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Movement of Regulated Articles From Citrus Greening and Asian Citrus Psyllid Quarantine Zones

**Environmental Assessment
October 2007**

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Agency Contact:

Stephen Poe
Senior Operations Officer
Emergency and Domestic Programs
Plant Protection and Quarantine
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 134
Riverdale, MD 20737

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I. Purpose and Need

A. Introduction

Citrus greening (CG), also known as huanglongbing, is considered to be one of the most serious citrus diseases in the world. CG is a bacterial disease that attacks the vascular system of plants. The bacteria are phloem-limited and cause yellow shoots, blotchy mottling and chlorosis, reduced foliage, and tip dieback of citrus plants. It greatly reduces production, destroys the economic value of the fruit, and can kill trees. Once infected, there is no cure for a tree with citrus greening disease. In areas of the world where citrus greening is endemic, citrus trees decline and die within a few years and may never produce usable fruit. CG is widespread in Asia, Africa, and the Saudi Arabian Peninsula. It has been reported in Sao Paulo, Brazil. It was first detected in the United States in Miami-Dade County, Florida, in 2005, and now has been confirmed in 28 counties in Florida.

CG is transmitted by two insect vectors in the family Psyllidae *Diaphorina citri* Kuwayama, the Asian citrus psyllid (ACP), and *Trioza erytrae* (del Guercio), the African citrus psyllid. It can also be transmitted by grafting, by dodder, and possibly by seed. ACP can cause economic damage to citrus in groves and nurseries by direct feeding. Both adults and nymphs feed on young foliage, depleting the sap and causing galling or curling of leaves. High populations feeding on a citrus shoot can kill the growing tip. More importantly, this psyllid is able to transmit an endocellular bacterium, *Candidatus Liberibacter asiaticus*, which causes citrus greening disease. ACP is currently present in Florida, Hawaii, Puerto Rico, Guam and several counties in Texas. The African citrus psyllid is not known to be present in the United States.

On September 16, 2005, the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (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 a revised Federal order on May 3, 2006 (DA#2006-19, 5/3/06) (see appendix A). 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 total of 28 counties in Florida. ACP has now been confirmed throughout the States of Florida and Hawaii, Puerto Rico, Guam, and several counties in Texas. APHIS is, therefore, issuing a new Federal order that updates and replaces all previous versions of the Federal order regarding quarantines to prevent the dissemination of CG and/or ACP.

B. Purpose and Need

APHIS is the Federal agency with the authority and responsibility for taking actions to exclude, prevent, eradicate, and/or control plant pests, including citrus greening disease, under the Plant Protection Act (7 United States Code (U.S.C.) 7701 et seq.). APHIS has been delegated the authority to administer this statute and has promulgated Quarantines and Regulations (7 Code of Federal Regulations (CFR) 319) which regulate the importation of commodities and means of conveyance to help protect against the introduction and spread of harmful plant pests. APHIS and the Florida Department of Agriculture and Consumer Services (FDACS) have imposed regulations governing the movement of certain material from infested counties in Florida. Even with these actions, CG has continued to expand its range within the State of Florida, and ACP has been found throughout Florida and in other areas of the United States and Territories, creating a greater range than had been anticipated. In order to protect the domestic citrus industry, including the individual farmers who comprise the base of that industry, APHIS must act quickly to expand the Federal order.

In September 2005, APHIS prepared an environmental assessment (EA) to analyze and evaluate potential environmental effects resulting from the proposed CG control program. On October 5, 2005, APHIS issued a Notice of Availability of a Finding of No Significant Impact (FONSI) for the EA concerning the Citrus Greening Control Program in Florida nurseries. The EA was subsequently revised and finalized, and a FONSI issued in January 2006.

This EA analyzes the environmental impacts anticipated from the implementation of a new Federal order for the domestic quarantine of citrus greening disease and ACP. The new Federal order contains the same chemical treatments as those evaluated in the January 2006 EA. There is now scientific evidence showing that *Murraya paniculata* and related species are hosts of CG, as well as ACP. Previously, *Murraya paniculata* was regulated only as a host of ACP. This current Federal order will add *Murraya* spp. to the CG host list. The main difference in the new Federal order is the expansion of the quarantine area and the distinction made between CG and ACP quarantine areas. Due to the serious and destructive nature of citrus greening disease, it is necessary to expand the number of counties in Florida from which the movement of plants that are hosts of CG is present in order to prevent the further spread and infestation. It is also necessary to expand the areas quarantined due to the presence of ACP so that host plants can be treated and inspected before being moved interstate.

