

FOR INFORMATION AND ACTION
DA-2010-62
December 22, 2010

SUBJECT: Quarantine Areas Established for Sweet Orange Scab (*Elsinoë australis*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, the Animal and Plant Health Inspection Service (APHIS), is establishing quarantine areas for the entire States of Louisiana, Mississippi and Texas in response to detections of sweet orange scab, *Elsinoë australis*. APHIS is taking this action to protect other citrus-producing States as well as our trading partners from this disease.

The attached Federal Order outlines specific requirements for allowing the interstate movement of most fresh citrus fruit into all states, including citrus-producing states, from these areas. Fresh organic fruit from quarantine areas that display disease symptoms may only be shipped under a limited permit to non-citrus producing states.

Sweet orange scab (SOS) was also detected in several shipments of limes from Mexico; consequently, equivalent measures are also being imposed on Mexican citrus. U.S. Customs and Border Protection will verify that fresh fruit intended for entry into the United States from Mexico was processed using standard packinghouse protocols.

APHIS recently completed a draft pathway risk analysis (PRA), which was published on the Agency's website today for a 90-day public review and comment period. Based on the scientific data gleaned from the PRA, APHIS determined that fresh fruit is not a pathway for the spread of sweet orange scab provided it undergoes industry-based packinghouse procedures. To review the analysis and/or provide comments, please visit the APHIS Website at www.aphis.usda.gov/plant_health/plant_pest_info/citrus/index.shtml.

The Order also specifies requirements for plant parts other than fruit and for nursery stock. Specifically, citrus plant parts from the quarantine areas that do not display disease symptoms during inspection can ship to all states, whereas citrus nursery stock may only be shipped to non-citrus-producing states.

Sweet orange scab is a fungal disease of citrus that results in unsightly, scab-like lesions developing on fruit rinds. The damage produced is superficial and does not affect internal fruit quality but can impact fresh fruit marketing. The pathogen can be spread long distances within infected nursery stock and other plant parts. Since late July 2010, APHIS confirmed the first U.S. detections of the disease in Texas, Louisiana, and Mississippi. Under the cooperative Citrus Health Response Program, APHIS is working with the affected State departments of agriculture to implement the provisions of the Federal Order to prevent further spread of the pathogen. Under the International Plant Protection Convention standards, *E. australis* is considered to be a pest that is transient, actionable, and under surveillance.

For additional information, you may contact Phil Mason, Western Regional Program Manager, at (970) 494-7565, Leon Bunce, Eastern Regional Program Manager, at (919) 855-7360, or Deborah McPartlan, National Program Manager, at (301) 734-5356.

/s/ Jane E. Levy for

Rebecca A. Bech
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Plant Protection and Quarantine

FEDERAL QUARANTINE ORDER

Elsinoë australis Bitanc. & Jenkins Causal Agent of Sweet Orange Scab (SOS)

DA-2010-62
December 22, 2010

The purpose of this Federal Order is to prevent the spread of the fungal plant pathogen, *Elsinoë australis* Bitanc. & Jenkins, the causal agent of Sweet Orange Scab (SOS), 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 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 SOS, to establish restrictions on the interstate movement of certain regulated articles from the States of Louisiana, Mississippi, and Texas as described in this Federal Order.

The regulatory requirements specified in this Federal Order shall be effective immediately and are being published simultaneously with the pathway risk assessment entitled “The significance of *Citrus* spp. fruit as a pathway for the introduction or spread of *Elsinoë australis*, the organism that causes sweet orange scab disease,” which will be posted for a 90 day public comment period on the APHIS website at http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/sweet_orange.shtml. APHIS will consider all comments received during the comment period and shall modify the conditions specified in this Federal Order should we receive any substantive information that compels a shift in our interim policy.

APHIS has applied similar mitigation measures to Mexico and will apply such measures to the importation of regulated articles from other countries where SOS is confirmed to exist.

A. Quarantine Areas:

The Administrator will list as a quarantine area each State, or each portion of a State, in which SOS has been confirmed by an inspector to be present, in which the Administrator has reason to believe that SOS is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which SOS has been found.

Less than an entire State will be designated as a quarantine 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; and
2. The designation of less than the entire State as a quarantine area will be sufficient to prevent interstate spread of SOS.

The Administrator or an inspector may temporarily designate any non-quarantine area as a quarantine 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 non-quarantine area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantine area will be subject to this Order. As soon as practicable, this area will be added to the list of quarantine 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 practicable.

