

FOR INFORMATION AND ACTION  
DA-2010-47  
October 14, 2010

SUBJECT: APHIS Issues Federal Order for Citrus Black Spot (*Guignardia citricarpa*) in Florida

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On April 7, 2010, the Animal and Plant Health Inspection Service (APHIS) confirmed the first U.S. detection of Citrus Black Spot (*Guignardia citricarpa*; CBS) on citrus fruit from a commercial Valencia orange grove in Collier County, Florida. APHIS and the Florida Department of Agriculture and Consumer Services, Department of Plant Industry immediately began surveying the area to determine the extent of the CBS infestation. As a result of these surveys, CBS was also detected in Hendry County, Florida.

CBS poses no human health threat, nor does it kill citrus trees. However, this fungal disease causes lesions (blemishes) on the rinds of fruit that make fresh citrus unmarketable, and it can reduce yield and promote fruit drop. All commercial citrus cultivars are susceptible to CBS to some degree with lemon and late-maturing citrus varieties being most vulnerable. Disease symptoms are expressed clearest on the rinds of fruit and appear as round lesions, but similar symptoms may also occur on leaves. The greatest risk of disease transmission is associated with the inoculum from decomposing citrus leaves that have fallen and from infected nursery stock.

Since the initial detection, APHIS prohibited the interstate movement of any *Citrus* spp. plants or plant parts from the affected groves. At the same time, APHIS prepared a draft pest risk assessment that focused on CBS and considered all available evidence with respect to the biology of the disease. Although the PRA concluded that citrus fruit is not a significant pathway for CBS spread, a peer review of the PRA's findings is currently underway. We will carefully consider all of the comments received from the peer reviewers and, if necessary, make changes to the PRA and to our current regulatory framework.

APHIS is issuing the attached Federal Order, effective immediately, which outlines requirements to allow the interstate movement of citrus fruit from the quarantine and regulated areas. This interim action will provide immediate relief to impacted citrus fruit growers and packers and protect citrus producing states and trading partners from CBS. Specifically, as a condition of moving fruit interstate, fruit must be packed in commercial citrus packinghouses operating under compliance agreement with APHIS. The fruit will also be disinfected and shipped with limited permits. APHIS inspectors will monitor packing houses to insure that the conditions in the compliance agreements are fully satisfied.

#### *Additional Information*

Recent scientific assessments conducted by APHIS have indicated that a change in the level of protection against the introduction of CBS may be warranted. Historically, APHIS has

prohibited the importation of citrus fruit from any area where CBS is present unless the area was determined to be free of the disease.

In response to a request from Argentina, APHIS evaluated the risks associated with the importation of fresh lemons from Argentina. Argentina has quarantine-significant citrus pests including CBS. On August 13, 2007, we published a notice in the *Federal Register* making a draft PRA that evaluated the risks associated with the importation of lemons into the continental United States (the lower 48 States and Alaska) from northwest Argentina available for public comment. The draft PRA concluded that the pest risk potential of *Guignardia citricarpa* Kiely, as with the other diseases evaluated, was medium "based on worst-case assumptions, but all are severely limited by the low probability of introduction. Although a very low incidence of either disease may enter on occasional symptomatic fruit, the evidence indicates that it is highly unlikely that any of these diseases could establish via fruit as a pathway."

At the same time, we submitted the draft PRA for scientific peer review in accordance with the Office of Management and Budget standards. Information provided by peer reviewers did not provide substantive science-based information that would cause us to change our determination regarding the risk associated with CBS on lemons from Argentina. It should be noted that lemons are the citrus variety most susceptible to CBS; findings of risk in lemons can be conservatively generalized to other *Citrus* spp.

For additional information regarding the movement of fresh fruit from areas quarantined for CBS, you may contact Deborah McPartlan, National Citrus Program Coordinator at (301) 734-5356.

**/s/ Rebecca A. Bech**

Rebecca A. Bech  
Deputy Administrator  
Plant Protection and Quarantine

**FEDERAL DOMESTIC QUARANTINE ORDER**  
***Guignardia citricarpa*, Causal Agent of Citrus Black Spot (CBS)**  
**DA-2010-47**

The purpose of this Federal Order is to prevent the spread of the plant pathogen *Guignardia citricarpa* Kiely, the causal agent of citrus black spot (CBS), through regulatory authority provided by Section 412(a) of the Plant Protection Act of June 20, 2000, as amended, 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that it is necessary, in order to prevent the dissemination of CBS, to establish restrictions on the interstate movement of regulated articles from quarantined and regulated areas in the State of Florida as described in this Federal Order.