This EA has been prepared consistent with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, et seq.) and APHIS' NEPA implementing procedures (7 CFR part 372). We are providing a 30-day public comment period for response to this EA. (Please send any comments to Stephen Poe, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 4700 River Road, Unit 134, Riverdale, MD 20737.)

Since CG is a highly injurious citrus disease, and ACP is harmful both as the insect vector of the disease and as a significant citrus pest in its own right, APHIS has determined that it may be 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. Therefore, APHIS may have to begin the expanded CG regulatory program in Florida immediately and issue a FONSI 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.

II. Alternatives

A. No Action

Under the no action alternative, the current Federal order (see appendix A) would remain in effect and would be limited to all of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties, and portions of Collier, DeSoto, Hendry, Sarasota, and St. Lucie Counties, Florida.

Under the current Federal order, there is no distinction between CG and ACP quarantine areas. Host plants for both CG and ACP are considered regulated articles. Any plant that is a CG host and within the quarantine area is prohibited from movement outside the quarantine area. Only plants that are ACP but not CG hosts can move out of the quarantine area under a compliance agreement.

Persons or firms engaged in growing, handling, or moving regulated articles are required to enter into compliance agreements in order to move regulated articles. The compliance agreements require that all regulated articles must be treated with a drench containing imidacloprid as the active ingredient 30 days prior to shipping, and the regulated article must be treated with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient 10 days prior to movement. In addition, the regulated articles must be inspected and found free of ACP within 72 hours prior to shipping.

All movement of regulated articles is subject to a limited permit that does not allow the distribution of regulated articles into citrus-producing States or Territories including Alabama, American Samoa, Arizona, California, Louisiana, Northern Marianas Islands, those portions of Texas not quarantined for ACP, and the Virgin Islands of the United States.

B. Proposed Action

Under the proposed action, the new Federal order (see appendix B) would replace the existing Federal order. The new Federal order distinguishes between CG and ACP quarantined areas. Any person engaged in the business of growing or handling ACP-host plants for interstate movement must enter into a compliance agreement with APHIS to facilitate the interstate movement of ACP-host plants.

The Federal order prohibits CG-host plants and plant parts including, but not limited to, nursery stock, cuttings, budwood, and seed (but not fruit), from being moved interstate from areas quarantined due to the presence of CG (28 counties in Florida); however, plants, budwood, cuttings, or other live plant parts of ACP-host plants that are not CG-host plants will be allowed to move interstate under certain restrictions. The Federal order (see appendix B) specifies which areas are designated as CG-quarantined areas and which host plants are eligible for movement from those areas.

All ACP-host plants and plant parts (including CG-host plants and ACP seeds) can be moved from the ACP-quarantined area under certain conditions. The complete list of ACP-quarantined areas and the ACP-host plants are specified in the Federal order (see appendix B).

The following are the conditions required to move ACP-host plants from CG- or ACP-quarantined areas:

- All regulated articles except curry leaves—
 - Must be treated with a drench containing imidacloprid as the active ingredient 30 days prior to shipping; AND
 - Must be treated with a foliar spray containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient 10 days prior to movement.
 - Must be inspected and found free of ACP within 72 hours prior to shipping; AND
 - The shipments must be accompanied by the statement “Limited Permit: Not for distribution in AL, AZ, CA, LA, portions of TX not quarantined for ACP, and American Samoa, Northern Mariana Islands, and Virgin Islands of the United States” 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 a case of plant parts. In addition, this

statement must be displayed on the outside of any shipping containers used to transport these plants, and to the bill of lading or other shipping documents.

- Curry leaves—
 - Must be fumigated with methyl bromide at rates and times described in the T101-n-2 schedule.

