



APA-6  
07/04

ECONOMIC IMPACT STATEMENT  
FOR APA RULE  
(Section 41-22-23 (f))

Control No. 80 Department or Agency Agriculture & Industries

Chapter No. 80-10-19

Chapter Title:

New  Amend  Repeal  Adopt by Reference

This rule has no economic impact.

This rule has an economic impact as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This rule will protect the Alabama citrus Industry from exposure to citrus greening and other diseases that would be devastating to our citrus industry and designation as a citrus producing state.

2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

The quarantine is the only available method to prevent citrus greening from entering into the state.

3. EFFECT OF THIS RULE ON COMPETITION:

This rule will have a neutral impact on competition.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule should have very little effect on the cost-of-living or doing business in the affected area.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEORGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule should have no impact on employment in the affected area.

**6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:**

Existing revenues in the department will be utilized for implementing and enforcing this rule.

**7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:**

There may be a short term negative economic impact on nursery tree producers outside of Alabama that are trying to sell trees into Alabama. There should be a positive long-term economic impact for the Alabama citrus industry because this rule will allow Alabama to avoid devastating citrus diseases.

**8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:**

There is a possibility that citrus greening could still spread to Alabama at some future time. Quarantine has shown to be the most effective way to stop or delay the spread of the disease.

**9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:**

This rule will protect the environment from the introduction of a nonnative disease that devastates citrus growth. The rule will allow the Alabama citrus industry to continue producing safe and disease free food for public consumption.

**10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:**

The environment would not be protected from citrus greening and the Alabama citrus industry could suffer substantial loss. Producers may not be able to produce enough disease free citrus to meet demand.

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Chapter No. & Title: 80-10-19 Rules to Establish Quarantine against the Citrus Greening Disease (CG) also known as Huanglonbing Disease and the Asian Citrus Psyllid

Intended Action: To Amend

Substance of Proposed Action: To protect Alabama's Citrus Industry from disease and pest, by limiting citrus plant movement into this state only to the plants grown in closed systems.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 10, 2015 at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: November 10, 2015.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

9-18-15  
Date

John McMillan  
John McMillan  
Commissioner of Agriculture  
and Industries

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
PLANT PROTECTION ADMINISTRATIVE CODE  
CHAPTER 80-10-19  
RULES TO ESTABLISH QUARANTINE AGAINST THE ~~CITRUS GREENING~~  
~~DISEASE (CG) ALSO KNOWN AS HUANGLONGBING DISEASE AND THE ASIAN~~  
~~CITRUS PSYLLID (ACP)~~ ASIAN CITRUS PSYLLID (ACP) AND CITRUS  
DISEASES AND OTHER PESTS

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**80-10-19-.01 Determination Of Problem And Establishment Of Quarantine.**

It has been determined that the destructive disease known as citrus greening disease (CG), also known as Huanglongbing disease of citrus, caused by the bacterial pathogen "Candidatus liberibacter asiaticus"., defined as an injurious disease under the provisions of Code of Ala. 1975, §2-25-1(1). It is also found and determined that quarantine against said disease would be in the best interest of horticulture and agriculture in Alabama.

(1) It has also been determined that the destructive insect, Asian Citrus Psyllid (ACP), *Diaphorina citri* Kuwayama, ~~defended~~ defined as an insect pest under the provisions of the Code of Ala. 1975, §2-25-2(1), has been found in the state of Alabama. It is also found and determined that quarantine against said insect pest would be in the best interest of horticulture and agriculture in Alabama.

~~(2) The purpose of this quarantine is to establish quarantine against the citrus greening disease and the Asian Citrus Psyllid for the protection of the citrus industry of Alabama.~~ It is also determined that other Citrus diseases and pests are detrimental to the Citrus industry in Alabama. These include viruses, viroids, and diseases listed in the following Chart 1 and Citrus pests listed in the following Chart 2. It is also found and determined that quarantine against such viruses, diseases and pests would be in the best interest of Horticulture and Agriculture in Alabama.

(4) The purpose of this rule is to establish quarantine against the Asian Citrus Psyllid and Citrus pests and diseases listed in Chart 1 and Chart 2 for the protection of the citrus industry of Alabama.

