

FOR INFORMATION
DA-2012-49
December 3, 2012

SUBJECT: APHIS Updates Protocol for the Interstate Movement of Citrus Nursery Stock from Areas Regulated for Citrus Canker, Citrus Greening, or Asian Citrus Psyllid

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective today, APHIS updated its “Interstate Movement of Citrus and other Rutaceous Plants for Planting from Areas Quarantined for Citrus Canker, Citrus Greening, or Asian Citrus Psyllid” protocol. This protocol, which was first issued in April 2011, lists standards and requirements that nurseries have to meet in order to move citrus nursery stock interstate from areas quarantined for citrus canker, citrus greening, and Asian citrus psyllid.

In response to questions by stakeholders, APHIS revised the protocol to clarify certain provisions, including:

- facility design and construction guidelines,
- production requirements for compartmentalized facilities,
- requirements for clean stock program source material,
- citrus canker sanitation, visual inspection, trapping, and detection requirements, and
- eligibility requirements for shipments moving from Asian citrus psyllid-regulated areas.

The updated protocol is attached to this notice and is also available at:

http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/index.shtml

For additional information regarding this program, please contact Dr. Prakash Hebbar, National Citrus Health Response Program Coordinator, at Area Code (301) 851-2228.

/s/ Osama El-Lissy for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

1 Attachment:

Updated CNS protocol

**United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine**

**DA-2012-49
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**INTERSTATE MOVEMENT OF CITRUS AND OTHER RUTACEOUS PLANTS
FOR PLANTING FROM AREAS QUARANTINED FOR
CITRUS CANKER, CITRUS GREENING, OR ASIAN CITRUS PSYLLID**

The interstate movement of citrus nursery stock is prohibited from areas quarantined for Citrus Canker (CC), Citrus Greening (CG), or Asian Citrus Psyllid (ACP) unless moved in accordance with (1) regulations contained in CFR §301.76, (2) all applicable State laws, and (3) the requirements below. This protocol provides conditions for the interstate movement of citrus nursery stock from quarantined areas, including provisions for unrestricted movement under certificate from areas quarantined for CC, CG, and ACP, and provisions for restricted movement from areas quarantined for ACP.

I. General Requirements For Interstate Movement To All U.S. States From Areas Quarantined For CC, CG, or ACP:

- A. In addition to these general requirements, the conditions of Sections II, III, and/or IV must be met for the interstate movement of citrus nursery stock under certificate to all areas of the United States from CC, CG, and ACP quarantine areas, respectively, except as provided otherwise in Section V.
- B. If an area is quarantined for more than one of the indicated pests, the more stringent of the requirements in Sections II, III, or IV will apply, as determined by an inspector.
- C. Compliance Agreements and Certificates.
 - 1. Any person engaged in growing, processing, handling, or moving citrus nursery stock in an area quarantined for CC, CG, or ACP must enter into a compliance agreement¹ with APHIS if he or she wishes to move citrus nursery stock interstate.

¹ In the compliance agreement, the person agrees that the movement of citrus nursery stock will be in accordance with this protocol, subject to monitoring and audits by the State or APHIS regulatory official. Such persons must agree to handle, pack, process, treat, and move citrus nursery stock in accordance with this protocol; 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, APHIS, online at: http://www.aphis.usda.gov/services/report_pest_disease/report_pest_disease.shtml (listed in local telephone directories), or by contacting APHIS, PPQ, Pest Management, 4700 River Road, Unit 137, Riverdale, Maryland 20737-1236.

2. Citrus nursery stock may only be shipped interstate to all U.S. States if accompanied by a certificate² issued by an inspector verifying that all conditions of this protocol and any additional requirements stipulated in the compliance agreement have been met. A copy of the certificate must be attached to the consignee's copy of the accompanying waybill.
3. A certificate or compliance agreement that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the certificate or compliance agreement has not complied with all conditions in this protocol. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose certificate or compliance agreement has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or 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.

D. Facility.

1. Except as noted in Sections II and V, all citrus nursery stock for interstate shipment must be produced in an exclusionary facility as described below.
2. Based on a systems approach as recommended by Risk Management Assessment (RMA), the facility must be designed and constructed to exclude quarantine pests and diseases. The owner of the facility is responsible for maintaining the integrity of the facility and ensuring it remains pest-free. APHIS must be notified immediately if any breaches are detected. Each facility must have a minimum buffer area to permit reasonable access for inspection and equipment. Entryways must be designed and constructed to exclude pests. All facility emergency exit doors must be marked 'Emergency Exit Only' and not used as an entrance. Design may include, but not be limited to screening with openings approximately 0.3 square millimeters (e.g. 0.547 x 0.547, or 0.5 x 0.6) or less in size, forced air curtains, and double door positive air pressure compartments. Exterior screenhouse air sources utilized to create positive pressure may be covered with approximately 0.3 square millimeter (or less) screening to exclude pests.