**A. Quarantined Areas:**

The Administrator will list as a quarantined area each State, or each portion of a State, that is within 1 mile of a site where CBS has been confirmed by an inspector to be present, in which the Administrator has reason to believe that CBS is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine area enforcement purposes from localities in which CBS has been found. The Administrator will list as a regulated area each State, or portion of a State, that is within 8 miles of a site where CBS has been detected or that the Administrator considers necessary to regulate because of its inseparability for quarantine area enforcement purposes from areas within 8 miles of a site where CBS has been detected.

Less than an entire State will be designated as a quarantined area or a regulated area only if the Administrator determines that:

1. The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles, except when regulated fruit moves intrastate from a quarantined area for fresh fruit packing or for processing into a product other than fresh fruit in accordance with this order; and
2. The designation of less than the entire State as a quarantined area and/or a regulated area will be sufficient to prevent the interstate spread of CBS.

The Administrator or an inspector may temporarily designate any non-quarantine area as a quarantined area and may temporarily designate any non-regulated areas as a regulated area. The Administrator will give a copy of this Order along with a written notice for the temporary designation to the owner or person in possession of the area to be established as a quarantined area or a regulated area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area or a regulated area will be subject to this Order. When feasible, this area will be added to the list of quarantined areas or regulated areas or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as possible.

The following areas are designated as quarantined areas:

Florida

In **Collier County**: Sections 14, 15, 22 through 28, 33, 34 and 35 in Township 47, Range 29; Sections 01 through 04, 09 through 13, 15 and 16 in Township 48, Range 29; Sections 06 and 07 in Township 48, Range 30.

In **Hendry County**: Sections 35 and 36 in Township 46, Range 31; Section 31 in Township 46, Range 32; Sections 06 and 07 in Township 47, Range 32; Sections 01, 02 and 12 in Township 47, Range 31.

The following areas are designated as regulated areas:

Florida

In **Collier County**: Sections 23 through 27 and 34 through 36 in Township 46, Range 28; Sections 10, 11 and 13 through 36 in Township 46, Range 29; Sections 01, 11 through 14 and 16-36 in Township 46, Range 30; Sections 01 through 04, 9 through 17, 20 through 29 and 32 through 36 in Township 47, Range 28; Sections 01 through 13, 16 through 21, 29 through 32 and 36 in Township 47, Range 29; Sections 01 through 36 in Township 47, Range 30; Sections 01 through 05, 08 through 17, 20 through 29 and 33 through 36 in Township 48, Range 28; Sections 05 through 08, 14 and 17 through 36 in Township 48, Range 29; Sections 01 through 05 and 08 through 36 in Township 48, Range 30; Sections 01 through 03, 11 and 12 in Township 49, Range 28; Sections 01 through 18 in Township 49, Range 29; Sections 01 through 10, 16 and 17 in Section 49, Range 30.

In **Hendry County**: Sections 25 through 28 and 31-36 in Township 45, Range 31; Sections 28 through 35 in Township 45, Range 32; Sections 01 through 34 in Township 46, Range 31; Sections 01 through 30 and 32 through 36 in Township 46, Range 32; Sections 7, 18 through 20 and 29 through 32 in Township 46, Range 33; Sections 03 through 11 and 13 through 36 in Township 47, Range 31; Sections 01 through 05 and 08 through 36 in Township 47, Range 32; Sections 05 through 08, 17 through 20 and 30 in Township 47, Range 33; Sections 01 through 15, 17 through 20, 30 and 31 in Township 48, Range 31; Sections 01 through 10, 17 and 18 in Section 48, Range 32.

Certain quarantined sections are only partially located within 1 mile of a site where CBS has been detected, and certain regulated sections are only partially located within 8 miles of a site where CBS has been detected. In these cases, the Administrator considers it necessary to regulate the entire sections due to their inseparability for quarantine enforcement purposes.

The Administrator has determined that Florida has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles; and that the designation of less than the entire State of Florida as a quarantined area and as a regulated area will be sufficient to prevent the interstate spread of CBS.