Citrus Disease Chart 1

<b>Common Name</b>	<b>Causal Organism</b>
Citrus Black Spot	Fungus ( <i>Guignardia citricapra</i> )
Citrus Blight	Unknown
Citrus Canker	Bacterium ( <i>Xanthomonas axonopodis pv.citri</i> )
Citrus Greening (also called Huanglongbing, HLB, or Yellow Dragon Disease)	Bacterium ( <i>Candidatus Liberibacter africanus</i> , or <i>Candidatus Liberibacter americanus</i> , or <i>Candidatus Liberibacter asiaticus</i> )
Citrus Leprosis	Citrus Leprosis Virus (CiLV)
Citrus Psorosis (Scaly Bark)	Citrus Psorosis Virus (CPSV) (genus <i>Ophiovirus</i> )
Citrus Scab	Fungus ( <i>Elsinoe fawcetti</i> )
Citrus Tristeza	Citrus Tristeza Virus (CTV) (genus <i>Closterovirus</i> )
Citrus Variegated Chlorosis (CVC)	Bacterium ( <i>Xylella fastidiosa</i> )
Stubborn Disease of Citrus	Mycoplasmalike pathogen ( <i>Spiroplasma citri</i> )
Sweet Orange Scab	Fungus ( <i>Elsinoe australis</i> )
Exocortis	Exocortis viroid
Hop stunt virioid (HSVd)	Cachexia/Xyloporosis

Citrus Pest Chart 2

<b>Common Name</b>	<b>Scientific Name</b>
African Psylid	<i>Trioza erytreae</i>
Asian grey weevil	<i>Mylocerus undatus</i>
Avocado whitefly	<i>Trialeurodes floridensis</i>
Black citrus aphid	<i>Toxoptera aurantii</i>
Black citrus aphid	<i>Toxoptera citricidus</i>
Branch and twig borer	<i>Melalgus confertus</i>
Brown citrus aphid	<i>Toxoptera citricida</i>
Caribbean black scale	<i>Saissetia neglecta</i>
Citrus bud mite	<i>Eriophyes sheldoni</i>
Citrus grey mite	<i>Calacarus citrifolii</i>
Citrus root weevil	<i>Pachnaeus litus</i>
Citrus snow scale	<i>Unaspis citri</i>
Citrus thrips	<i>Scirtothrips citri</i>
Diaprepes root weevil	<i>Diaprepes abbreviatus</i>
False codling moth	<i>Thaumatotibia leucotreta</i>
Inconspicuous whitefly	<i>Bemisia inconspicua</i>
Orange spiny whitefly	<i>Aleurocanthus spiniferous</i>
Plumeria whitefly	<i>Paraleurodes perseae</i>

Rufous scale	<i>Selenaspidus articulatus</i>
Six-spotted mite	<i>Eotetranychus sexmaculatus</i>
Yuma spider mite	<i>Eotetranychus yumensis</i>

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History:** Filed: **Amended:**

**80-10-19-.02** Definitions. For the purposes of this quarantine, the following definitions shall apply:

(1) Infestation. The presence of ~~Citrus Greening or the Asian Citrus Psyllid~~ and Citrus diseases listed in Chart 1 and Citrus pests listed in Chart 2 in any stage of development, or the existence of circumstances which make it reasonable to believe that ~~CG or ACP is~~ they are present.

(2) Regulated Area. Any county, parish, township, or city or other civil division or part thereof in any state or territory listed in this quarantine as being placed under quarantine, and such other areas that may become infested or deemed to present a hazard to the citrus industry of Alabama.

(3) Certificate of Quarantine Compliance. A certificate or document issued by a duly authorized official, representative of the state of origin verifying compliance with the provisions of the quarantine. Such certificates shall specify pesticidal treatment applied, place where grown, name and address of distributor or consignor, tag number of truck and/or trailer and state of registration, car number if by rail, and name and address of consignee.

(4) Compliance Agreement. An agreement between a person and/or business and the Alabama Department of Agriculture and Industries stating the stipulations for the treatment of regulated articles in accordance with the Alabama ACP and CG Citrus Disease Quarantine.

(5) Citrus Disease. Any pathogen or causal agent affecting in the citrus plant or plant parts to the detriment of the Citrus Industry.

(6) Regulated Articles. Regulated articles refer to any Citrus and other Rutaceous plants that are host of Citrus insects, mites, and diseases detrimental to the Alabama citrus industry.

