

301.76 Citrus Greening and Asian Citrus Psyllid

Federal Domestic Quarantine

Sec. 301.76 Restrictions on interstate movement

No person may move interstate from any quarantined area any articles regulated for citrus greening and Asian citrus psyllid, except in accordance with this subpart.

Sec. 301.76-1 Definitions

Administrator. The Administrator of the Animal and Plant Health Inspection Service (APHIS) or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Asian citrus psyllid. The insect known as Asian citrus psyllid (*Diaphorina citri* Kuwayama) in any stage of development.

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 and/or citrus greening without spreading the psyllid or the disease.

Citrus greening. A plant disease, also commonly referred to as **Huanglongbing disease of citrus**, that is caused by several strains of the uncultured, phloem-limited bacterial pathogen "*Candidatus Liberibacter asiaticus*".

Commercial citrus grove. A solid-set planting of trees maintained for the primary purpose of producing citrus fruit for commercial sale.

Compliance agreement. A written agreement between APHIS and a person engaged in the business of growing, maintaining, processing, handling, packing, or moving regulated articles for interstate movement, in which the person agrees to comply with this subpart. For the purposes of this subpart, a memorandum of understanding is considered a compliance agreement.

EPA. The U.S. Environmental Protection Agency.

Established population. Presence of Asian citrus psyllid within an area that the Administrator determines is likely to persist for the foreseeable future.

Inspector. An individual authorized by the Administrator to perform the duties required under this subpart.

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

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

Moved (move, movement). Shipped, offered for shipment, received for transportation, transported, carried (whether on one's person or by any other means of conveyance), or allowed to be moved, shipped, transported, or carried. For the purposes of this subpart, movements include any type of shipment, including mail and Internet commerce.

Nursery. Any commercial location where nursery stock is grown, propagated, stored, maintained, or sold, or any location from which nursery stock is distributed.

Nursery stock. Any plants or plant parts, excluding fruit, intended to be planted, to remain planted, or to be replanted.

Nursery stock includes, but is not limited to, trees, shrubs, cuttings, grafts, scions, and buds.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Port. Any place designated by the President, Secretary of the Treasury, or Congress at which a Customs officer is assigned with authority to accept entries of merchandise, to collect duties, and to enforce the various provisions of the Customs and Navigation laws in force at that place.

Quarantined area. Any State or portion of a State designated as a quarantined area for Asian citrus psyllid or citrus greening in accordance with 301.76-3.

Regulated article. Any article listed in 301.76-2 or otherwise designated as a regulated article in accordance with 301.76-2(c).

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

Sec. 301.76-2 Regulated articles for Asian citrus psyllid and citrus greening

The following are regulated articles for Asian citrus psyllid and citrus greening:

(A) Restricted articles

All plants and plant parts (including leaves), except fruit, of:

Aegle marmelos
Aeglopsis chevalieri
Afraegle gabonensis
A. paniculata
Amyris madrensis
Atalantia spp. (including *Atalantia monophylla*)
Balsamocitrus dawei
Bergera(=*Murraya*) *koenigii*
Calodendrum capense
Choisya ternate
C. arizonica
X Citroncirus webberi
Citropsis articulata
Citropsis gilletiana
Citrus madurensis (= *X Citrofortunella microcarpa*)
Citrus spp.
Clausena anisum-olens
C. excavata
C. indica
C. lansium
Eremocitrus glauca
Eremocitrus hybrid
Esenbeckia berlandieri
Fortunella spp.
Limonia acidissima
Merrillia caloxylo,
Microcitrus australasica
M. australis
M. papuana,
X Microcitronella spp.
Murraya spp.
Naringi crenulata
Pamburus missionis
Poncirus trifoliata
Severinia buxifolia
Swinglea glutinosa
Tetradium ruticarpum
Toddalia asiatica
Triphasia trifoli,
Vepris(=*Toddalia*) *lanceolata*
Zanthoxylum fagara

(B) Propagative seed of the species listed in paragraph (a) of this section is considered a host of citrus greening but not a host of Asian citrus psyllid. Therefore, notwithstanding the other provisions of this subpart, the movement of propagative seed of these species from an area quarantined for citrus greening is prohibited, while the movement of such seed from an area quarantined only for Asian citrus psyllid, but not for citrus greening, is allowed without restriction.

(C) Any other product, article, or means of conveyance may be designated a regulated article for Asian citrus psyllid or citrus greening, if an inspector determines that it presents a risk of spreading these pests, 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 this subpart.

(D) Plant parts of the species listed in paragraph (a) of this section may be exempted from the regulations in this subpart, provided that the parts have been processed such that an inspector determines they no longer present a risk of spreading Asian citrus psyllid or citrus greening.

Sec. 301.76-3 Quarantined areas; citrus greening and Asian citrus psyllid

Quarantined Area

Current Citrus Greening and Asian Citrus Psyllid quarantine areas are posted on the United States Department of Agriculture Animal and Plant Health Inspection Service website:

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

Due to the presence of Citrus Greening:

California: Portion of Los Angeles County.

