

Texas Administrative Code

Chapter 19, Subchapter X Citrus Greening Quarantine

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§19.615 Basis for Quarantine; Quarantined Pest - Dangerous Plant Disease (Proscribed Biological Entity)

(a) Quarantined pest is citrus greening. The department finds that citrus greening, "*Candidatus Liberibacter asiaticus*," is a dangerous plant disease that is not widely distributed in this state.

(b) Description of dangerous plant disease. Host plants. Citrus greening is a dangerous plant disease that can infect and be carried by all plant parts (including leaves and propagative seeds) except fruit of *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Amyris madrensis*, *Atalantia* spp. (including *Atalantia monophylla*), *Balsamocitrus dawei*, *Bergera*; (= *Murraya*) *koenigii*, *Calodendrum capense*, *Choisya ternata*, *C. arizonica*, X *Citroncirus webberi*, *Citropsis articulata*, *Citropsis gilletiana*, *Citrus madurensis* (= X *Citrofortunella microcarpa*), *Citrus* spp., *Clausena anisum-olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus* hybrid, *Esenbeckia berlandieri*, *Fortunella* spp., *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *M. australis*, *M. papuana*, X *Microcitronella* spp., *Murraya* spp., *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Tetradium ruticarpum*, *Toddalia asiatica*, *Triphasia trifolia*, *Vepris* (= *Toddalia*) *lanceolata*, and *Zanthoxylum fagara*. A

majority of these plants also are hosts of Asian citrus psyllid *Diaphorina citri*, the vector of citrus greening in the United States. Citrus greening is a bacterial disease that attacks the vascular system of plants. Once infected, there is no cure for a tree with citrus greening disease. In areas of the world where citrus greening is endemic, citrus trees decline and die within a few years. Citrus greening is considered a serious disease by the United States Department of Agriculture (USDA) as well as many states.

(c) Establishment of quarantine. The department is authorized by the Texas Agriculture Code, §71.002, to establish a quarantine against the dangerous plant disease, citrus greening, identified in this section.

Source Note: The provisions of this §19.615 adopted to be effective February 9, 2013, 38 TexReg 491

§19.616 Infested Geographical Areas Subject to the Quarantine

(a) Quarantined infested areas.

(1) Quarantined infested areas, or quarantined areas (infested geographical areas subject to the quarantine), are those locations within this state in which the dangerous plant disease is currently found, from which dissemination of the disease is to be prevented, and within which the disease is to be managed or eradicated.

(2) The quarantine boundaries found in subsection (b) of this section are declared to be the boundaries of quarantined infested areas, or quarantined areas. The department may designate additional or expanded quarantined infested areas or quarantined areas, or a reduction of the quarantined area based upon the confirmation of the presence or absence of the citrus greening. The designations will be effective upon the posting of the notification of the quarantined infested areas or quarantined areas on the department's website (<http://www.TexasAgriculture.gov>). Notification consists of a map and a description of the quarantined infested areas or quarantined areas. A printed copy of the notification is available at the department's Valley Regional Office, 900-B, East Expressway 83, San Juan, Texas 78217, (956) 787-8866. In addition, notification will be made through press release by the department. Each quarantined area is bounded on all sides by a line drawn using the World Geographic Coordinate System of 1984.

(b) The Quarantine Boundary in Hidalgo County is described as: Starting at a point described as N26.092345 degrees and W98.143389 degrees, then West to a point described as