(7) Originating within Alabama. A tree or plant propagated and grown within the state of Alabama.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.03 Quarantine Imposed.** Upon the findings and determinations set out in Rule 80-10-19.01 above, it is hereby ordered under the provisions of Code of Ala. 1975, §2-25-4(5), that a quarantine be imposed upon the articles and pest in Rule 80-10-19-.04 and diseases and pests set out in this quarantine, subject to the conditions imposed by this quarantine.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.04 Regulated Articles**

~~(1) The following materials are hosts of CG and ACP and their movement from quarantined areas is hereby regulated.~~

~~(a) (1) Host of Citrus Greening Diseases: All plant 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 Citroecirus webberi, Citrus madurenisi (=Citrofortunella microcarpa), Citrus spp., Clausena indica, Clausena lansium, Fortunella spp., Limonia acidissima, Microcitrus australasica, Murraya spp., Poncirus trifoliata, Severinia busifolia, Swinglea glutinosa, triphasia trifolia, Vepris (=Toddalia) lanceolata. any Citrus species and Rutaceous plant that may be found to be a host of diseases in Chart 1.~~

~~(b) (2) Host of Asian-Citrus Psyllid Pests: All plant and plant parts, including but not limited to nursery stock, cuttings, budwood, and propagative seed (but excluding fruit), of: Aegle marmelos, Aeglopsis chevalieri, Afraegle gabonensis, A. paniculata, Atalantia monophylla, Atalantia spp., Balsamocitrus dawei, Bergera (=Murraya) koenigii, Calodendrum capense, X Citroneirus webberi, Citropsis articulate, Citropsis gilletiana, C. schweinfurthii, Citrus madurensis (= X Citrofortunella microcarpa), Citrus spp., Clausena anisum-olens, C. excavate, C. indica, C. lansium, Eremocitrus glauca, Eremocitrus hybrid, Fortunella spp., Limonia acidissima, Merrillia caloxyylon, 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 any Citrus species and Rutaceous plant that may be found to be a host of pests in Chart 2.~~

(3) Any plant, plant part, rootstock, cuttings, budwood, seed, or fruit that may be found to be infested or contain a pathogen that would present a disease risk or be harmful to the Alabama citrus industry.

(e)(4) Any other products, materials, articles, or means or conveyance, if an inspector determines that it presents a risk or spreading ~~CG,~~ and ACP and other Citrus diseases and pests listed in Chart 1 and Chart 2, and after the inspector provides written notification to the person in possession of the products, materials, articles, or means of conveyance that it is subject to the restrictions of the regulations.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.05** **Out-Of-State Regulated Areas.** Out-of-state regulated areas are as follows:

All areas outside of Alabama are regulated areas.

~~(1) California: The contiguous portion of Imperial and San Diego, Counties, California as described below:~~

~~Beginning at the intersection of US Interstate 5 and State highway 78; then, starting northeasterly along State Highway 78 to its intersection with 10<sup>th</sup> Street; then, starting southeasterly along 10<sup>th</sup> Street to its intersection with San Vicente Road; then starting southwesterly along San Vicente Road to its intersection with Wildeat Canyon Road; then starting southeasterly along Wildeat Canyon Road to its intersection with 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 to its intersection with Tule Springs Truck Trial; then, starting northwesterly along Tule Springs Truck Trial 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 the US Interstate 5; then, northwesterly along US Interstate 5 to the point of beginning.~~

~~—(2)— Florida: Entire State for CG and ACP.~~

- ~~(3) Georgia: The entire State for ACP.~~
- ~~(4) Louisiana: The parishes of Orleans and Washington for GG; the entire state for ACP.~~
- ~~(5) Mississippi: The entire state for ACP.~~
- ~~(6) South Carolina: The County of Charleston for GG; the entire state for ACP.~~
- ~~(7) Texas: The entire state for ACP.~~
- ~~(8) All island in the territory of Guam for ACP.~~
- ~~(9) Hawaii; All the islands of the state of Hawaii for ACP.~~
- ~~(10) Puerto Rico: The entire common wealth for ACP.~~
- ~~(11) Any other county, parish, township, or city of other civil division or part thereof in any state or territory not listed above, hereinafter found to have GG and/or ACP infestations shall at this time be designated a regulated area.~~
- (1) Asian Citrus Psyllid, Citrus Black Spot, Citrus Greening, Sweet Orange Scab, and Xanthomonas Canker Bacterium: Alabama follows the list of federally quarantined areas for these pests.<sup>1</sup>
- (2) All other pest and diseases listed in Chart number 1 and Chart number 2 of this document: All States and territories.
- Author:** Robert J. Russell, Patrick B. Moody
- Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.
- History: New Rule:** Filed June 9, 2009; effective July 14, 2009.
- Amended:**