² A certificate is a document, stamp, or other means of identification approved by APHIS and issued by an inspector when he or she finds that because of certain conditions, a regulated article can be moved safely from an area quarantined for the indicated pest or disease without spreading the pest or disease. This certificate authorizes the interstate movement of citrus nursery stock and is therefore provided pursuant to the provisions of the Plant Protection Act (PPA) of 2000, as amended, 7 USC 7001 et seq., and anyone issuing such a certificate must comply with all of the applicable provisions of the PPA including 7 USC 7734.

3. A compartmentalized facility may grow eligible citrus nursery stock and non-eligible citrus nursery stock under one roof. The eligible plants must have effective and comparable protections that have been determined by APHIS to ensure that the plants were maintained in a manner to prevent the introduction of quarantine pests and diseases.
- E. Clean Stock Program Source Material. All citrus nursery stock produced for interstate movement must originate from an APHIS-approved State certified clean stock program³. To be approved by APHIS, such programs must use source material that has undergone therapy, and must be tested, inspected, and found negative for pests of quarantine significance. Plants must be grown inside the facility. For rutaceous plants this means grown from seed or budwood. Only budwood and seed may enter a facility. The citrus nursery stock must be maintained inside the facility for its entire life until the stock is sold.
- F. Safeguarding and Sanitation.
1. All facilities, containers, or conveyances where citrus nursery stock that is eligible for interstate movement under this protocol is grown, stored, or shipped must be free of all extraneous plant material and must be cleaned, and/or treated to ensure freedom from pests and diseases prior to the entry of nursery stock eligible for interstate movement or other clean plant material.
 2. Citrus nursery stock eligible for interstate movement under certificate in accordance with this protocol may not enter or be grown, stored, or shipped in the same facility,⁴ container, or conveyance as other citrus nursery stock that does not meet the requirements of this protocol or citrus nursery stock from ACP quarantined areas eligible for interstate movement in accordance with Section V of this protocol. If citrus nursery stock eligible for interstate movement enters, is grown, stored, or shipped in the same facility, containers, or conveyance as other citrus nursery stock or is otherwise commingled with or exposed to such citrus nursery stock, all plants are prohibited interstate shipment.
 3. Vehicles and other equipment entering facilities must be free of all extraneous plant material and soil and cleaned to ensure that the facility remains free of pests.
 4. The facility where citrus nursery stock is produced for interstate movement must have procedures in place that are designed to protect the material from the introduction of pests while loading takes place. Procedures can consist of

³ The use of the term “Clean Stock Program” is for the purposes of this protocol only. This is not intended to prescribe an APHIS standard for clean stock programs, generally.

⁴ Compartmentalized facilities may grow citrus nursery stock eligible for interstate movement in accordance with this protocol and non-eligible citrus nursery stock under one roof only if the eligible plants have effective and comparable protections that have been determined by APHIS to ensure that the plants were maintained in a manner to prevent the introduction of the quarantine disease(s).

treatments, protective sleeves, covered loading areas, pest-exclusionary loading areas, etc. Loading must take place in a manner that allows for minimal exposure to the outside environment.

5. When removing citrus nursery stock for interstate movement, the plants must be loaded from the facility into a solid-sided, sealable shipping container or conveyance in a manner that is designed to exclude the entry of pests.
- G. Labeling. Each rutaceous plant being moved interstate must be labeled with adequate identifying information to permit trace-back to each premise on which the plants were grown.
- H. Recordkeeping. 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 shipment of the nursery stock interstate.
- I. Access by Inspectors. Facility owners and employees must allow inspectors access to the facility to ensure compliance with this protocol.

II. Requirements For Interstate Movement From Citrus Canker (CC) Quarantined Areas To All U.S. States:

- A. Facility. Citrus nursery stock must be grown in a facility that meets the requirements of Section I. D. of this protocol. Additionally, the facility must be designed and constructed to exclude citrus canker and be resistant to wind-blown rain. Each facility must have a buffer area with a minimum of 100 feet around the facility that is free of rutaceous plant material. If 100 feet is not feasible, a minimum buffer area of 25 feet is allowed if the side of the screenhouse facing rutaceous plant material is constructed with a water-proof wall, or double-walled constructed with a minimum of a 4-inch space between each screen.
- B. Sanitation.
1. Prior to entering the facility where citrus nursery stock is grown for interstate movement, personnel must disinfect hands and arms and spray clothing and footwear with a product approved by APHIS to be effective against citrus canker.
 2. Vehicles, equipment, and other articles used to handle or move citrus nursery stock must be treated in accordance with Title 7, *Code of Federal Regulations*, part 305, upon entering the premises.
- C. Visual Inspection, Testing, and Detection.
1. Plants for interstate movement in the facility must be visually inspected by an inspector every 30 calendar days for symptoms of citrus canker. Citrus nursery stock must be subjected to at least 3 inspection cycles to be eligible for interstate movement.

