

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-10-5
SWEET POTATO WEEVIL QUARANTINE

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80-10-5-.01	<u>Determination And Purpose.</u>

(1) It has been determined that the destructive insect known as the sweet potato weevil, *Cylas formicarius elegantulus* Summers, defined as an insect pest under the provisions of Code of Ala. 1975, §2-25-1(1), has been established in the state of Alabama. It is also found and determined that the above insect pest is injurious to Alabama's sweet potato industry. It is also found and determined that a quarantine against said insect pest

would be in the best interests of horticulture and agriculture in Alabama.

(2) The purpose of this quarantine is to establish a quarantine against the sweet potato weevil for the protection of the sweet potato industry of Alabama.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

Emergency rule filed July 30, 1982. **Repealed and new rule** filed in lieu thereof: Filed September 1, 1983. Rules reformatted - Rule No. changed to Chapter 80-10-5: Filed June 19, 1986.

80-10-5-.02 Definitions. For the purposes of this quarantine, the following definitions shall apply:

(1) Infestation. The presence of the sweet potato weevil in any stage of development, or the existence of circumstances which make it reasonable to believe that the sweet potato weevil is present.

(2) Regulated Area. Any county, parish, township, 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 as may become infested or deemed to present a hazard of spread of the sweet potato weevil.

(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 certificate 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.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.03 Quarantine Imposed. Upon the findings and determinations set out in Rule 80-10-5-.01 above, it is Hereby

Ordered under the provisions of Code of Ala. 1975, §2-25-4(5), that a quarantine be imposed upon the articles and pest set out in this quarantine, subject to the conditions imposed by this quarantine.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.04 **Articles And Pest Regulated.** The following articles and pest shall be regulated by this quarantine:

(1) The living sweet potato weevil in any stage of development;

(2) Sweet potato, *Ipomoea batatas* (L) Lam., roots, plants, vines or parts thereof;

(3) Any vines or roots of other plants belonging to the general *Ipomoea* and *Convolvulus*;

(4) Such other plants as may be found to be hosts of the sweet potato weevil.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.05 **Out-Of-State Regulated Areas.** Out-of-state regulated areas are as follows:

(1) Florida: Entire state.

(2) Georgia: Counties of Brantley, Bryan, Camden, Chatham, Colquitt, Dougherty, Glynn, Grady, Liberty, McIntosh, Tift, and Ware.

(3) Louisiana: Counties of Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bessier, Caddo, Calcasieu, Caldwell, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jackson, Jefferson, Jefferson Davis, LaFayette, Lafourche, Lincoln, Livingston, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe, Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, West Carroll and West Feliciana.

(4) Mississippi: Counties of Adams, Amite, Clarke, Copiah, Covington, Forrest, Franklin, George, Greene, Granada, Hancock, Harrison, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lawrence, Lincoln, Marion, Pearl River, Perry, Pike, Simpson, Smith, Stone, Walthall, Wayne and Wilkinson.

(5) South Carolina: Counties of Beaufort and Charleston.

(6) Texas: Counties of Anderson, Angelina, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Chambers, Cherokee, Colorado, Comal, Coryell, Dewitt, Dimmit, Duval, Edwards, Falls, Fayette, Ft. Bend, Frio, Galveston, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Hidalgo, Houston, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, Lampasas, LaSalle, Lavaca, Lee, Leon, Liberty, Live Oak, Madison, Matagorda, Maverick, McMullen, Medine, Milam, Montgomery, Nacogdoches, Newton, Neuces, Orange, Panola, Polk, Real, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Starr, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoris, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata and Zavalla.

(7) Others: Any other counties, or portions thereof of any state hereinafter found to have sweet potato weevil infestations.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.06 **Alabama Regulated Areas.** Alabama regulated areas are as follows:

(1) The entire counties of Baldwin, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Washington.

(2) That portion of Russell County consisting of the N 1/2 of T 16 N, R 30 E; NE 1/4 of T 16 N, R 29 E; E 1/2 of T 17 N, R 29 E; all of T 17 N, R 30 E; all of T 18 N, R 30 E.