N26.091944 degrees and W98.151891 degrees, then West to a point described as N26.092451 degrees and W98.161387 degrees, then West to a point described as N26.095246 degrees and W98.176367 degrees, then North West to a point described as N26.102571 degrees and W98.194316 degrees, then North West to a point described as N26.112126 degrees and W98.207752 degrees, then North West to a point described as N26.119346 degrees and W98.214906 degrees, then North West to a point described as N26.127551 degrees and W98.221651 degrees, then North West to a point described as N26.130722 degrees and W98.223631 degrees, then North to a point described as N26.147012 degrees and W98.230526 degrees, then North to a point described as N26.163728 degrees and W98.232918 degrees, then North to a point described as N26.16734 degrees and W98.232894 degrees, then North to a point described as N26.177266 degrees and W98.231828 degrees, then North East to a point described as N26.19214 degrees and W98.227227 degrees, then North East to a point described as N26.202493 degrees and W98.221654 degrees, then North East to a point described as N26.215525 degrees and W98.210556 degrees, then North East to a point described as N26.222527 degrees and W98.201611 degrees, then North East to a point described as N26.227622 degrees and W98.193957 degrees, then East to a point described as N26.232083 degrees and W98.184415 degrees, then East to a point described as N26.23386 degrees and W98.179397 degrees, then East to a point described as N26.237379 degrees and W98.163353 degrees, then East to a point described as N26.237807 degrees and W98.159345 degrees, then East to a point described as N26.237712 degrees and W98.143327 degrees, then East to a point described as N26.237237 degrees and W98.139326 degrees, then East to a point described as N26.233989 degrees and W98.124833 degrees, then South East to a point described as N26.228947 degrees and W98.112357 degrees, then South East to a point described as N26.223016 degrees and W98.102392 degrees, then South East to a point described as N26.221195 degrees and W98.099903 degrees, then South East to a point described as N26.214489 degrees and W98.092725 degrees, then South East to a point described as N26.211194 degrees and W98.08897 degrees, then South East to a point described as N26.206528 degrees and W98.085674 degrees, then South East to a point described as N26.205749 degrees and W98.084508 degrees, then South to a point described as N26.192155 degrees and W98.076608 degrees, then South to a point described as N26.18401 degrees and W98.07367 degrees, then South to a point described as N26.171354 degrees and W98.071269 degrees, then South to a point described as N26.15736 degrees and W98.07138 degrees, then South to a point described as N26.148793 degrees and W98.072948 degrees, then South West to a point described as N26.139332 degrees and W98.076024 degrees, then South West to a point described as N26.126285 degrees and W98.083128 degrees, then South West to a point described as N26.115956 degrees and W98.09171 degrees, then South West to a point described as N26.103864 degrees and W98.107304 degrees, then West to a point described as N26.097624 degrees and W98.120351 degrees, then West to

a point described as N26.093646 degrees and W98.13438 degrees and then returning West to the Starting Point.

(c) A map of the quarantined area may be obtained by contacting the department's Valley Regional Office, 900-B East Expressway 82, San Juan, Texas 78598, (956) 787-8866, or by visiting the department's website at: <http://www.TexasAgriculture.gov>.

Source Note: The provisions of this §19.616 adopted to be effective February 9, 2013, 38 TexReg 491

§19.617 Articles Subject to the Quarantine

An article subject to the quarantine, or regulated article, is any article described as a regulated article by Title 7, Code of Federal Regulations (CFR) §301.76-2.

Source Note: The provisions of this §19.617 adopted to be effective February 9, 2013, 38 TexReg 491

§19.618 Restrictions on Production, Movement or Distribution of Articles Subject to the Quarantine

(a) In addition to other restrictions that may apply:

(1) In a quarantined area, any regulated article intended for interstate movement, distribution or sale shall conform to:

(A) the requirements of 7 CFR §301.76; and

(B) those requirements of §19.622 of this subchapter (relating to Mandatory Treatment of Citrus Nursery Plants in the Citrus Zone) that apply to all regulated articles intended for interstate movement; or

(2) In a quarantined area, any regulated article intended for intrastate movement, distribution or sale:

(A) shall not be moved, except as specified in this subchapter; and

(B) shall conform to the requirements of §19.622 of this subchapter that apply to any regulated article produced or under production in the citrus zone, that is intended either for intrastate sale or for commercial or noncommercial distribution or movement.

(3) Regulated articles seized pursuant to any department order shall either be:

(A) held without further movement within or outside the quarantined area and treated with a department approved systemic pesticide (soil drench) labeled for the control of Asian citrus psyllid and for use on those plants, in accordance with that label, for the duration of the quarantine maintaining the plants free of Asian citrus psyllid; or

(B) moved within the quarantined area under the conditions of a special permit or compliance agreement issued by the department; or

(C) destroyed.

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

(c) Movement of regulated articles into a quarantined area shall be conducted as follows.

(1) Except as covered by subsection (b) of this section, movement of regulated articles into a quarantined area must be performed under a compliance agreement with the department.

(2) Retail purchasers who take regulated articles purchased outside of a quarantined area directly to their home or business inside the quarantined area and permanently plant the regulated article promptly at that address are exempt from paragraph (1) of this subsection.

