

FOR INFORMATION
DA-2007-54
November 02, 2007

SUBJECT: Expansion of the quarantines for citrus greening and Asian citrus psyllids

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is issuing a Federal order today that expands the citrus greening (CG) and Asian citrus psyllid (ACP) quarantines in Florida and expands the number of States and Territories quarantined due to the presence of ACP. These actions are necessary to prevent the interstate spread of CG, also known as huanglongbing, which was first identified domestically in Florida in 2005, as well as to prevent interstate spread of ACP, which is the main vector of CG.

The CG quarantine in Florida affects 28 counties and restricts the movement of all live host plants and plant parts. APHIS may allow the interstate movement of restricted nursery stock if it is grown, produced, manufactured, stored, and handled in a way that prevents the risk of spreading CG. However, the science that could lead to standards allowing such movement from the CG-quarantined area is still being evaluated. In the meantime, nursery stock of host species produced in CG-quarantined counties can only be moved interstate for immediate export. A limited permit must accompany the nursery stock to confirm that the requirements have been met.

As a result of recent studies showing preliminary evidence that CG can be spread through infected seeds, APHIS is restricting the movement of citrus seed used for propagation. APHIS will continue to evaluate the latest science on this issue, including an evaluation of the risk associated with seed-bearing citrus fruit, and update our regulations accordingly. In the meantime, the interstate movement of citrus fruit from either the CG or ACP quarantine areas is not restricted by this Federal order. However, under Florida's citrus canker quarantine, fresh citrus fruit cannot be shipped to any citrus-producing States or Territories. Citrus fruit that is moved interstate from Florida must comply with Federal citrus canker regulations.

Previously only portions of Florida were quarantined due to the presence of the ACP, but under the expanded Federal order, the entire State of Florida along with Guam, Hawaii, Puerto Rico and 32 Texas counties are now quarantined. Although the ACP is present in these areas, CG has not been found anywhere in the United States except in the 28 regulated counties in Florida. In order for ACP-host material to be shipped from ACP-quarantined areas that are not quarantined for CG, this material must be treated, inspected, and stamped with a limited permit to prevent distribution to any citrus-producing States or Territories where the ACP is not currently present. In addition, anyone engaged in the business of growing or handling citrus must enter into a compliance agreement with APHIS. Under the federal order, Florida must establish a parallel intrastate quarantine for CG and Texas must establish a parallel interstate quarantine for ACP, or APHIS will impose state-wide restrictions.

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The attached Federal order is effective immediately. Also attached is the Finding of No Significant Impact resulting from the Environmental Assessment associated with this Federal order.

For additional information about this Federal order, you may contact Stephen Poe, Senior Staff Officer, at (301) 734-8899.

/s/ John Payne /for

Richard L. Dunkle
Deputy Administrator
Plant Protection and Quarantine

2 Attachments

**FEDERAL DOMESTIC QUARANTINE ORDER:
CITRUS GREENING DISEASE (CG)
and
ASIAN CITRUS PSYLLID (ACP)**

The purpose and goal of this order is to prevent the spread of citrus greening disease (CG) also known as Huanglongbing disease of citrus, belonging to the genus *Candidatus Liberibacter* spp., and the Asian citrus psyllid (ACP) 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) considers it necessary, in order to prevent the dissemination of CG and/or ACP, to establish restrictions on the interstate movement of CG host material from quarantined areas in Florida and ACP host material from quarantined areas in Florida, Texas, Hawaii, Puerto Rico, and Guam as described in this Federal Order.

Citrus greening disease, a highly injurious disease of citrus, was first detected in the United States in Miami-Dade County, Florida in 2005, and now has been confirmed in 28 counties in Florida. ACP is both a vector for the disease, and a pest of citrus in its own right. ACP is present in Florida, Hawaii, Puerto Rico, Guam, and portions of Texas.

On September 16, 2005, APHIS issued a Federal Order to impose restrictions on the interstate movement of all CG host plant material and ACP host plant material from quarantined areas in Florida in order to prevent the artificial spread of CG and of ACP. APHIS subsequently updated the restrictions by issuing an revised Federal Order on May 3, 2006 (DA#2006-19, 5/3/06). This action was necessary due to the continuing spread of both CG and ACP. Since that time, infestations of CG have been confirmed in a number of additional counties in Florida, and the ACP is now found extensively throughout the State of Florida, as well as in some counties in Texas, and in Hawaii, Puerto Rico, and Guam. Additional hosts of CG have also been confirmed. This Order updates and replaces all previous versions of the Federal Order regarding quarantines to prevent the dissemination of CG or ACP.