#### **B. Regulated Articles:**

The following are regulated articles, and may not be moved interstate from a quarantined area except in accordance with this Order:

1. All citrus (*Citrus* spp.) fruit.
2. All citrus (*Citrus* spp.) plants and plant parts, including leaves for consumption.
3. Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of CBS and the person in possession thereof has been provided notice.

**C. Conditions for Interstate Movement of Regulated Articles:**

1. Fresh fruit from groves within the quarantined area is eligible for movement interstate, only to States other than commercial citrus producing States east of the Mississippi River, if the fruit meets the following conditions:
  - a. The fruit must originate from a grove operating under a compliance agreement.
  - b. The fruit must be packed in a packinghouse operating under a compliance agreement.
  - c. The fruit must be free of symptoms of CBS based on packinghouse inspection by an inspector.
  - d. The fruit must be disinfected at the packinghouse using one of the following treatments:
    1. thoroughly wet for at least 2 minutes with a solution containing 200 parts per million sodium hypochlorite, with the solution maintained at a pH of 6.0 to 7.5; or
    2. thoroughly wet with a solution containing sodium o-phenyl phenate (SOPP) at a concentration of 1.86 to 2.0 percent of the total solution, for 45 seconds if the solution has sufficient soap or detergent to cause a visible foaming action or for 1 minute if the solution does not contain sufficient soap to cause a visible foaming action; or
    3. thoroughly wet for at least 1 minute with a solution containing 85 parts per million peroxyacetic acid.
  - e. The fruit must be accompanied by a limited permit issued by an inspector or by persons operating under a compliance agreement.
2. Fresh fruit from groves within the regulated area is eligible for movement interstate, only to States other than commercial citrus producing States, if the fruit meets the following conditions:
  - a. The fruit must originate from a grove operating under a compliance agreement.
  - b. The grove in which the fruit was produced must be visually surveyed by an inspector no more than 30 days prior to harvest and found to be free of CBS. For groves with multiple harvest cycles, an inspector must conduct a preharvest survey no more than 45 days before each subsequent harvest. In addition, the inspector must collect leaves from the surveyed groves according to a protocol approved by APHIS. The leaves must be submitted for PCR testing for CBS in accordance with an APHIS-approved testing protocol and found to be free of CBS.
  - c. The fruit must be packed in a packinghouse operating under a compliance agreement.
  - d. The fruit must be free of symptoms of CBS based on packinghouse inspection by an inspector.
  - e. The fruit must be disinfected at the packinghouse using one of the following treatments:
    1. thoroughly wet for at least 2 minutes with a solution containing 200 parts per million sodium hypochlorite, with the solution maintained at a pH of 6.0 to 7.5;
    2. thoroughly wet with a solution containing sodium o-phenyl phenate (SOPP) at a concentration of 1.86 to 2.0 percent of the total solution, for 45 seconds if the solution has sufficient soap or detergent to cause a visible foaming action or for 1 minute if the solution does not contain sufficient soap to cause a visible foaming action; or

3. thoroughly wet for at least 1 minute with a solution containing 85 parts per million peroxyacetic acid.
- f. The fruit must be accompanied by a limited permit issued by an inspector or by persons operating under a compliance agreement.

3. Regulated fruit from groves located in a quarantined area or in a regulated area that is not eligible for interstate movement under the conditions stated earlier for domestic consumption may be moved interstate only for immediate export. The regulated fruit must be accompanied by a limited permit issued by an inspector or a person operating under a compliance agreement and must be moved in a container sealed by an inspector directly to the port of export in accordance with the conditions of the limited permit.