1

See [http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3apath%3a%2Faphis\\_content\\_library%2Fsa\\_our\\_focus%2Fsa\\_plant\\_health%2Fsa\\_domestic\\_pests\\_and\\_diseases%2Fsa\\_pests\\_and\\_diseases%2Fsa\\_plant\\_disease%2Fsa\\_citrus%2Fct\\_citrus\\_health\\_response\\_program](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth?1dmy&urile=wcm%3apath%3a%2Faphis_content_library%2Fsa_our_focus%2Fsa_plant_health%2Fsa_domestic_pests_and_diseases%2Fsa_pests_and_diseases%2Fsa_plant_disease%2Fsa_citrus%2Fct_citrus_health_response_program).

**80-10-19-.06** **Alabama Regulated Areas**. Alabama regulated areas are as follows: The entire State is regulated for ACP. If CG is found within the state, a regulated area for this disease will be established with assistance of USDA APHIS.

~~(1) The entire counties of Baldwin, Covington, Escambia, Geneva, Houston and Mobile.~~

(2) Any other portions of Alabama not listed above, hereinafter found to have CG and/or ACP infestations shall at this time be designated a regulated area.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.07 Requirements For Movement From An Out Of State Regulated Area Into Alabama.**

~~(a)(1) Regulated articles cited in 80-10-19-.04(a) originating from areas under quarantine for CG are prohibited entry into Alabama outside of Alabama which are quarantined for ACP, CBS, Citrus Greening, Citrus Canker, or SOS must be moved in accordance with APHIS requirements. The movement of such articles into Alabama in a manner that is not in accordance with Federal requirements is prohibited.~~

~~(b) Regulated articles originating from an ACP quarantined area must be treated using products approved by the United States Environmental Protection Agency (EPA) and the department for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, restrictions and precautions, including statements pertaining to Worker Protections Standards.~~

(2) Citrus nursery stock, other than that permitted to move into other citrus producing states, is prohibited from movement into Alabama whether from quarantined or non-quarantined areas from out of state.

(3) Regulated articles cited in 80-10-19-04 originating from areas outside of Alabama which are not quarantined for ACP, CBS, Citrus Greening, Citrus Canker, or SOS must be accompanied by a certificate from the originating state citing freedom from all the diseases and pests listed in Chart number 1 (one) and Chart 2 (two). The protocols for certification shall be as follows:

(a) The citrus nursery stock, scions, or budwood being transported into Alabama must have been inspected and found free of all Citrus diseases and pests listed in Chart 1 (one) and Chart 2 (two) within 30 days of shipment.

(b) The nursery stock, scions or budwood is from parent stock which has been indexed and found free of Citrus viruses and viroids listed in Chart 1 (one) within 12 months of shipment of such regulated articles.

(c) A copy of the test results of such testing and inspections, when required, must be provided/mailed to the Plant Pest Administrator of the Alabama Department of Agriculture and Industries.

(4) Additional Conditions for Regulated Article Movement:

(a) The nursery in which the nursery stock is produced has entered into a compliance agreement with APHIS in which it agrees to meet the relevant construction standards, sourcing and certification requirements, cleaning, disinfecting, and safeguarding requirements, labeling requirements, and recordkeeping and inspection requirements specified in the PPQ protocol document "Interstate Movement of Citrus and Rutaceous Plants For Planting From Areas Quarantined For Citrus Canker, Citrus Greening, or Asian Citrus Psyllid."

The protocol document is available on the internet at: [http://www.aphis.usda.gov/plant health/plant pest info/citrus/downloads/chrp.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/citrus/downloads/chrp.pdf)

In regard to the above federal regulations, citrus nursery stock other than that permitted to move into other citrus producing states, is prohibited from movement into Alabama whether from quarantined or non-quarantined areas from out of state.

When all requirements and protocols stated in the above document are met and verified then nursery stock is free to move into Alabama.