This Federal Order imposes: (1.) A quarantine of portions of the State of Florida for CG, (2.) A quarantine of portions of the State of Texas for ACP, and (3.) Quarantines of the entire States of Florida and Hawaii, the entire Territory of Guam, and the Commonwealth of Puerto Rico, for ACP. The partial State quarantines of Texas (for ACP) and Florida (for CG) are contingent upon each State adopting parallel internal quarantines to provide equivalent controls on the movement of regulated articles from quarantined counties to non-quarantined counties within each State. Accordingly, the States of Florida and Texas must confirm prior to December 1, 2007, the establishment of an internal quarantine that parallels this Federal Order; otherwise it will be necessary to quarantine the entire State in order to prevent the spread of CG or ACP. The confirmation should be made in writing to the State Plant Health Director of the affected State.

I. QUARANTINE FOR CITRUS GREENING DISEASE (CG)

1. Quarantined Areas. The following areas are quarantined due to the presence of CG:

Florida:

All of Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardy, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Marion, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, Sarasota, Seminole, St. Johns, St. Lucie, and Volusia counties.

2. Restricted Articles. The following articles are hosts of CG and are prohibited from being moved interstate from areas quarantined due to the presence of CG:

All plants and plant parts, including but not limited to nursery stock, cuttings, budwood, and seed (but excluding fruit), of: *Aeglopsis chevalieri*, *Balsamocitrus dawei*, *Bergera* (= *Murraya*) *koenigii*, *Calodendrum capense*, *Citrofortunella microcarpa*, × *Citroncirus webberi*, *Citrus* spp., *Clausena indica*, *C. lansium*, *Fortunella* spp., *Limonia acidissima*, *Microcitrus australasica*, *Murraya* spp., *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Toddalia lanceolata*, and *Triphasia trifolia*.

The Administrator may allow the interstate movement of restricted plants and/or nursery stock if it has been grown, produced, handled, treated, and transported in a manner that, in the judgment of the Administrator, prevents the restricted article from presenting a risk of spreading CG. Regulated plants and trees grown, produced, or maintained at a nursery or other facility located in a quarantined area that are not eligible for interstate movement under this Federal Order may be moved interstate only for immediate export. These regulated plants and trees must be accompanied by a limited permit issued in accordance with Section 3C (below) and must be moved directly to the port of export in accordance with the conditions of the limited permit, in a container sealed by APHIS.

II. QUARANTINE FOR THE ASIAN CITRUS PSYLLID (ACP)

1. Quarantined Areas. The following areas are quarantined due to the presence of the ACP:

Florida: All counties in Florida.

Texas:

Aransas, Atascosa, Bee, Bexar, Brazoria, Brooks, Caldwell, Cameron, Dimmit, Duval, Harris, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, Live Oak, Matagorda, Maverick, McMullen, Nueces, Refugio, San Patricio, Starr, Uvalde, Val Verde, Victoria, Waller, Washington, Webb, Willacy, and Zapata counties.

Guam: All islands of the Territory of Guam.

Hawaii: All islands of the State of Hawaii.

Puerto Rico: The entire Commonwealth.

2. Regulated Articles. The following are regulated articles based on the fact that they are plants or plant parts that are hosts of ACP. Regulated articles may only be moved interstate from areas quarantined due to the presence of the ACP in accordance with this Order:

A. From portions of Florida regulated for CG (Section I., 1. of this Federal Order), plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit of the following species which are hosts of ACP but not hosts of CG: *Aegle marmelos*, *Afraegle gabonensis*, *A. paniculata*, *Atalantia* spp., *Citropsis gillettiana*, *C. schweinfurthii*, *Clausena anisum-olens*, *C. excavata*, *Eremocitrus glauca*, *Eromocitrus* hybrid, *Merrillia caloxylon*, *Microcitrus australis*, *M. papuana* x *Microcitronella*, *Naringi crenulata*, *Pamburus missionis*, *Toddalia asiatica*, *Vepris lanceolata*, and *Zanthoxylum fagara*.

