

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT PROTECTION
ADMINISTRATIVE CODE

CHAPTER 80-10-19
RULES TO ESTABLISH QUARANTINE AGAINST THE CITRUS GREENING
DISEASE (CG) ALSO KNOWN AS HUANGLONGBING DISEASE AND THE ASIAN
CITRUS PSYLLID (ACP)

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80-10-19-.01	<u>Determination Of Problem And Establishment Of Quarantine.</u>

(1) It has been determined that the destructive disease known as citrus greening disease (CG), also known as Huanglongbing disease of citrus, caused by the bacterial pathogen "Candidatus liberibacter asiaticus"., defined as an injurious disease under the provisions of Code of Ala. 1975, §2-25-1(1). It is also found and determined that quarantine against said disease would be in the best interest of horticulture and agriculture in Alabama.

(2) It has also been determined that the destructive insect, Asian Citrus Psyllid (ACP), *Diaphorina citri* Kuwayama, defended as an insect pest under the provisions of Code of Ala. 1975, §2-25-1(1), has been found in the state of Alabama. It is also found and determined that quarantine against said insect

pest would be in the best interest of horticulture and agriculture in Alabama.

(3) The purpose of this quarantine is to establish a quarantine against the citrus greening disease and the Asian Citrus Psyllid for the protection of the citrus industry of Alabama.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: Filed

80-10-19-.02 Definitions. For the purposes of this quarantine, the following definitions shall apply:

(1) **Infestation.** The presence of Citrus Greening or Asian Citrus Psyllid in any stage of development, or the existence of circumstances which make it reasonable to believe that CG or ACP is present.

(2) **Regulated Area.** Any county, parish, township, or city or other civil division or part thereof in any state or territory listed in this quarantine as being placed under quarantine, and such other areas that may become infested or deemed to present a hazard to the citrus industry of Alabama.

(3) **Certificate of Quarantine Compliance.** A certificate or document issued by a duly authorized official, representative of the state of origin verifying compliance with the provisions of this quarantine. Such certificates shall specify pesticidal treatment applied, place where grown, name and address of distributor or consignor, tag number of truck and/or trailer and state of registration, car number if by rail, and name and address of consignee.

(4) **Compliance Agreement.** An agreement between a person and/or business and the Alabama Department of Agriculture and Industries stating the stipulations for the treatment of regulated articles in accordance with the Alabama ACP and CG Quarantine.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19.03 **Quarantine Imposed.** Upon the findings and determinations set out in Rule 80-10-19-.01 above, it is hereby ordered under the provisions of Code of Ala. 1975, §2-25-4(5), that quarantine be imposed upon the articles and pests set out in this quarantine, subject to the conditions imposed by this quarantine.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.04 **Regulated Articles.**

(1) The following materials are hosts of CG and ACP and their movement from quarantined areas is hereby regulated.

(a) Hosts of citrus Greening: All plant and plant parts, including but not limited to nursery stock, cuttings, budwood, and propagative seed (but excluding fruit), of: *Aeglopsis chevalieri*, *Balsamocitrus dawei*, *Bergera* (=Murraya) *koenigii*, *Calodendrum capense*, X *Citrocirus webberi*, *Citrus madurenisi* (=Citrofortunella microcarpa), *Citrus* spp., *Clausena indica*, *Clausena lansium*, *Fortunella* spp., *Limonia acidissima*, *Microcitrus australasica*, *Murraya* spp., *Poncirus trifoliata*, *Severinia busifolia*, *Swinglea glutinosa*, *triphasia trifolia*, *Vepris* (=Toddalia) *lancelolata*.

(b) Hosts of Asian Citrus Psyllid: All plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit, of: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia monophylla*, *Atalantia* spp., *Balsamocitrus dawaei*, *Bergera* (=Murraya) *koenigii*, *Calodendrum capense*, X *Citroncirus webberi*, *Citropsis articulata*, *Citropsis gilletiana*, *C. schweinfurthii*, *Citrus madurensis* (= X Citrofortunella microcarpa), *Citrus* spp., *Clausena anisum-olens*, *C. excavata*, *C. indica*, *C. lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella* spp., *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus 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*.

