

FOR INFORMATION AND ACTION
DA-2009-06
January 28, 2009

SUBJECT: Revision of Citrus Greening /Asian Citrus Psyllid Federal Order

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is issuing a revised Federal Order expanding the Asian citrus psyllid (ACP) quarantine area in California that expanding the quarantine areas in Alabama, Louisiana, Mississippi, and Texas to include the entirety of those States. This action is necessary in order to prevent the interstate spread of ACP.

On October 20, 2008, the California Department of Food and Agriculture (CDFA) announced the detection of ACP in Imperial County, California. ACP has been found at several locations within Imperial County, including the residential community of Ocotillo, the residential community west of Seeley, and a citrus orchard due south of Seeley, along the U.S./Mexico border.

In addition, the States of Alabama, Louisiana, Mississippi, and Texas have determined that as an alternative to the establishment of intrastate quarantines, they will agree to quarantine the entirety of those States for ACP. Currently, each of these States contains areas quarantined due to the presence of ACP, but these areas are less than the entire State. When less than an entire State is quarantined, APHIS requires that the State establish a parallel intrastate quarantine that is equivalent to the requirements of the Federal quarantine. As an alternative, the State may elect to have the entire State listed as a quarantined area without any requirement for a parallel intrastate quarantine.

In the case of the two parishes in Louisiana quarantined due to the presence of CG (Orleans and Washington), the State has established a parallel quarantine prohibiting any intrastate movement of regulated articles from these parishes. This fulfills the APHIS requirement for a parallel intrastate quarantine. Therefore, only these two parishes within Louisiana are quarantined for CG.

The attached Federal Order updates the previous version issued on October 1, 2008, with respect to the areas now regulated for ACP, by adding the southern portion of Imperial County, California, to the quarantined area. APHIS believes that, in this case, it is appropriate to regulate less than an entire county since the area being regulated includes a substantial buffer surrounding the infestations. The quarantined area, as well as the rest of the County, has been surveyed and found to otherwise be free from ACP, and the quarantined area is defined by recognizable boundaries. The State of California and Imperial County have agreed to implement regulatory and other measures to reduce the likelihood of the spread of ACP through the movement of infested plant material. CDFA has put in place a parallel regulated area that establishes requirements governing the intrastate movement of regulated articles from the quarantined area that are equivalent to those requirements in the CG/ACP Federal Order.

The attached Federal Order also updates the previous version issued on October 1, 2008, by listing the entirety of the States of Alabama, Louisiana, Mississippi, and Texas as quarantined areas.

After ACP is confirmed, the insect is tested for the presence of citrus greening. In addition, leaf samples are also being gathered and tested for possible presence of CG bacteria. In the case of all of the recent detections discussed in this document, no evidence of CG was found in either the psyllids or the leaf samples.

APHIS continues to work closely with State officials in the affected States to delimit the presence of ACP and to identify any CG infestations that may be present, while assessing what other measures need to be taken in response to these new finds. For additional information regarding this program, you may contact Patrick Gomes, National Coordinator, Citrus Health Response Program, at Area Code (919) 855-7313.

/s/ John H. Payne /For

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

**FEDERAL DOMESTIC QUARANTINE ORDER:
CITRUS GREENING DISEASE (CG)
and
ASIAN CITRUS PSYLLID (ACP)
January 28, 2009**

The purpose and goal of this Federal Order is to prevent the spread of harmful citrus diseases and vectors, one is the citrus greening disease (CG) also known as Huanglongbing disease of citrus, caused by the bacterial pathogen *Candidatus Liberibacter asiaticus* and the other is its vector the Asian citrus psyllid (ACP), *Diaphorina citri* Kuwayama. This Federal Order is issued pursuant to 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, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States of a plant pest or noxious weed or the dissemination of a plant pest or noxious weed within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that it is necessary, in order to prevent the destructive and harmful dissemination of CG and/or ACP, to establish restrictions on the interstate movement of CG host material from quarantined areas in the States of Florida and Louisiana and ACP host material from quarantined areas in the States of Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, and Texas, as well as the Commonwealth of Puerto Rico and the Territory of Guam as described below in this Federal Order.