B. From portions of Florida not quarantined for CG, and from all other States or portions of states, Territories, and the Commonwealth of Puerto Rico, quarantined for ACP, all plants, budwood, cuttings, or other fresh or live plant parts except seed and fruit of species that are hosts of ACP: *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *Afraegle paniculata*, *Atalantia* spp., *Balsamocitrus dawei*, *Bergera* (= *Murraya*) *koenigii*, *Calodendrum capense*, *X Citrofortunella microcarpa*, *X Citroncirus webberi*, *Citropsis schweinfurthii*, *Citrus* spp, *Clausena anisum-olens*, *Clausena excavata*, *Clausena indica*, *Clausena lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Fortunella* spp, *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *Microcitrus papuana*, *X Microcitronella 'Sydney'*, *Murraya* spp, *Naringi crenulata*, *Pamburus missionis*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Toddalia asiatica*, *Toddalia lanceolata*, *Triphasia trifolia*, *Vepris lanceolata*. *Xanthoxylum fagara*.

3. Requirements for Interstate Movement. In order to be eligible to move interstate from quarantined areas, regulated articles must meet the following requirements:

A. Treatment.

i. All regulated articles moving interstate from areas quarantined for the ACP must be treated using an Environmental Protection Agency (EPA)-approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and restrictions and precautions, including statements pertaining to Worker Protection Standards; and

ii. All regulated articles 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 acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to movement.

or, iii. In the case of fresh curry leaf (*Bergera* (= *Murraya*) *koenigii*) leaves intended for consumption, instead of the treatments specified in i. and ii., the leaves must be treated prior to the interstate movement in accordance with 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 safeguarded until export. This information can be found on page 5-2-28 of the treatment manual, located on line at: http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment_pdf/05_02_t100schedules.pdf

- B. Fresh fruit. While fresh fruit is not a regulated article under this Federal Order, fruit being moved interstate from areas quarantined for ACP to citrus producing areas where ACP is not present (Alabama, American Samoa, Arizona, California, Louisiana, Northern Mariana Islands, Puerto Rico, those portions of Texas not quarantined due to the presence of ACP, and the Virgin Islands of the United States) must be cleaned using normal packinghouse procedures. This means that fruit moved in bulk containers to these areas for repacking or processing can not come directly from groves, but must go through the normal cleaning process at a packinghouse before it is moved.
- C. Inspection. All regulated articles that have been treated as provided above must be inspected by an inspector and found free of the ACP within 72 hours prior to shipping. Inspection of curry leaf that is 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.
- D. Limited Permit. The regulated articles may not be moved to Alabama, American Samoa, Arizona, California, Louisiana, Northern Mariana Islands, those portions of Texas not quarantined due to the presence of ACP, and the Virgin Islands of the United States, and must be accompanied by a limited permit issued by an authorized representative of the State, Territory, Commonwealth, or APHIS, or by a person operating under compliance agreement as specified below. The statement "Limited permit: Not for distribution in AL, AZ, CA, LA, those areas in TX not quarantined due to the presence of ACP, American Samoa, Northern Mariana Islands, and Virgin Islands of the United States" must be displayed on a plastic or metal tag attached to each plant, or on the box or container if the plant is sealed in plastic, or in the case of plant parts (leaves, cuttings, etc.) on the box or other container in which plant material is packed. In addition, this statement must be displayed on the outside of any shipping containers used to transport these plants, and the limited permit must be attached to the bill of lading or other shipping document that accompanies the plants. This labeling may not be used on plants or products that do not meet the requirements of this Order.

Curry leaf (*Bergera* (= *Murraya*) *koenigii*) leaves intended for consumption that have been fumigated using methyl bromide in accordance with T101-n-2 as specified in 3. A. iii. may be moved to any state or area. The boxes or containers in which the treated leaves are moved interstate must be marked to indicate where the leaves were produced and must also indicate that the leaves have been treated in accordance with APHIS entry requirements.