III. Environmental Consequences

Under both the no action and the proposed action, the chemical treatments are the same. The main difference in the two alternatives is the expansion of the quarantine zone under the preferred alternative. In addition, the preferred alternative adds ACP-quarantine areas. Furthermore, the preferred alternative allows for a methyl bromide treatment for plant host material that is intended for consumption. The environmental effects from the quarantine and chemical treatments are described below under each of the alternatives.

A. No Action

Under the no action alternative, the current Federal order would remain in place and APHIS would not expand the quarantine zone. Under the current Federal order, interstate movement of nursery stock outside a quarantine zone must be conducted under a compliance agreement requiring chemical treatment, inspection, and limited permit.

1. Quarantine Area

The current CG-quarantine area includes all of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties, and portions of Collier, DeSoto, Hendry, Sarasota, and St. Lucie Counties, Florida (see appendix A). The 2006 Federal order did not distinguish between CG- and ACP-quarantine areas.

Since the May 2006 Federal order, CG has spread to 28 counties within Florida. Without increasing the CG-quarantine area and establishing the ACP-quarantine area, there is a heightened chance that CG will spread to other citrus-producing areas through the interstate movement of nursery stock.

As mentioned before, CG is a serious disease to citrus trees. Once a tree is infected, it cannot be cured. CG greatly reduces production, destroys the economic value of the fruit, and can kill trees. If CG establishes in other States and/or Territories, significant pesticide use by individuals and organizations would be required to try to control ACP and, thus, the spread of citrus greening. Such increased pesticide usage may cause substantial environmental impacts that could greatly exceed those limited environmental impacts under the new Federal order.

Although ACP is a vector of citrus greening, ACP by itself is a pest to citrus trees; however, because ACP spreads CG quickly in an area, it is important to limit the spread of ACP in order to control CG.

2. Chemical Control

Under the no action alternative, any plants, budwood, cuttings, or other fresh or live plant parts (except seed and fruit) of ACP hosts must be treated with a drench containing imidacloprid as the active ingredient 30 days prior to movement, as well as with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient 10 days prior to movement. The State of Florida, where most citrus-producing nurseries are located, will require as of January 1, 2008, all citrus nursery stock and other hosts of CG (including *Murraya paniculata*) to be propagated inside of insect-resistant enclosures that would exclude nontarget wildlife, thus, essentially eliminating impacts to nontarget wildlife in Florida. Only ACP-host plants that are not CG-host plants are eligible for movement. All CG-host plants within the CG-quarantine area are prohibited from interstate movement.

a. Drench Treatment

Imidacloprid is applied through the soil to treat the roots of the plant according to label directions. The product is intended to reach the root system and be absorbed into the tree. These treatments will be confined in a nursery setting, and will have limited to no impacts in surrounding areas. The product must be used according to label directions, restrictions, and precautions. A risk assessment was completed on human health and nontarget species for the use of the chemical treatments for the Citrus Greening Program in September 2005. The conclusions of the risk assessment are summarized below (USDA, 2005).

Human Health

Imidacloprid is a systemic, chloro-nicotinyl insecticide chemically related to the tobacco toxin nicotine. The mode of toxic action is unique and works by interfering with the transmission of stimuli in the insect's nervous system. Specifically, imidacloprid causes a blockage in a type of neuronal pathway (nicotinerpic) that is more abundant in insects than in warm-blooded animals. Because of their molecular shape, size, and charge, nicotine and nicotinoids fit into receptor molecules in the nervous system that normally receive the molecule acetylcholine. This molecule carries nerve impulses from one nerve cell to another, or from a nerve cell to the tissue that a nerve controls. Imidacloprid overstimulates the nerve, ultimately resulting in the insect's paralysis and eventual death. Since this nicotinerpic site of action is more prevalent in insects than in higher organisms, the pesticide is selectively more toxic to insects. Signs and symptoms of exposure in humans include fatigue, twitching, cramps, and

muscle weakness, including the muscles for breathing. Imidacloprid is not considered carcinogenic by the U.S. Environmental Protection Agency (EPA). The application of this pesticide is limited to treatments of nursery stock. Imidacloprid is the least toxic of the systemic program pesticides. None of the routine or extreme exposure scenarios pose unacceptable risks to workers or applicators. Moreover, required protective gear and safety precautions further ensure that no adverse effects to program workers are expected (USDA, 2005).