(3) Any other portions of Alabama not listed above, hereinafter found to have sweet potato weevil infestations shall at this time be designated a regulated area.

Authors: Charles H. Barnes, Robert J. Russell

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.07 **Requirements For Weevil Free Sweet Potatoes Entering Alabama.**

(1) Sweet potatoes entering into Alabama from areas of other states that are sweet potato weevil free must have firmly attached to the outside of each container a tag, green in color, issued by a duly authorized official representative of the state of origin, indicating that the sweet potatoes on which the tag is issued were grown, stored and inspected in a sweet potato weevil free area.

(2) Each load shall also be accompanied by a duly executed certificate of quarantine compliance as defined in Rule 80-10-4-.02(3).

(3) It shall be the duty of each Alabama store manager or other person purchasing out-of-state sweet potatoes to inquire of the seller or distributor the area or source where the sweet potatoes were grown or stored, and if the sweet potatoes were grown or stored in sweet potato weevil free areas of other states, such store manager or other person making such purchase shall not purchase such sweet potatoes unless there is attached to each container the green tag containing the above information.

(4) Sweet potatoes entering Alabama from areas of other states designated as sweet potato weevil free, enroute to such places as canning plants, military installations or other such type places where there is immediate processing or special handling, may be shipped in bulk. Each load under the above conditions shall be accompanied by a certificate of quarantine compliance as defined in Rule 80-10-5-.02(3).

(5) Sweet potatoes originating from a sweet potato weevil free area that enter regulated areas of Alabama and other states may not then be later moved into an Alabama sweet potato weevil free area unless said sweet potatoes have been treated by proper fumigation.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.08 Requirements For Sweet Potatoes Entering Alabama From Regulated States.

(1) Sweet potatoes entering Alabama from areas of other states designated as "Regulated" must be accompanied by a valid certificate of quarantine compliance. Each container shall also have firmly attached to it a tag, manila in color, issued by a duly authorized official representative of the state of origin, certifying that the sweet potatoes have been properly fumigated; that they have been packed and handled under such conditions as to eliminate any danger of the spread of the sweet potato weevil; that the articles certified are apparently free from infestation of the sweet potato weevil.

(2) Sweet potatoes entering Alabama from areas of other states designated as regulated areas, enroute to such places as canning plants, military installations or other such type places where there is immediate processing or special handling, may be shipped in bulk. Each load must be properly fumigated and shall be accompanied by a certificate of quarantine compliance as defined in Rule 80-10-5-.02(3) above.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.09 Requirements For Sweet Potatoes Produced In And Only Moved Within Alabama. Sweet potatoes produced in sweet potato weevil free areas in Alabama and only moved within the boundaries of the state are not required to have green tags attached to each container, or be accompanied by a certificate of quarantine compliance. However, persons in possession of such sweet potatoes shall, upon request of the commissioner, provide documentation as to the origin of such material.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.10 Requirements For Sweet Potatoes Moving Into Regulated Areas Of Alabama. Any sweet potatoes originating from any area moving into a regulated area in Alabama shall not then be moved back into a sweet potato weevil free area of the state unless said articles meet the requirements of Rule 80-10-5-.08(2).

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03. Emergency rule filed July 30, 1982. **Repealed and new rule** adopted in lieu thereof: Filed September 1, 1983. Rules reformatted - Rule No. changed to Chapter 80-10-5: Filed June 19, 1986.

80-10-5-.11 Requirements For Regulated Articles Produced In Regulated Areas Of Alabama. Regulated articles under Rule 80-10-5-.04 above, produced within an area designated as a regulated area in Alabama as defined in Rule 80-10-5-.02(2) above, shall be handled as follows:

(1) Owners and/or persons in charge of properties infested with sweet potato weevils and properties within one mile of such infested properties shall not save seed sweet potatoes nor produce slips, vines, cuttings, draws, or any other parts thereof.