E. Compliance Agreements. Any person engaged in the business of growing or handling regulated articles for interstate movement may enter into a compliance agreement with the Animal and Plant Health Inspection Service to facilitate the interstate movement of regulated articles in accordance with all of the requirements of this Federal Order and this specific subpart, subject to monitoring and audits by the State, Territory, Commonwealth, or APHIS regulatory official. Such persons must agree to handle, pack, process, treat, and move regulated articles in accordance with this Federal Order; to use all permits and certificates in accordance with instructions; and to maintain and offer for inspection such records as may be required. Compliance agreements may be arranged by contacting a local office of Plant Protection and Quarantine, Animal and Plant Health Inspection Service (listed in local telephone directories), or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

Cancellation. Any 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 and this specific subpart. If the person is given notice of cancellation orally, written confirmation of the decision and the reasons for it must be provided as promptly as circumstances allow. Any person whose compliance agreement is cancelled may appeal the decision in writing to the Administrator within 10 days after receiving the written notification. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Administrator must grant or deny the appeal, in writing, stating the reasons for the decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

5. Definitions

Inspector. Any person authorized by the Administrator of APHIS to enforce the requirements of this Order.

substantial increase in the use of these chemicals because the number of nurseries that would move any regulated articles, under the Federal order, is believed to be less than 10 nurseries.

In addition, the program use of chemical treatments will be limited to the nursery. Only individuals who work in the nursery or the occupational workers will be exposed to the chemicals. Protective gear and safety precautions required by the label and standard operating procedures are designed to ensure that no adverse effects to program workers will be expected. The EA concluded that the use of these treatments is unlikely to impact most nontarget wildlife because of the location of the treatments in the nursery setting and because in Florida, where most citrus nurseries are located, the State will require as of January 1, 2008, all citrus nursery stock and other hosts of CG to be propagated inside of insect-proof enclosures. The enclosures will exclude nontarget wildlife. In addition, the effects of chemical treatments to the quality of the air, soil and water will be of no consequence and be of limited time duration.

The use of methyl bromide in the treatment of curry leaf is not toxic to humans or wildlife and will not persist in soil and water. Methyl bromide is a substance classified by the U.S. Environmental Protection Agency, under the Clean Air Act, as an ozone-depleting chemical; however, the use of methyl bromide for the movement of curry leaf is expected to be very small and well below any levels that could contribute measurably to ozone depletion.

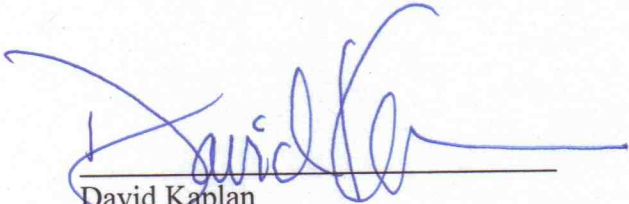
The potential for affecting threatened and endangered species exists only at the site where the chemical treatments will occur, namely in the nurseries. Therefore, APHIS intends to evaluate each nursery that may apply pesticides for ACP control under this Federal order to determine its potential for impacting endangered and threatened species and critical habitat. APHIS will consult with U.S. Fish and Wildlife Service and/or National Marine Fisheries Service to insure that proper measures are taken to protect endangered and threatened species.

Due to the nature of the proposed actions described herein, we anticipate no disproportionate adverse effects to minorities, low-income populations, or children in accordance with Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations," and Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks."

Since CG is a highly injurious citrus disease, and ACP is harmful both as the insect vector of the disease and as a citrus pest, in its own right, APHIS has determined that it is necessary to immediately address both the disease and the associated insect pest. This will be accomplished by the restriction of hosts of CG from areas where the disease is present, and the regulation and treatment of plants that are hosts of the psyllid from those areas where the insect is present and may be spread through the movement of infested nursery stock. APHIS will expand the CG regulatory program in Florida immediately and is issuing a Finding of No Significant Impact for the EA before the comment period on the EA concludes. Nevertheless, all comments received on the EA will be evaluated and responded to after the comment period has ended.

The purpose of preparing an EA is for an agency to determine whether a significant environmental impact is likely to occur as a result of the proposed action. An environmental impact statement (EIS) must be prepared if implementation of the proposed action may significantly affect the quality of the human environment. I have determined that there would be no significant impact to the human environment from the implementation of the new Federal

order and, therefore, no EIS needs to be prepared. APHIS' finding of no significant impact from the Federal order is based up on the expected limited environmental consequences, as analyzed in the EA.



David Kaplan
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Animal and Plant Health Inspection Service

11/1/2007.
Date