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, according to D301.75-11(a-1) or (a-2) or (a-3) of the USDA Treatment Manual.

- (2) Following treatment of regulated fruit in accordance with this paragraph, personnel must clean their hands according to requirements in D301.75-11 of the USDA Treatment Manual.
- (3) Vehicles, equipment and other inanimate objects must be cleaned and treated according to the requirements in D301.75-11(d) of the USDA Treatment Manual.

§19.407. Consequences for Failure to Comply with Quarantine Requirements or Restrictions.

- (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, regardless of whether infected or not,
- (2) 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.

§19.408. Appeal of Department Action Taken for Failure to Comply with Quarantine Restrictions.

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

§19.409. Conflicts between Graphical Representations and Textual Descriptions; Other Inconsistencies.

- (a) In the event that discrepancies exist between graphical representations and textual descriptions 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.