(c) Any other products, materials, articles, or means of conveyance, if an inspector determines that it presents a risk of spreading CG and ACP, and after the inspector provides written notification to the person in possession of the products, materials, articles, or means of conveyance that it is subject to the restrictions of the regulations.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.05 Out-Of-State Regulated Areas. Out-of-state regulated areas are as follows:

(1) California: The contiguous portion of Imperial and San Diego, Counties, California as described below:

Beginning at the intersection of US Interstate 5 and State Highway 78; then, starting northeasterly along State Highway 78 to its intersection with 10th Street; then, starting southeasterly along 10th Street to its intersection with San Vicente Road; then, starting southwesterly along San Vicente Road to its intersection with Wildcat Canyon Road; then, starting southeasterly along Wildcat Canyon Road to its intersection with Featherstone Canyon Road; then, starting easterly along Featherstone Canyon Road to its intersection with El Cajon Mountain Truck Trail; then, southeasterly along an imaginary line to its intersection with Tule Springs Road; then, starting northeasterly along Tule Springs Road to its intersection with Tule Springs Truck Trail; then, starting northwesterly along Tule Springs Truck Trail to its intersection with Eagle Peak Road; then starting easterly along Eagle Peak Road to its intersection with Pine Hills Road; then starting southeasterly along Pine Hills Road to its intersection with Boulder Creek Road; then starting southwesterly along Boulder Creek Road to its intersection with Engineers Road; then, starting northeasterly along Engineers Road to its intersection with State Highway 79; then, starting southeasterly along State Highway 79 to its intersection with State Highway 78; then, starting northeasterly along State Highway 78 to its intersection with the boundary line of Imperial County; then, starting northerly along the boundary line of Imperial County to its intersection with -115.205269 longitude and 33.428609 latitude; then, southerly along an imaginary line to its intersection with the boundary line of the State of California

at 32.685426 latitude and -115.205269 longitude; then, starting westerly along said boundary line to its intersection with the boundary lines of the City of Oceanside and City of Carlsbad; then, starting northeasterly along the boundary line of the City of Carlsbad to its intersection with US Interstate 5; then, northwesterly along US Interstate 5 to the point of beginning.

- (2) Florida: Entire State for CG and ACP.
- (3) Georgia: The entire State for ACP.
- (4) Louisiana: The parishes of Orleans and Washington for CG; the entire state for ACP.
- (5) Mississippi: The entire state for ACP.
- (6) South Carolina: The County of Charleston for CG; the entire state for ACP.
- (7) Texas: The entire state for ACP.
- (8) All islands in the territory of Guam for ACP.
- (9) Hawaii; All the islands of the state of Hawaii for ACP.
- (10) Puerto Rico: The entire common wealth for ACP.
- (11) Any other county, parish, township, or city or other civil division or part thereof in any state or territory not listed above, hereinafter found to have CG and/or ACP infestations shall at this time be designated a regulated area.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.06 Alabama Regulated Areas. Alabama regulated areas are as follows:

- (1) The entire counties of Baldwin, Covington, Escambia, Geneva, Houston and Mobile.

(2) Any other portions of Alabama not listed above, hereinafter found to have CG and/or ACP infestations shall at this time be designated a regulated area.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.07 Requirements For Movement From An Out Of State Regulated Area Into Alabama.

(a) Regulated articles cited in 80-10-19-.04 (a) originating from areas under quarantine for CG are prohibited entry into Alabama.

(b) Regulated articles originating from an ACP quarantined area must be treated using products approved by the United States Environmental Protection Agency (EPA) and the department for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, restrictions and precautions, including statements pertaining to Worker Protections Standards.

(c) All regulated articles not intended for human or animal consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with a foliar spray with a product containing either acetamipred, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to movement. The drench and foliar spray must be applied at the rate designated for ACP on the product. Additional active ingredients may be approved upon consultation with the United States Department of Agriculture (USDA).