4. Within a State with a quarantined area, the State may allow citrus fruit to move intrastate from the quarantined area for packing or processing into a product other than fresh fruit under the following conditions:

**Growers** must operate under a Compliance Agreement that stipulates the following:

- a. Any fruit that is moved from the quarantined area must be transported in vehicles that meet the following conditions:
  1. Must have solid wall construction on the sides and rear of the cargo area need only be covered with a tarpaulin or otherwise covered on the open top, providing that openings around any tailgates or hinged door do not exceed ½ inch.
  2. If with side and rear wall construction of wire mesh screen or expanded metal less than or equal to ¾ x 1-11/16 inch must have the open top of the cargo area covered.
  3. If they have screen mesh openings greater than ¾ x 1-11/16 inch must have the cargo area covered completely (to the bed of the vehicle). In addition, if mesh size is greater than ¾ x 1-11/16 inch, all reductions in mesh size must be done from within the cargo area (e.g., adding steel, fabric or hardware cloth lining).
- b. Vehicles transporting pallet boxes, field boxes, field bins, etc., must have the cargo area covered with a tarpaulin or otherwise covered in a manner that does not allow any openings greater than ½ inch exposing the fruit. In most cases, this cover will have to extend to below the top of the bottom row of boxes. However, if the pallet boxes or field boxes are stacked in a solid wall with no openings of ½ inch or more on the side or back, only the open tops of the exposed boxes are required to be covered.
- c. Covers or tarpaulins may be constructed of any fabric that has a weave of less than ½ inch. In addition, covers must be in good repair and securely fastened or tied down in a manner that will prevent the loss of fruit, leaves, or plant debris while in transit.
- d. Identity of each load of fruit must be maintained by issuing an individually numbered trip ticket containing the following information:
  1. Name of Grove, Land Owner/agent, Lessee, Harvester
  2. License tag number.
  3. Number of boxes contained in load (if not bulk)
  4. Grove block fruit originated in
  5. Processing plant or packinghouse to which fruit is destined
  6. Date of harvest
  7. The word “TARP” written clearly, preferably at the bottom
- e. After being emptied and cleaned of plant debris, trailers, field boxes or bins must be disinfected using:
  1. A 200-ppm solution of sodium hypochlorite with a pH of 6.0 to 7.5; or
  2. A 0.2-percent solution of a quaternary ammonium chloride (QAC) compound; or

3. A solution containing 85 parts per million peroxyacetic acid (indoor use only).

**Processors** receiving whole fruit for juicing and **packers** receiving whole fruit for packing as fresh fruit from the CBS quarantined area must operate under a Compliance Agreement that stipulates the following:

- a. After shipments are emptied at the processing plant or packinghouse, trailers, tarpaulins, field boxes, and field bins must be cleaned of all leaves and other plant debris.
- b. After being emptied at the processing plant or packinghouse and cleaned of plant debris, trailers, field boxes or bins must be disinfected using:
  1. A 200-ppm solution of sodium hypochlorite with a pH of 6.0 to 7.5; A 0.2-percent solution of a quaternary ammonium chloride (QAC) compound; or
  2. A solution containing 85 parts per million peroxyacetic acid (indoor use only).

5. Within a State with a quarantined area, the State may allow the intrastate movement of leaves, stems, debris, culled fruit, or other plant material of any citrus plant from a quarantined area if the following conditions are met:

- a. The plant parts must be moved in an enclosed or covered vehicle cargo area. The cargo must be enclosed or covered in a manner so as to have no openings greater than ½ inch exposing the leaves, litter, etc.
- b. When plant material comes directly in contact with the vehicle, the vehicle must be disinfected following movement.
- c. Culled fruit may only be moved intrastate for processing or destruction by one of the methods below.
- d. All leaves and other plant debris cleaned from trailers, tarpaulins, field boxes and field bins must be handled in one of the following methods subject to monitoring by an inspector:
  1. Heat treated to at least 180 degrees Fahrenheit for a period of at least one hour
  2. Incinerated
  3. Buried at a landfill or other disposal site approved site approved by APHIS or the State and covered with dirt at the end of every day that dumping occurs.

6. Citrus plants and citrus plant parts, other than fresh fruit may not be moved interstate from the quarantined area or the regulated area.

#### **E. Definitions:**

Commercial citrus-producing States: The States of American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and Virgin Islands of the United States.

Compliance agreement: A written agreement between APHIS or a State and a person engaged in growing, processing, handling, or moving regulated or associated articles, wherein the person agrees to comply with stipulations set forth in the agreement. The compliance agreement may be cancelled orally or in writing by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with all of the requirements of this Federal Order.

Inspector: Any employee of APHIS, the U.S. Department of Agriculture, or any employee of a State, a County, or any other person specifically authorized by the Administrator to perform the duties required under this Order.

Limited permit: A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with this part only to a specified destination and only in accordance with specified conditions