Citrus greening disease, a highly injurious plant pest disease of citrus, was first detected in the United States in Miami-Dade County, Florida in 2005, and currently has been confirmed in 30 Counties in Florida. CG has also been confirmed in Orleans and Washington Parishes in Louisiana. ACP is both a vector for the CG disease, and a plant pest of citrus in its own right. ACP is currently present in Alabama, Florida, Georgia, Hawaii, Louisiana, Texas, Puerto Rico, Guam, and portions of California and South Carolina.

Since September 16, 2005 (DA#2005-30), APHIS has issued ten Federal Orders to impose restrictions on the interstate movement of all CG host plant material and ACP host plant material from quarantined areas in the United States in order to prevent the artificial spread and/or dissemination of CG and of ACP. APHIS subsequently updated the restrictions and expanded quarantine areas by issuing revised Federal Orders on May 3, 2006, (DA#2006-19, 5/3/06); November 2, 2007, (DA#2007-54); January 11, 2008 (DA#2008-02); June 24, 2008, (DA#2008-26); July 11, 2008, (DA#2008-31); July 22, 2008, (DA#2008-36); August 5, 2008, (DA#2008-40); September 12, 2008, (DA#2008-61); and October 1, 2008, (DA#2008-67).

Accordingly, the APHIS Administrator by this respective Federal Order is now expanding the October 1, 2008 Federal Order to prevent further spread of CG and of ACP. This revised Federal Order amends the existing quarantine areas for ACP. The States of Alabama, Florida, Georgia, Hawaii, Louisiana, Mississippi, and Texas, the entire Territory of Guam, and the Commonwealth of Puerto Rico, are quarantined for ACP. Additionally, portions of California and South Carolina are also quarantined for ACP.

The ten previous Federal Orders and their plant pest disease control actions have been necessary due to the continuing spread of both CG and ACP to different States. This Federal Order updates and replaces all previous versions of the previously issued Federal Orders regarding the specified domestic quarantines, treatment provisions, and designated restricted and regulated articles to prevent the further spread and dissemination of CG and ACP into non-quarantined areas of the United States.

QUARANTINES and TREATMENT REQUIREMENTS

This Federal Order imposes the following quarantines: (1) A quarantine of the entire State of Florida and Orleans and Washington Parishes in Louisiana for CG, (2) A quarantine of portions of the States of California and South Carolina for ACP, and (3) Quarantines of the entire States of Alabama, Florida, Georgia, Hawaii, Louisiana, Mississippi, and Texas, the entire Territory of Guam, and the Commonwealth of Puerto Rico, for ACP.

Moreover, pursuant to this Federal Order, the latest partial State quarantine of specific areas or counties of California and South Carolina for ACP is contingent upon these respective States adopting parallel intrastate quarantines or amending their existing intrastate quarantines. These intrastate quarantines must provide equivalent controls for ACP on the movement of restricted articles from quarantined Counties within the respective States. The provisions of these intrastate quarantines must be consistent with the provisions in Section II, paragraph (3), Requirements for Interstate Movement, of this Federal Order. The State of California amended its parallel intrastate quarantine for ACP on December 5, 2008 to include portions of Imperial County, California. The State of South Carolina adopted a parallel intrastate quarantine for ACP on August 29, 2008 and was resubmitted to the State legislature in January 2009. Accordingly, as required by this Federal Order, these two States have adopted and/or amended their respective parallel intrastate quarantines for ACP.

I. QUARANTINE FOR CITRUS GREENING DISEASE (CG)

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

Florida: The entire State of Florida

Louisiana: The following Parishes: Orleans and Washington Parishes.

2. Restricted Articles. The following articles are hosts of CG and are prohibited from being moved interstate from areas quarantined (the entire State of Florida and Orleans and Washington Parishes, Louisiana) due to the presence of CG:

The following are restricted articles:

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

(b) Any other product, article, or means of conveyance, if an inspector determines that it presents a risk of spreading citrus greening, and after the inspector provides written notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of the regulations.