Nontarget Organisms

The program use of imidacloprid for treatment of nursery stock is unlikely to impact most nontarget wildlife. Imidacloprid is moderately to severely toxic to birds including, but not limited to, American robin, northern mockingbird, European starling, red-winged blackbird, and house sparrow. The area affected by the pesticide will be limited to nurseries and should only affect a limited number of birds, if any at all. Although imidacloprid is nontoxic to fish, it is highly toxic to aquatic insects. Adherence to label and program application restrictions should preclude any drift or runoff to water. Terrestrial invertebrates will have a high mortality rate; however, it is unlikely to exceed that of other pesticides currently in use in nurseries (USDA, 2005).

Environmental Quality

Any effects of imidacloprid to the quality of the air, soil, and water will be of no consequence and of limited time duration. Imidacloprid is moderately soluble in water and will dissipate quickly. It is absorbed by soil particles and has low mobility. Imidacloprid is readily taken up by plants and translocated; however, the program treatments are not expected to result in any bioaccumulation hazards (USDA, 2005).

b. Foliar Treatment

Under the no action alternative, ACP-host plants, budwoods, and cuttings must be treated with a foliar spray 10 days prior to movement. The foliar spray consists of the product being applied to the leaves of the tree. The Federal order specifies that the foliar spray contain acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient. The treatments will be contained within the nursery, thus, limiting the environmental effects in surrounding areas. The product must be used according to label directions, restrictions and precautions. A risk assessment was completed on human health and nontarget species for the use of the chemical treatments for the Citrus Greening Program in September 2005. The conclusions of the risk assessment are summarized below (USDA, 2005).

(1) Acetamiprid

Human Health

Acetamiprid is a systemic, chloro-nicotinyl insecticide chemically related to the tobacco toxin nicotine. The mode of toxic action is unique and works by interfering with the transmission of stimuli in the insect's nervous system. Specifically, acetamiprid causes a blockage in a type of neuronal pathway (nicotinergetic) that is more abundant in insects than in warm-blooded animals. Because of their molecular shape, size, and charge, nicotine and nicotinoids fit into receptor molecules in the nervous system that normally receive the molecule acetylcholine. This molecule carries nerve impulses from one nerve cell to another, or from a nerve cell to the tissue that a nerve controls. Acetamiprid overstimulates the nerve, ultimately resulting in the insect's paralysis and eventual death. Since this nicotinergetic site of action is more prevalent in insects than in higher organisms, the pesticide is selectively more toxic to insects. Signs and symptoms of exposure in humans include fatigue, twitching, cramps, and muscle weakness, including the muscles for breathing. Acetamiprid is classified as an "unlikely" human carcinogen by EPA (EPA, 2002).

The application of acetamiprid is limited to treatments of nursery stock. None of the routine or extreme exposure scenarios pose unacceptable risks to workers or applicators. Moreover, required protective gear and safety precautions further ensure that no adverse effects to program workers are expected.

Nontarget Organisms

The program use of acetamiprid for treatment of nursery stock is unlikely to impact most nontarget wildlife. Acetamiprid is moderately toxic to birds and mammals (EPA, 2002; Kingtai Chemical Co., 2006); however, the area affected by the pesticide will be limited to nurseries and should only affect a limited number of birds, if any at all. Although it is nontoxic to fish, it is slightly to highly toxic to certain aquatic invertebrates (EPA, 2002). Adherence to label and program application restrictions should preclude any drift or runoff to water. Some terrestrial invertebrates (particularly some insects) will have a high mortality rate; however, it is unlikely to exceed that of other pesticides currently in use in nurseries. Acetamiprid is only moderately toxic to bees (EPA, 2002). Acetamiprid does not pose any risks of bioaccumulation in fish or organic sediments (EPA, 2002).

Environmental Quality

Any effects of acetamiprid to the quality of the air, soil, and water will be of no consequence and of limited time duration. Acetamiprid is highly

soluble in water and will dissipate quickly (Kingtai Chemical Co., 2006). It is absorbed by soil particles; however, is readily degraded by aerobic soil metabolism (EPA, 2002; Kingtai Chemical Co., 2006). The low application rate and rapid degradation preclude any potential for soil mobility (EPA, 2002). Acetamiprid is readily taken up by plants and translocated; however, the program treatments are not expected to result in any bioaccumulation hazards due to rapid degradation (Kingtai Chemical Co., 2006).