2. All plants showing symptoms of citrus canker upon inspection must be tested by a specialist certified by APHIS at a laboratory approved by APHIS using a protocol approved by APHIS; plants must be held in the facility until the test results are returned.
3. If CC is detected in a facility under compliance agreement to ship citrus nursery stock interstate, APHIS must be notified immediately of the findings.
 - a. If no compartmentalization exists within the facility, all citrus nursery stock contained within that facility is prohibited from interstate shipment. All plants must be removed from the facility and the facility will be required to undergo APHIS-approved treatment measures before any additional plant material eligible for interstate movement under this section is allowed entry.
 - b. If compartmentalization of the facility exists, APHIS will complete a risk assessment to determine regulatory response. All plants will be prohibited from movement out of the facility until completion of the risk assessment.

III. Requirements For Interstate Movement From Asian Citrus Psyllid (ACP) Quarantined Areas To All U.S. States:

- A. Facility. Citrus nursery stock must be grown in a facility that meets the requirements of Section I. D. of this protocol.
- B. Visual Inspection, Trapping, and Detection.
 1. Plants in the facility must be visually inspected every 30 days for the presence of ACP using methods approved by APHIS and stipulated in the compliance agreement, and any detections of ACP or other quarantine pests must be reported to APHIS immediately.
 2. Inspection methods may include, but not be limited to:
 - a. Yellow sticky panels
 - b. Vacuum suction of plants
 - c. Tapping of plants
 - d. Other methods approved by APHIS
 3. If ACP is detected in a facility:
 - a. No further shipments under this section will be allowed from the facility until APHIS provides authorization.
 - b. If compartmentalization of the facility exists, APHIS will complete a risk assessment to determine regulatory response.
 - c. If compartmentalization does not exist, citrus nursery stock may only be moved interstate to States that are not citrus producing States in

accordance with Section V of this protocol. All citrus nursery stock must be removed from the facility and the facility will be required to undergo APHIS-approved treatment measures before any additional plant material eligible for interstate movement under this section is allowed entry.

C. Treatment.

1. All citrus nursery stock must be treated with an APHIS-approved systemic insecticide (soil drench) at least 30 days but no more than 3 months (90 days) before shipment. This must be followed by an APHIS-approved foliar spray no more than 10 days before shipment. Treatment must be with an APHIS- and EPA-approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and all restrictions and precautions, including statements pertaining to Worker Protection Standards.
2. Treatments must be verified by APHIS or State personnel.

- D. Eligibility for Shipment. Citrus nursery stock for interstate movement must be subjected to at least 3 inspection cycles (at least 2 monthly inspections and 1 shipment inspection). The citrus nursery stock must be maintained inside the facility for its entire life until the nursery stock is sold.

IV. Requirements For Interstate Movement From Citrus Greening (CG) Quarantined Areas To All U.S. States:

- A. Facility. Citrus nursery stock must be grown in a facility that meets the requirements of Section I. D. of this protocol.
- B. Visual Inspection, Tissue Testing, and Detection.
1. Plants in the facility, including mother plants, must be visually inspected by inspectors every 30 days for the presence of ACP and CG in accordance with a compliance agreement. In addition:
 - a. All plants must be sampled and tested for CG every 6 months by a specialist certified by APHIS at a laboratory approved by APHIS using a CG protocol approved by APHIS. Plants must be held on the premises until the CG test results are returned.
 - b. Inspection methods for ACP may include, but not be limited to, yellow stick panels, vacuum suction of plants, tapping of plants, or other methods approved by APHIS.
 - c. Any detection of ACP and CG or other quarantine pests must be reported to APHIS immediately.

2. If ACP is detected in a facility:
 - a. No further shipments under this section will be allowed from the facility until APHIS provides authorization.
 - b. If compartmentalization of the facility exists, APHIS will complete a risk assessment to determine regulatory response, and all plants will be prohibited from movement out of the facility until completion of the risk assessment.
 - c. If compartmentalization does not exist, APHIS will complete a risk assessment to determine the regulatory response. Based on results of the risk assessment:
 - i. All citrus nursery stock must be held in the facility and inspected and tested for the presence of CG with negative results every six (6) months for 1 year prior to release for interstate movement; or
 - ii. All citrus nursery stock in the facility is prohibited from interstate movement. All citrus nursery stock must be removed from the facility and the facility would be required to undergo APHIS-approved treatment measures before any additional plant material eligible for interstate movement under this section is allowed entry.
3. If CG is detected in a facility:
 - a. No further shipments under this section will be allowed from the facility until APHIS provides authorization.
 - b. If compartmentalization of the facility exists, APHIS will complete a risk assessment to determine regulatory response.
 - c. If compartmentalization does not exist, all citrus nursery stock in the facility is prohibited from interstate movement. All citrus nursery stock must be removed from the facility and the facility will be required to undergo APHIS-approved treatment measures before any additional plant material eligible for interstate movement under this section is allowed entry.