The APHIS Administrator may allow the interstate movement and exportation 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. The APHIS Administrator has determined that restricted 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 but only for immediate exportation out of the United States. Accordingly, these restricted plants and trees from Florida or from Orleans and Washington Parishes, Louisiana, must be moved directly to the port of export in accordance with the conditions of the limited permit, in a container sealed by APHIS. It should also be noted that regardless of any action that might be taken with regard to CG, many species that are restricted articles under this Federal Order are also regulated with regard to very destructive plant pest disease citrus canker under the Federal Citrus Canker Quarantine regulations (7 CFR 301.75).

II. QUARANTINE FOR THE ASIAN CITRUS PSYLLID (ACP)

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

Alabama: The entire State of Alabama.

California: The contiguous portion of Imperial and San Diego, Counties, California as described below:

Beginning at the of intersection of US Interstate 5 and State Highway 78; then, starting northeasterly along State Highway 78 to its intersection with 10th Street; then, starting

southeasterly along 10th Street to its intersection with San Vicente Road; then, starting southwesterly along San Vicente Road to its intersection with Wildcat Canyon Road; then, starting southeasterly along Wildcat Canyon Road to its intersection with Featherstone Canyon Road; then, starting easterly along Featherstone Canyon Road to its intersection with El Cajon Mountain Truck Trail; then, southeasterly along an imaginary line to its intersection with Tule Springs Road; then, starting northeasterly along Tule Springs Road to its intersection with Tule Springs Truck Trail; then, starting northwesterly along Tule Springs Truck Trail to its intersection with Eagle Peak Road; then, starting easterly along Eagle Peak Road to its intersection with Pine Hills Road; then, starting southeasterly along Pine Hills Road to its intersection with Boulder Creek Road; then, starting southwesterly along Boulder Creek Road to its intersection with Engineers Road; then, starting northeasterly along Engineers Road to its intersection with State Highway 79; then, starting southeasterly along State Highway 79 to its intersection with State Highway 78; then, starting northeasterly along State Highway 78 to its intersection with the boundary line of Imperial County; then, starting northerly along the boundary line of Imperial County to its intersection with -115.205269 longitude and 33.428609 latitude; then, southerly along an imaginary line to its intersection with the boundary line of the State of California at 32.685426 latitude and -115.205269 longitude; then, starting westerly along said boundary line to its intersection with the boundary lines of the City of Oceanside and City of Carlsbad; then, starting northeasterly along the boundary line of the City of Carlsbad to its intersection with US Interstate 5; then, northwesterly along US Interstate 5 to the point of beginning.

Florida: The entire State of Florida.

Georgia: The entire State of Georgia.

Louisiana: The entire State of Louisiana.

Mississippi: The entire State of Mississippi.

South Carolina: The following Counties: Beaufort, Charleston, and Colleton.

Texas: The entire State of Texas.

Guam: All islands of the Territory of Guam.

Hawaii: All islands of the State of Hawaii.

Puerto Rico: The entire Commonwealth.

2. Regulated Articles because of the ACP quarantine: 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 strict accordance with all of the applicable requirements and restriction imposed by this Federal Order:

The following are regulated articles: All plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit, of: Aegle marmelos, Aeglopsis chevalieri, Afraegle gabonensis, A. paniculata, Atalantia monophylla, Atalantia spp., Balsamocitrus dawaei, Bergera (= Murraya) koenigii, Calodendrum capense, X Citroncirus webberi, Citropsis articulata, Citropsis gilletiana, C. schweinfurthii, Citrus madurensis (= X Citrofortunella microcarpa), Citrus spp., Clausena anisum-olens, C. excavata, C. indica, C. lansium, Eremocitrus glauca, Eremocitrus hybrid, Fortunella spp., Limonia acidissima, Merrillia caloxylon, Microcitrus australasica, Microcitrus australis, M. papuana, X Microcitronella spp., Murraya spp., Naringi crenulata, Pamburus missionis, Poncirus trifoliata, Severinia buxifolia, Swinglea glutinosa, Tetradium ruticarpum, Toddalia asiatica, Triphasia trifolia, Vepris (= Toddalia) lanceolata, and Zanthoxylum fagara.