(2) Chlorpyrifos

Human Health

Chlorpyrifos is an organophosphate insecticide that can cause neurotoxic effects. The toxicity of chlorpyrifos occurs primarily through the inhibition of acetylcholinesterase enzyme activity which permits the transmission of nerve impulses across the nerve synapse. Signs and symptoms of low doses include localized effects, such as nosebleeds, blurred vision, and bronchial constriction, and systemic effects, such as nausea, sweating, dizziness, and muscular weakness. At higher doses the signs and symptoms include irregular heartbeat, elevated blood pressure, cramps, and convulsions. Chlorpyrifos is not considered carcinogenic based upon studies acceptable to EPA (USDA, 2005).

The application of chlorpyrifos is limited to treatment of nursery stock; therefore, the only individuals that may be affected by the use of this insecticide are the nursery workers and the occupational workers who apply the pesticide. Several chlorpyrifos scenarios (such as backpack applicators, hydraulic rig applicators, and ground personnel) do exceed the maximum acceptable exposure but pose no evident risk to human health (Regulatory Reference Value or RRV) when proper safety precautions are taken and protective gear is worn; however, this elevated risk is not life-threatening. Protective gear and safety precautions required by label adherence and standard program operating procedures are designed to ensure that no adverse effects to program workers are expected (USDA, 2005).

Nontarget Organisms

The program use of chlorpyrifos for treatment of nursery stock is unlikely to impact most nontarget wildlife. Chlorpyrifos has a moderate toxicity to mammals when consumed. It can be moderately toxic to birds, and severely toxic to some individual bird species; however, mammals and birds will generally not be in the affected area at the time of spraying. Symptoms of non-fatal exposure to birds include cholinesterase depression, weight loss, reduced egg production, and reduced hatchling survival. It is severely toxic to terrestrial invertebrates, such as

earthworms and worker honeybees; however, this effect is not uncommon to other pesticides which are currently being used in nurseries. Chlorpyrifos can be severely toxic to fish and aquatic invertebrates; however, the label forbids direct application to water. Residues from drift or runoff are not anticipated to pose substantial risks to these species (USDA, 2005).

Environmental Quality

Any effects of chlorpyrifos to the quality of the air, soil, or water will be of no consequence and of limited time duration. Chlorpyrifos can persist in soil and water for several months under certain conditions; however, the persistence is generally only for a month or less. This is dependent on the organic content of the soil; nevertheless, chlorpyrifos can remain in silt which can runoff or drift to surface waters. Potential bioaccumulation in aquatic organisms could be of concern if applications have much drift to water bodies. Residues may persist on treated vegetation; however, it is not anticipated to pose bioaccumulation hazards (USDA, 2005).

(3) Fenprothrin

Human Health

Fenprothrin is a synthetic pyrethroid insecticide which affects the nervous system. It is a moderate skin irritant and eye irritant. Signs and symptoms of exposure can include muscle contractions, tremors, ataxia, and nerve paralysis at moderate to high levels of exposure. Fenprothrin is not considered carcinogenic by EPA (USDA, 2005).

The application of this pesticide is limited to nursery stock. Potential pesticide exposures are limited to nursery workers and the occupational workers who apply the pesticide. Backpack spray application and hydraulic rig applications, for the extreme exposure scenario, are the only scenarios that exceed the RRV. The extreme exposure scenario presumes that the worker will be exposed to higher quantities of the pesticide when that individual is not following safety protocols or wearing protective gear. Protective gear and safety precautions required by label adherence, and standard program operating procedures are designed to ensure that no adverse effects to program workers are expected (USDA, 2005).

Nontarget Organisms

The program use of fenprothrin for treatment of nursery stock is unlikely to impact most nontarget wildlife. The toxicity of fenprothrin is moderate to mammals, and has a slight oral toxicity to birds and terrestrial stages of reptiles and amphibians. There is a high risk for exposed shrews and bats; however, given the limited use in this program,

shrews and bats are unlikely to be located in the affected area. It is highly toxic to most aquatic organisms; nevertheless, aquatic organisms will most likely not be affected because the limited area of application within the nursery should not pose any risk of drift or runoff to waters which contain aquatic organisms. Terrestrial invertebrates will have a high mortality rate; however, this is unlikely to exceed that of other pesticides currently in use in the nurseries (USDA, 2005).