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

(1) Any person who propagates regulated articles in a quarantined area, other than for personal noncommercial use on the same property, or who sells, distributes or moves regulated articles, shall do so only under a special permit or a compliance agreement with the department.

(2) Under a special permit or compliance agreement from the department, regulated articles may be moved intrastate out of a quarantined area, if the regulated articles are compliant with all production, treatment, recordkeeping and shipment requirements that apply to regulated articles intended for interstate movement, as provided in 7 CFR §301.76 and 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 United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Plant Protection and Quarantine. A copy of the requirements may be obtained by contacting the department's Valley Regional Office, 900-B East Expressway 82, San Juan, Texas 78598, (956) 787-8866.

(e) Detached citrus fruit originating within a quarantined area may be moved outside the quarantined area provided the fruit is treated, harvested, transported and packed under the conditions outlined in the August 9, 2012, Federal Order (DA-2012-30) issued by the USDA-APHIS, Plant Protection and Quarantine, entitled "Quarantine for '*Candidatus* Liberibacter asiaticus' Causal Agent of Citrus Greening (CG)".

(f) To request a special permit, a compliance agreement, or a copy of applicable departmental or federal requirements, contact the department's Valley Regional Office, 900-B East Expressway 82, San Juan, Texas 78598, (956) 787-8866.

Source Note: The provisions of this §19.618 adopted to be effective February 9, 2013, 38 TexReg 491

§19.619 Consequences for Failure to Comply with Quarantine Restrictions

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. Additionally, the department is authorized to seize and treat or destroy, or order to be treated or destroyed, any quarantined article that is found to be infested with the quarantined pest or, regardless of whether infected or not, transported within, out of, or through the quarantined area in violation of this subchapter.

Source Note: The provisions of this §19.619 adopted to be effective February 9, 2013, 38 TexReg 491

§19.620 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.

Source Note: The provisions of this §19.620 adopted to be effective February 9, 2013, 38 TexReg 491

§19.621 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 quarantined 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 avoiding the requirements of this subchapter.

Source Note: The provisions of this §19.621 adopted to be effective February 9, 2013, 38 TexReg 491

§19.622 Mandatory Treatment of Citrus Nursery Plants in the Citrus Zone

(a) Treatment Requirements:

(1) Interstate sale, distribution or movement. Any regulated article produced or under production in the citrus zone, as specified in §21.4 of this title (relating to Citrus Zone), that is intended for interstate sale, distribution or movement shall be treated as provided in 7 CFR §301.76, and 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 United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine. A copy of the requirements may be obtained by contacting the department's Valley Regional Office, 900-B East Expressway 82, San Juan, Texas 78598, (956) 787-8866; and

(2) Intrastate sale, distribution or movement. Any regulated article produced or under production in the citrus zone, as specified in §21.4 of this title, that is intended for intrastate sale, distribution or movement, either within or outside of the Citrus Zone:

(A) Prior to any sale, distribution or movement shall be treated 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 United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine; and

(B) If any maximum treatment period specified under subparagraph (A) of this paragraph expires before all regulated articles have been sold, distributed or moved, the required treatment shall be re-applied, as necessary. No regulated article that is not compliant with all treatment requirements may be sold, distributed, or moved.

(C) A copy of the requirements in this subsection may be obtained by contacting the department's Valley Regional Office, 900-B East Expressway 82, San Juan, Texas 78598, (956) 787-8866.

(b) Treatment records. Records of the lot numbers treated and of the treatment materials and treatment dates for each treatment required under subsection (a) of this section shall be maintained by the nursery for a period of not less than two years following the last treatment date for a given lot of regulated articles, and records shall be made available to an authorized department or USDA employee, upon request during normal business hours.

(c) Exemptions. For regulated articles intended for intrastate sale or for intrastate commercial or noncommercial distribution or movement, the following are exempt from the requirements of this section:

(1) Any retail location that possesses a valid Class 1 nursery/floral registration, as required by §22.3 of this title

(relating to Nursery/Floral Registration Classifications and Fees); or

(2) Any person who purchases or otherwise receives a regulated article for that person's own use and not for further sale, distribution or movement, is exempt from the requirements of this section.

Source Note: The provisions of this §19.622 adopted to be effective February 9, 2013, 38 TexReg 491