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

A. Treatment. All regulated articles moving interstate from areas quarantined for the ACP must be treated with any approved treatment for ACP either listed in 7 CFR 305 or listed below in this Order¹ 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 all restrictions and precautions, including statements pertaining to Worker Protection Standards.

- i. Regulated articles not intended for consumption 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.
- ii. Or, in the case of regulated articles intended for consumption or decorative use, such as fresh curry leaf (*Bergera* (= *Murraya*) *koenigii*), or mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, this plant material 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; or
- iii. And, as an alternative to methyl bromide fumigation, these regulated articles described immediately above in ii originating from an area not quarantined for **CG** may be treated with irradiation in accordance with 7 CFR 305.

¹ Irradiation may be used in accordance with 7 CFR 305 but may only be used if the regulated articles originate from an area not quarantined for CG.

B. Fresh fruit. While fresh fruit is not a regulated article under this Federal Order, this Federal Order does impose the below described cleaning requirements for fruit being moved interstate from areas quarantined for ACP to citrus producing areas where ACP is not present: namely, such fruit moved interstate **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. Conditions for issuance of a certificate for interstate movement for regulated articles intended for consumption, for use as apparel or as a similar personal accessory, or for other decorative use.

(a) A certificate will be issued for regulated articles intended for consumption (e.g., Bergera (=Murraya) koenigii and Citrus hystrix leaves), for use as apparel or as a similar personal accessory, or for other decorative use (e.g., Murraya paniculata flowers), and such articles may be moved interstate to any State from an area quarantined for Asian citrus psyllid, but not for citrus greening, if:

(1) The article is treated with irradiation in accordance with 7 CFR part 305; and
(2) The article is shipped in a container that has been sealed with an agricultural seal placed by an inspector; and

(3) The container that will be moved interstate is clearly labeled with the certificate, which must contain:

(i) The name of the State or portion of a State where the regulated article was produced; and

(ii) A statement certifying that the article was treated in accordance with 7 CFR part 305; and

(4) A copy of this certificate will be attached to the consignee's copy of the accompanying waybill.

(b) Conditions for the issuance of a certificate for the interstate movement of any regulated article. A certificate will be issued for any regulated article and the article may be moved interstate to any State from an area quarantined for Asian citrus psyllid, but not for citrus greening, if the article is treated with methyl bromide in accordance with 7 CFR part 305, rather than irradiation, and all other conditions for interstate movement of the article contained in paragraph (a) of this section are fulfilled.

(c) Conditions for issuance of a certificate for interstate movement for certain other regulated articles: Curry leaf (*Bergera* (=Murraya) *koenigii*) leaves

intended for consumption, or other articles intended for decorative purposes that include such plant material as mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, may be moved interstate from any area quarantined for ACP **only** if (1) they have been fumigated using methyl bromide in accordance with T101-n-2 as specified in 3. A. iii. **or** (2) if they have been treated with irradiation as described in 7 CFR 305. The boxes or containers in which the treated regulated 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 requirements.

E. **Limited Permit.** All of the above described regulated articles may **not** be moved to American Samoa, Arizona, Northern Mariana Islands, the Virgin Islands of the United States, those portions of California and South Carolina not quarantined due to the presence of ACP, 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: **USDA-APHIS-PPQ**. Not for distribution in AZ, American Samoa, Northern Mariana Islands and the Virgin Islands of the United States or those portions of CA and SC not quarantined due to the presence of ACP" **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.

F. **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 APHIS 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.

4. 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 an area quarantined for Asian citrus psyllid without spreading the psyllid. This certificate authorizes the interstate movement of a regulated article and is therefore provided pursuant to the provisions of the Plant Protection Act (PPA) of 2000, as amended, 7 USC 7701 et seq., and anyone issuing such a certificate must comply with all of the applicable provisions of the PPA including 7 USC 7734 as well as this FO.

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