Environmental Quality

Any effects of fenprothrin to the quality of the air, soil, or water will be of no consequence and of limited time duration. Fenprothrin has low water solubility; however, fenprothrin can be persistent in water for up to 245 days. It adheres to soil particles easily and generally is not persistent for more than 2 weeks. Residues on treated vegetation are also of short persistence (USDA, 2005).

B. Proposed Action

Under the proposed action, APHIS will issue a new Federal order (see appendix B) expanding the current CG quarantine to include 28 counties in Florida. Shipping of CG-host plants from the CG-quarantine area will be prohibited; however, ACP-host plants that are not hosts of CG will be allowed to move interstate under certain conditions.

The new Federal order will also create ACP-quarantine areas. Shipments of ACP-host plants from these quarantine areas will be allowed under certain conditions. The ACP-quarantine area will include the entire State of Florida, Hawaii, the Territory of Guam, the Commonwealth of Puerto Rico, and several counties in Texas.

ACP-host plants and plant parts, except for curry leaves, will be treated with a drench of imidacloprid 30 days prior to movement and foliar treatment with acetamiprid, chlorpyrifos, or fenprothrin 10 days prior to movement. The product must be inspected and found free of any ACP 72 hours prior to movement, and will not be allowed to move to any citrus-producing State per a limited permit.

Curry leaves will be fumigated with methyl bromide prior to shipping interstate. The curry leaves will not require additional inspection and may be moved interstate to any location. The shipping container must indicate the origin of the material and indicate that it has been treated to eliminate ACP.

The environmental effects in the expansion of the quarantine zone, the chemical treatments, and fumigation will be discussed in detail below.

1. Quarantine Areas

The expansion of the current Federal order, to include 28 counties in Florida, will reduce the likelihood that CG will be spread through artificial means. The quarantines of entire counties, as opposed to listing partial counties, will eliminate any confusion that could arise under the 2006 Federal order about when pesticides should be used. The 28 counties in Florida include all counties in the United States known to have CG. Under the proposed Federal Order, all CG-host material is prohibited from shipment outside the quarantine area. The preponderance of ornamental citrus and ACP-host plants is grown in southern Florida, which is under the CG quarantine or the ACP quarantine. The number of nurseries shipping CG-hosts plants interstate will be greatly reduced. It is estimated that about six nurseries in Florida and two in Texas, with perhaps one or two in Hawaii and Puerto Rico, would seek compliance agreements to ship CG- or ACP-host plants from the quarantine area.

The addition of an ACP-quarantine area will further reduce the spread of ACP. ACP is a pest of citrus trees and it has the ability to spread CG if it encounters a tree infected with CG. The drench and foliar treatments, along with inspection required prior to movement of ACP-host plants and plant products from an ACP quarantine area, will limit the artificial spread of ACP, thus reducing the ability of CG to spread if introduced to a citrus-producing area. This could result in an increase of pesticide use in new areas quarantined for ACP; however, nursery production of ACP and CG hosts is far less in those States (Texas, Hawaii, and Puerto Rico) than in Florida, and only a few nurseries would be expected to seek compliance agreements for shipping.

2. Chemical Treatments

The environmental effects from the use of the imidacloprid drench and the foliar treatment with acetamiprid, chlorpyrifos, or fenpropathrin will be similar to those seen under the no action alternative. Although the quarantine area has been increased, there are a limited number of nurseries (estimated at less than 10) that would be expected to seek compliance agreements for interstate shipping of ACP-host plants and, thus, there will be limited increase in the amount of chemical treatments.