C. Eligibility for Movement. Citrus nursery stock for interstate movement must be subjected to at least 2 sampling and testing cycles with negative results.

V. Provisions For Restricted Interstate Movement From Asian Citrus Psyllid (ACP) Quarantined Areas For Citrus Nursery Stock Not Grown In Greenhouses

- A. Citrus nursery stock moved interstate under the provisions of this section may only be moved to non-citrus producing States in accordance with the requirements below.
 1. The area quarantined also **must not** be under quarantine for citrus greening.
 2. Citrus nursery stock may be moved in accordance with the requirements below:

- a. All citrus nursery stock must be inspected every 30 days, and any finding of ACP must be reported to APHIS immediately.
- b. All citrus nursery stock must be treated with an APHIS-approved systemic insecticide (soil drench) at least 30 days but no more than 3 months (90 days) before shipment. This must be followed by an APHIS-approved foliar spray no more than 10 days before shipment. Treatments must be verified by APHIS or State personnel. Treatment must be with an APHIS- and EPA-approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and all restrictions and precautions, including statements pertaining to Worker Protection Standards.
- c. Each rutaceous plant being moved interstate must be labeled with adequate identifying information to permit trace-back to each premises on which the plants were grown.
- d. 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 shipment of the citrus nursery stock interstate.
- e. Any person engaged in growing, processing, handling, or moving citrus nursery stock in an area quarantined for ACP must enter into a compliance agreement with APHIS if he or she wishes to move citrus nursery stock interstate.
- f. Citrus nursery stock may only be shipped interstate in accordance with this section if accompanied by a limited permit issued by an inspector verifying that all conditions of this protocol 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.
 - i. A limited permit is a document in which an inspector affirms that the regulated article not eligible for a certificate is eligible for interstate movement only to a specified destination and in accordance with conditions specified on the permit.
 - ii. A limited permit that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the limited permit has not complied with all conditions in this protocol. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the limited permit 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.

- B. Nursery stock from an ACP-quarantined area as outlined in this section of the protocol (Section V) may be moved to another ACP-quarantined area if all of the requirements in Sections V. A. are met.
- C. Nursery stock from an ACP-quarantined area as outlined in this section of the protocol (Section V) may transit **through** a commercial citrus-producing State under the following conditions:
 - 1. Nursery stock must meet all of the requirements in Section V. A.;
 - 2. Nursery stock must be inspected by an inspector at the time of loading, and if one or more live ACP are detected, shipment shall be prohibited;
 - 3. Adequate safeguarding measures must be arranged by the shipper and approved by an inspector to ensure that each conveyance is sealed with an agricultural seal applied by an inspector at origin and removed at destination by an inspector; and
 - 4. Seals must remain intact from origin to destination ensuring that the conveyance is not opened until it reaches the destination identified on the limited permit.

Definitions

Note: The definitions apply to the entire protocol document.

Breach. Any circumstance that would allow free access by federally-regulated pests into a facility, container, package or means of conveyance.

Citrus Nursery Stock. Any live rutaceous plant or plant part, except seed, used to produce plants for planting including budwood, foundation grove trees, scion grove trees, increase block trees, nursery production block trees, tissue culture, seed source trees, top-working material, and cuttings/air layerings for interstate movement.

Compartmentalized Facility. A facility that is divided into distinct compartments and which has been determined by an APHIS inspector to be of adequate design and construction to ensure pest-freedom of any compartment where plants for interstate movement are grown.

Facility. A screenhouse, greenhouse, or other fully enclosed structure that has been approved by an APHIS inspector to ship plants interstate and that meets all applicable requirements of this protocol.

Inspector. An employee of the Animal and Plant Health Inspection Service, or other individual authorized by the Administrator of APHIS to enforce the provisions of this protocol.

Interstate. From any State into or through any other State.

Limited Permit. A document in which an inspector affirms that the regulated article not eligible for a certificate is eligible for interstate movement only to a specified destination and in accordance with conditions specified on the permit.

Commercial Citrus Producing States. American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and U.S. Virgin Islands.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.