(5) Before any regulated article may be moved into Alabama, advance notice must be given in writing, to the Alabama Department of Agriculture and Industries, Plant Protection Section. Notice must include the following:

- (1) Origin of shipment
- (2) Date of shipment
- (3) Contents of shipment
- (4) Destination of shipment

~~(c) All regulated articles not intended for human or animal 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. The drench and foliar spray must be applied at the rate designated~~

~~for ACP on the product. Additional active ingredients may be approved upon consultation with the United States Department of Agriculture (USDA).~~

~~(d) In the case of regulated articles intended for consumption, such as fresh curry leaves (*Bergera (=Murraya) keenigii*), (instead of the treatments specified in subparagraph (c) of this paragraph), or for decorative purposes such as mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, the leaves must be treated prior to the movement in accordance with the Animal and Plant Health Inspection Service's (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 must be safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined from CG may be irradiated in accordance with 7 CFR 305.1.~~

~~(e) (6) All regulated articles that have been treated as provided above must be inspected by the person engaged in growing or handling the regulated articles or by his trained designee and found free of ACP within 72 hours prior to shipping. Inspection of curry leaves 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.~~

~~(f) (7) Any person engaged in the business of growing or handling regulated articles in a regulated area must enter into a compliance agreement with the department of agriculture of the state in which they originate. Regulated articles cited in 80-10-19-.04b must be accompanied by a Certificate of Quarantine Compliance stating that such articles are in compliance with the Federal Domestic Quarantine Order for CG and ACP and the Alabama Citrus Quarantine for ACP and CG.~~

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.08 Movement of Regulated Articles Produced In  
Regulated Areas Of Originating Within Alabama**

~~(1) Regulated articles under this rule, produced within an area designated as a regulated area in Alabama as defined in 80-10-19-.02 into areas of Alabama not designated as a regulated area.~~

~~(a)~~ (1) Regulated articles must be treated using products approved by the United States Environmental Protection Agency (EPA) and the department for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, restrictions and precautions, including statements pertaining to Worker Protection Standards.

~~(b)~~ (2) All regulated articles not intended for human or animal consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to product being shipped. Additional active ingredients may be approved upon consultation with the United States Department of Agriculture (USDA).

~~(c)~~ (3) In the case of regulated article intended for consumption, such as fresh curry leaves (*Bergera (=Murraya) koenigii*), (instead of the treatments specified in ~~sub~~ paragraph ~~(b)~~ (2) of this paragraph, or for decorative purposes such as mock orange (*Murraya paniculata*) leaves that are incorporated into leis or floral arrangements, the leaves must be treated prior to the movement in accordance with the Animal and Plant Health Inspection Service's (APHIS) treatment schedule TT101-n-2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and must be safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined for CG may be irradiated in accordance with 7 CFR 305.

~~(d)~~ (4) All regulated articles that have been treated as provided above must be inspected by the persons engaged in growing or handling the regulated materials or by his trained designee and found free of ACP within 72 hours prior to

shipping. Inspection of curry leaves 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.

~~(e)~~(5) Any person engaged in the business of growing or handling regulated articles in the quarantine area outlined in 06 80-10-19-.06 must enter into a compliance agreement with the Alabama Department of Agriculture and Industries if the regulated materials are to be moved.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.09 Requirements For Lifting Quarantine. "REPEALED"**

Areas of Alabama infected with ACP or CG may be released from quarantine if no ACP or CG is positively identified for 1 (one) complete growing season.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.10 Authority Of Commissioner To Inspect And Seize.**

Under the Provisions of Code of Ala. 1975, §2-25-3, the commissioner may, after first being properly identified, stop and inspect, without a warrant, any person or means of conveyance moving into, within or from the state of Alabama upon probable cause to believe that such means of conveyance of articles are infested with ~~the Asian Citrus Psyllid, Citrus Greening,~~ any harmful citrus pest or disease, and he is authorized to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of these rules.

**Author:** Robert J. Russell, Patrick B. Moody

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**Amended:**

**80-10-19-.11 Violation of Quarantine.**

Any person violating any provision of this quarantine shall be subject to the penalties imposed under the provisions of Code of Ala. 1975, §2-25-22.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.

**80-10-19-.12 Commissioner May Waive Quarantine Requirements.**

The Commissioner of Agriculture and Industries may, in his discretion, waive any duty, requirement, or any other provision of this quarantine for any time period necessary, if he determines that the said waiver would be in the best interest of agriculture, the citrus industry and the citizens of Alabama.

**Author:** Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §2-25-1, et seq.

**History: New Rule:** Filed June 9, 2009; effective July 14, 2009.