3. Fumigation Treatment

Methyl bromide will be used to treat curry leaves to destroy any ACP that may be present. Methyl bromide is a substance classified by EPA, under the Clean Air Act, as a Class I ozone-depleting chemical. This ozone depletion is the primary issue of environmental concern related to fumigations with methyl bromide. The expected use of methyl bromide in fumigations of ACP-host material, under this quarantine, is expected to be very small, and will be well below any levels that could contribute measurably to ozone depletion. A thorough review of the potential effects of methyl bromide uses in fumigations on ozone depletion was originally presented in the final environmental impact statement (EIS) for

Importation of Solid Wood Packing Material (August, 2003). This document has recently been updated and is titled Importation of Solid Wood Packing Material, Draft Supplement to the Final Environmental Impact Statement—February 2007 (USDA, 2007a). This EIS determined that the cumulative impact of methyl bromide from routine commodity treatments on ozone depletion is not expected to be consequential.

IV. Other Environmental Considerations

A. Endangered Species Act

Section 7 of the Endangered Species Act and its implementing regulations require Federal agencies to ensure that their actions are not likely to jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of critical habitat. The potential for affecting endangered and threatened species exists only at the site where required pesticide treatments may occur, namely in 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. This is expected to be less than a total of 10 nurseries (6 in Florida and 2 in Texas). In addition, the State of Florida will require, as of January 1, 2008, all citrus nursery stock and other hosts of CG (including *Murraya paniculata*) to be propagated inside of insect-resistant enclosures that would exclude nontarget wildlife. If there is a potential to impact listed species or critical habitat, APHIS will consult with the 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. Any conservation measures decided upon will be incorporated into the compliance agreements required by the nurseries.

B. Executive Orders

Consistent with Executive Order (EO) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” APHIS considered the potential for the proposed control measures to have any disproportionately high and adverse human health or environmental effects on any minority populations and low-income populations. APHIS has determined that the environmental and human health effects from the proposed applications are minimal and are not expected to have disproportionate adverse effects to any minority or low-income populations. Protective gear and safety precautions, required by the label adherence and standard operating procedures, are designed to ensure that no adverse effects to program workers will be expected. Because it is only being applied inside commercial and ornamental

nurseries, there is very little to no potential for any effects from quarantine treatments that could affect minority or low-income populations.

Consistent with EO 13045, “Protection of Children from Environmental Health Risks and Safety Risks,” APHIS considered the potential for disproportionately high and adverse environmental health and safety risks to children resulting from the proposed control measures. The proposed program applications to control ACP and, thus, CG are only made within commercial and ornamental nurseries; therefore, no exposure to children is expected to occur. It is the responsibility and obligation of the program pesticide applicators (either employees of the commercial plant nursery or those hired by the commercial plant nursery to do the pesticide applications) to ensure that the general public is not in or around areas being treated. This ensures that no exposure of the general public or children will occur during the application process. Protective gear and safety precautions, required by the label adherence and standard operating procedures, are designed to ensure that no adverse effects to program workers will be expected. The only possible exposure would be to the applicator and nursery workers and, then, only if they are not following the prescribed label use and safety directions (a label violation). Therefore, it was determined that no disproportionate effects to children are anticipated as a consequence of implementing the preferred alternative.

V. Agencies, Organizations, and Individuals Consulted

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Policy and Program Development
Environmental Services
4700 River Road, Unit 149
Riverdale, MD 20737

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Emergency and Domestic Programs
4700 River Road, Unit 134
Riverdale, MD 20737

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Planning, Analysis, and Regulatory Coordination
4700 River Road, Unit 156
Riverdale, MD 20737

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Emergency and Domestic Programs
Citrus Health Response Program
920 Main Campus Drive; Suite 200
Raleigh, NC 27606

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APPENDIX A

FEDERAL DOMESTIC QUARANTINE ORDER HUANG LONG BING (Citrus Greening)

FEDERAL DOMESTIC QUARANTINE ORDER HUANG LONG BING (CITRUS GREENING)

The purpose and goal of this order is to prevent the spread of *Candidatus Liberibacter asiaticus* 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 APHIS considers it necessary, in order to prevent the dissemination of *Candidatus Liberibacter asiaticus*, to establish restrictions on the interstate movement of nursery stock from regulated areas in Florida as described in this Federal Order.