(d) In the case of regulated articles intended for consumption, such as fresh curry leaves (*Bergera (=Murraya) koenigii*), (instead of the treatments specified in subparagraph (c) of this paragraph), or for decorative purposes such as mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, the leaves must be treated prior to the movement in accordance with the Animal and Plant Health Inspection Service's (APHIS) treatment schedule T101-n-2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and must be safeguarded until movement. As an

alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined from CG may be irradiated in accordance with 7 CFR 305.1

(e) All regulated articles that have been treated as provided above must be inspected by the person engaged in growing or handling the regulated articles or by his trained designee and found free of ACP within 72 hours prior to shipping. Inspection of curry leaves treated with methyl bromide fumigation will not be required since the treatment is considered to be effective in killing all life stages of ACP that might be present.

(f) Any person engaged in the business of growing or handling regulated articles in a regulated area must enter into a compliance agreement with the department of agriculture of the state in which they originate. Regulated articles cited in .04b must be accompanied by a Certificate of Quarantine Compliance stating that such articles are in compliance with the Federal Domestic Quarantine Order for CG and ACP and the Alabama Citrus Quarantine for ACP and CG.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.08 Movement Of Regulated Articles Produced In Regulated Areas Of Alabama.

(1) Regulated articles under this rule, produced within an area designated as a regulated area in Alabama as defined in 80-10-19-.02 into areas of Alabama not designated as a regulated area.

(a) Regulated articles must be treated using products approved by the United States Environmental Protection Agency (EPA) and the department for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, restrictions and precautions, including statements pertaining to Worker Protection Standards.

(b) All regulated articles not intended for human or animal consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with foliar spray with a product

containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to product being shipped. Additional active ingredients may be approved upon consultation with the United States Department of Agriculture (USDA).

(c) In the case of regulated articles intended for consumption, such as fresh curry leaves (*Bergera (=Murraya) koenigii*), (instead of the treatments specified in subparagraph (b) of this paragraph), or for decorative purposes such as mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, the leaves must be treated prior to the movement in accordance with the Animal and Plant Health Inspection Service's (APHIS) treatment schedule TT101-n-2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and must be safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined for CG may be irradiated in accordance with 7 CFR 305.

(d) All regulated articles that have been treated as provided above must be inspected by the person engaged in growing or handling the regulated materials or by his trained designee and found free of ACP within 72 hours prior to shipping. Inspection of curry leaves treated with methyl bromide fumigation will not be required since the treatment is considered to be effective in killing all life stages of ACP that might be present.

(e) Any person engaged in the business of growing or handling regulated articles in the quarantine area outlined in 06 must enter into a compliance agreement with the Alabama Department of Agriculture and Industries if the regulated materials are to be moved.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

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80-10-19-.09 Requirements For Lifting Quarantine. Areas of Alabama infected with ACP or CG may be released from quarantine if no ACP or CG is positively identified for 1 (one) complete growing season.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

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80-10-19-.10 Authority Of Commissioner To Inspect And Seize.

Under the Provisions of Code of Ala. 1975, 2-25-3, the commissioner may, after first being properly identified, stop and inspect, without a warrant, any person or means of conveyance moving into, within or from the state of Alabama upon probable cause to believe that such means of conveyance or articles are infested with the Asian Citrus Psyllid or Citrus Greening, and he is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these rules.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.11 Violation Of Quarantine. Any person violating any provisions of this quarantine shall be subject to the penalties imposed under the provisions of Code of Ala. 1975, §2-25-22.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.

80-10-19-.12 Commissioner May Waive Quarantine Requirements.

The commissioner of Agriculture and Industries may, in his discretion, waive any duty, requirement, or any other provision of this quarantine for any time period necessary, if he determines that said waiver would be in the best interests of agriculture, the citrus industry and the citizens of Alabama.

Author: Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-25-1, et seq.

History: New Rule: Filed June 9, 2009; effective July 14, 2009.