(2) Owners and/or persons in charge of properties not infested with sweet potato weevils and which are at least one mile from the nearest infestation may save seed sweet potatoes and produce slips, vines, cuttings, draws, or any parts thereof, provided:

(a) The seed sweet potatoes be hand selected and apparently free of sweet potato weevils and be treated with approved pesticides at the time of storage;

(b) The seed beds be treated as recommended with approved pesticides;

(c) All host material in and around the seed beds be completely destroyed immediately following the last pulling of plants and not later than August 1;

(d) The seed sweet potatoes, slips, vines, cuttings, draws, or any parts thereof be used only on the property where produced.

(3) Field plantings may be made on any property within the regulated area, provided:

(a) Owners and/or persons in charge of properties infested with the sweet potato weevil or noninfested properties within one mile of sweet potato weevil infested property use only Alabama certified planting stock;

(b) Owners and/or persons in charge of infested and noninfested properties carry out all sanitary practices in seed beds, field plantings, and storage units as recommended by the commissioner;

(c) Owners and/or persons in charge of infested properties not plant sweet potatoes within 300 yards of the previous year's field;

(d) Infested and noninfested fields be treated as recommended with approved pesticides;

(e) Failure to comply with the above may result in nonplanting restrictions.

(4) Sweet potatoes originating from a regulated area when inspected and found apparently free of infestation, may move to other points in the regulated area, to any area of another state where movement is possible, to designated processing plants and to approved northern markets upon compliance with the following:

(a) A certificate of quarantine compliance, as defined in Rule 80-10-5-.02(3) above must accompany each load; and

(b) A tag, manila in color, issued by the commissioner, indicating that the sweet potatoes on which the tag is issued were grown in a sweet potato weevil regulated area, but have been inspected and found apparently free of sweet potato weevils, shall be firmly attached to each container.

(5) Regulated articles originating in a regulated area may be moved to any point if properly fumigated. Each load must be accompanied by a certificate of quarantine compliance as defined in Rule 80-10-5-.02(3) above. Also a tag, manila in color, firmly attached to each container shall be issued by the commissioner indicating that the articles were properly fumigated; that they have been produced, packed and handled under such conditions as to eliminate any danger of the spread of the sweet potato weevil; that the articles certified are apparently free from infestation of the sweet potato weevil.

(6) Sweet potatoes produced in a regulated area may be transported through a free area of Alabama enroute to approved northern markets when transported by common carriers, provided that:

(a) The truck or other means of transportation must be officially sealed; and

(b) The shipment is accompanied by a certificate of quarantine compliance, as defined in Rule 80-10-5-.02(3); and

(c) A tag, manila in color, issued by the commissioner, indicating that the sweet potatoes on which the tag was issued were grown in a sweet potato weevil regulated area, but have been inspected and found apparently free of sweet potato weevils, shall be firmly attached to each container.

(7) It shall be the responsibility of the owner and/or the person in charge to detect and destroy domestic hosts (Ipomoea sp. and Convolvulus sp.) of the sweet potato weevil on any property within a regulated area in Alabama whereon sweet potatoes are grown.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§ 2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.12 **Seed Sweet Potatoes And Plants Must Be Certified.**

Seed sweet potatoes and sweet potato plants may not be sold, offered for sale, traded, or given away in Alabama unless they are certified under provisions set forth by the commissioner.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.13 **Requirements For Lifting Quarantine.** Properties located within a regulated area may be released from quarantine if no sweet potato weevils have been found within the past three consecutive years. The minimum area which may be considered for release shall be no less than four square miles, to include the buffer area. The commissioner may waive the requirements set out in this rule if he determines that it would be in the best interests of agriculture and the citizens of the state.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.14 **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 sweet potato weevil, and he is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these rules.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.15 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: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

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80-10-5-.16 Previous Quarantine Repealed. That quarantine identified as Sweet Potato Weevil Quarantine No. 2, dated May 28, 1968, and amendments thereto dated July 16, 1981, September 30, 1981, and all other amendments thereto and all other quarantines against the sweet potato weevil are hereby repealed and withdrawn.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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80-10-5-.17 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 sweet potato industry and the citizens of Alabama.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03.

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