The following areas are designated as quarantine areas:

1. Entire State of Louisiana
2. Entire State of Mississippi
3. Entire State of Texas

B. Regulated Articles:

The following are regulated articles, and may not be moved interstate from a quarantine area unless accompanied by a certificate or limited permit issued in accordance with this Order:

1. Fruit of *Citrus spp.* and *Fortunella spp.*
2. All plants and plant parts (except seeds), including leaves for consumption, budwood, and nursery stock of *Citrus spp.* and *Fortunella spp.*
3. Other articles intended for consumption, as apparel or as a similar personal accessory, or decorative use made from *Citrus spp.* and *Fortunella spp.*
4. 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 SOS and the person in possession thereof has been provided notice.

C. Conditions for Interstate Movement of Regulated Articles:

1. Regulated articles may move from one State in the SOS quarantine area to another contiguous State in the quarantine area without further restriction.
2. Regulated fruit from SOS quarantine areas may move interstate under certificate to all States under the following conditions:
 - a. Fruit must be practically free of leaves, stems, or other regulated plant material;

- b. Fruit must be washed, disinfested, treated, and waxed at the packing house, prior to shipment, using an APHIS-approved packing house procedure located on the APHIS website:
http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/sweet_orange.shtml;
 - c. Fruit must be packed in a packing house operating under a signed compliance agreement with APHIS; and
 - d. The certificate must be present on both paperwork accompanying the shipment and on the containers in which the fruit is packed.
3. Regulated organic fruit from SOS quarantine areas may move interstate from the packing house under certificate to all States under the following conditions:
 - a. Fruit has been inspected and determined to be asymptomatic based on visual inspection by an inspector at the packing house;
 - b. Fruit must be practically free of leaves, stems or other regulated plant material;
 - c. Fruit must be washed and disinfested at the packing house, prior to shipment using an APHIS-approved packing house procedure, which can be found on the website listed under Section 2b of this Federal Order;
 - d. Fruit must be packed in a packing house operating under a signed compliance agreement with APHIS; and
 - e. The certificate must be present on both paperwork accompanying the shipment and on the containers in which the fruit is packed.
4. Regulated organic fruit from SOS quarantine areas that exhibits symptoms may only move interstate from the packing house under limited permit to noncommercial citrus-producing States under the following conditions:
 - a. Fruit must be practically free of leaves, stems or other regulated plant material;
 - b. Fruit must be washed and disinfested at the packing house, prior to shipment using APHIS-approved packing house procedure, which can be found on the website listed under Section 2b of this Federal Order;;
 - c. Fruit must be packed in a packing house operating under a signed compliance agreement with APHIS; and
 - d. The limited permit must be present on both paperwork accompanying the shipment and on the containers in which the fruit is packed.
5. Fresh host plant parts (including leaves for consumption, as apparel, or as a similar personal accessory, or decorative use), excluding fruit, propagative material, and nursery stock from quarantine areas may move with a certificate to all States under the following conditions:
 - a. Producers and/or distributors must have a signed compliance agreement with APHIS.

- b. Regulated articles must be asymptomatic based on visual inspection by an inspector.
- c. The certificate should be present on both the paperwork accompanying the shipment and on the containers in which the regulated articles are packed.

6. Nursery stock from quarantine areas will only be allowed interstate movement to non-commercial citrus-producing States with a limited permit under the following conditions:

- a. Any person engaged in growing, processing, handling, or moving host nursery stock in an SOS quarantine area must enter into a compliance agreement with APHIS.
- b. Nursery stock may only be shipped if accompanied by a limited permit issued by an inspector verifying that all conditions of this Federal Order and any additional requirements stipulated in the compliance agreement have been met. A copy of the limited permit must be attached to the consignee's copy of the accompanying waybill.
- c. Nurseries must be inspected by an inspector on a quarterly basis to verify absence of SOS.
- d. Nursery stock for shipping must undergo a pre-shipment inspection on each lot within 5 days before shipment. If no SOS-positive plants are found, the plants may be shipped after treatment with an APHIS-approved fungicide. The list of approved treatments is located on the APHIS website at:
http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/sweet_orange.shtml
- e. Each host plant being moved interstate must be labeled with adequate identifying information to permit trace back to each premises on which the plants were grown.
- f. Facilities must maintain records of inspections, treatments, invoices, and shipments made under this protocol and make the records available to APHIS upon request. Each facility must maintain all records for at least 3 years after the interstate shipment of the citrus nursery stock.
- g. Facility owners and employees must allow inspectors access to the facility to ensure compliance with this Federal Order.

D. Definitions

Certificate: A document, stamp, or other means of identification approved by APHIS and issued by an inspector or person operating under a compliance agreement when he or she finds that, because of certain conditions, a regulated article can be moved safely from a quarantine area.

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 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.

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 issued by an inspector or person operating under a compliance agreement to allow the interstate movement of regulated articles to a specified destination, for specified handling, processing, or utilization.