Huanglongbing, (HLB), or citrus greening, a highly injurious disease of citrus caused by the bacterium *Candidatus Liberibacter asiaticus*, was first detected in Miami-Dade County, Florida. On September 16, 2005, APHIS imposed restrictions on the interstate movement of all *Candidatus Liberibacter asiaticus* host plant material, and Asian citrus psyllid (*Diaphorina citri*) host plant material, from within the quarantined area, in order to prevent the artificial spread of this disease (see attached memorandum to STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS, DA#2005-30; also found at:

http://www.aphis.usda.gov/ppq/ep/citrus_greening/pdf_files/spro2005-30.pdf)

Regulated Articles: Hosts of Huanglongbing (*Candidatus Liberibacter asiaticus*).

The following hosts are prohibited to be shipped or moved outside the quarantine area, including all live plants, budwood, and cuttings of: *Aeglopsis chevalieri*, *Balsamocitrus dawei*, *Calodendrum capense*, x *Citrofortunella microcarpa*, x *Citroncirus webberi*, *Citrus spp.*, *Clausena indica*, *C. lansium*, *Fortunella spp.*, *Limonia acidissima*, *Microcitrus australasica*, *Murraya koenigii*, *Poncirus trifoliata*, *Severinia buxifolia*, *Swinglea glutinosa*, *Toddalia lanceolata* and *Triphasia trifolia*.

Regulated Articles: Hosts of the Asian citrus psyllid, (*Diaphorina citri*). The following hosts for the insect vector require regulatory treatments before interstate movement is allowed outside the quarantine area. This includes all live plants, budwood, and cuttings of: *Aegle marmelos*, *Afraegle gabonensis*, *Afraegle paniculata*, *Atalantia spp.*, *Citropsis gillettiana*, *Citropsis schweinfurthii*, *Clausena anisum-olens*, *Clausena excavate*, *Eremocitrus glauca*, *Eromocitrus hybrid*, *Merrillia caloxylon*, *Microcitrus australis*, *Microcitrus papuana*, *Microcitronella*, *Murraya paniculata*, *Naringi crenulata*, *Pamburus missionis*, *Toddalia asiatica*, *Vepris lanceolata*, and *Zanthoxylum fagara*.

Movement is allowed to any state or territory except Alabama, American Samoa, Arizona, California, Guam, Hawaii, Louisiana, Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

Quarantined Area

All of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties, and portions of Collier, DeSoto, Hendry, Sarasota, and St. Lucie Counties, Florida. The location of quarantined areas may be found at:

<http://www.doacs.state.fl.us/pi/chrp/greening/citrusgreening.html>

Compliance Agreements

Persons or firms engaged in growing, handling, or moving regulated articles are required to enter into a compliance agreement in order to move regulated articles. A Federal compliance agreement with APHIS is required for interstate movement, and a State compliance agreement with FDACS is required for intrastate movement. In addition, they 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.

Persons or firms under compliance agreements are responsible for treatments of all regulated articles for the control of psyllids. For treatments, they must use an Environmental Protection Agency (EPA)-approved product labeled for use in nurseries and follow the product label; its applicable directions and; restrictions and precautions, including statements pertaining to Worker Protection Standards. Requirements for treatments include:

- Chemical management of the Asian citrus psyllid on ornamental host plants in nurseries requires that all regulated articles must be treated with a drench containing imidacloprid as the active ingredient 30 days prior to shipping and be treated with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient 10 days prior to movement. Examples of EPA-approved products labeled for use in nurseries for psyllid control can be found at:
<http://www.doacs.state.fl.us/pi/chrp/greening/citrusgreening.html>
- All plants which have been treated in accordance with this agreement must be inspected and found free of the Asian citrus psyllid within 72 hours prior to shipping.
- Shipments will either be certified by an authorized representative of FDACS or APHIS, or self-certified by persons under compliance agreements, with monitoring and auditing by FDACS or APHIS.
- Shipments will not be authorized for distribution to the following citrus producing states or territories: Alabama, American Samoa, Arizona, California, Guam, Hawaii, Louisiana, Northern Marianas Islands, Puerto Rico, Texas, or the Virgin Islands of the United States.

State Certificate/Federal Limited Permit

An inspector will issue a state certificate with a Federal limited permit stamp for the interstate movement of a regulated article if the inspector determines that the shipment has been treated in accordance with this Federal Order. State certificates without a Federal limited permit stamp will be used for intrastate movement of a regulated article.

APPENDIX B

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

**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 gilletiana*, *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.