Florida: The entire state.

Georgia: The entire state.

Louisiana: Orleans and Washington Parishes.

Puerto Rico: The entire Commonwealth.

South Carolina: Beaufort and Charleston Counties.

Texas: Portion of Hidalgo County.

U.S. Virgin Islands: The entire territory.

Due to the presence of Asian Citrus Psyllid:

Alabama: The entire state.

American Samoa: The entire territory.

Arizona: Portions of Yuma County.

California: The entire counties of Imperial, Los Angeles, Orange, San Diego and Ventura. Portions of Riverside, San Bernardino, and Santa Barbara Counties. (see CCR 3435).

Florida: The entire state.

Georgia: The entire state.

Guam: The entire territory.

Hawaii: All islands of the state.

Louisiana: The entire state.

Mississippi: The entire state.

Northern Mariana Islands: The entire Common wealth.

Puerto Rico: The entire Commonwealth.

South Carolina: Beaufort, Charleston and Colleton

Texas: The entire state.

U.S. Virgin Islands: The entire territory.

Sec. 301.76-4 Labeling requirements for regulated nursery stock produced within an area quarantined for citrus greening

(A) Effective September 15, 2010, except as provided in paragraphs (b) and (c) of this section, all regulated nursery stock offered for commercial sale within an area quarantined for citrus greening must have an APHIS approved plastic or metal tag on which a statement alerting consumers to Federal prohibitions regarding the interstate movement of the article is prominently and legibly displayed. Alternatively, if the article is destined for commercial sale in a box or container, the statement may be printed on the box or container, or printed on a label permanently affixed to the box or container, provided that, in either case, the statement is prominently and legibly displayed. The operator of the site of propagation of the nursery stock and the person offering the plants for commercial sale are jointly responsible for all such labeling.

(B) Nursery stock produced within a quarantined area for planting in a commercial citrus grove within that same area and moved directly to that grove, without movement outside of the quarantined area, may be moved without being labeled in accordance with paragraph (a) of this section.

(C) Nursery stock that will be moved interstate in accordance with 301.76-7 may be moved without being labeled in accordance with paragraph (a) of this section.

Sec. 301.76-5 General conditions governing the issuance of any certificate or limited permit; provisions for cancellation of a certificate or limited permit

(A) Certificates. In addition to all other relevant conditions within this subpart, an inspector or person operating under a compliance agreement will issue a certificate only if a regulated article:

(1) Will be moved in compliance with any additional emergency conditions that the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of Asian citrus psyllid; and

(2) Is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the article.

(B) Limited permits. In addition to all other relevant conditions within this subpart, an inspector or person operating under a compliance agreement may issue a limited permit for the interstate movement of a regulated article only if the regulated article:

(1) Is to be moved interstate to a specified destination for specified handling, processing, or utilization (the destination and other conditions to be listed in the limited permit) and this movement of the regulated article will not result in the spread of citrus greening or the Asian citrus psyllid;

(2) Is to be moved in compliance with any additional emergency conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of citrus greening and the Asian citrus psyllid; and

(3) Is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the article.

(C) Certificates and limited permits for the interstate movement of a regulated article may be issued by an inspector or person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the interstate movement of a regulated article after he or she has determined that the article is eligible for a certificate in accordance with paragraph (a) of this section and all other relevant conditions of this subpart. A person operating under a compliance agreement may issue a limited permit for interstate movement of a regulated article after he or she has determined

that the article is eligible for a limited permit in accordance with paragraph (b) of this section and all other relevant conditions of this subpart.

(D) Any certificate or limited permit that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the certificate or limited permit has not complied with all of the provisions in this subpart or has not complied with all the conditions contained in the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as soon as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

(E) Unless specific provisions exist in 301.76-6 or 301.76-7 of this subpart to allow the interstate movement of a certain regulated article, the interstate movement of that article is prohibited.

Sec. 301.76-6 Additional conditions for issuance of certificates and limited permits for regulated articles moved interstate from areas quarantined for Asian citrus psyllid, but not for citrus greening

(A) In addition to the general conditions for issuance of a certificate contained in 301.76-5(a), an inspector or person operating under a compliance agreement may issue a certificate for the interstate movement of any regulated article to any State if:

- (1) The article is treated with methyl bromide in accordance with 7 CFR part 305 of this chapter.
- (2) The article is shipped in a container that has been sealed with an agricultural seal placed by an inspector.
- (3) The container that will be moved interstate is clearly labeled with the certificate.
- (4) A copy of the certificate will be attached to the consignee's copy of the accompanying waybill.

(B) Additional conditions for issuance of a certificate; regulated nursery stock .In addition to the general conditions for issuance of a certificate contained in 301.76-5(a), an inspector or person operating under a compliance agreement may issue a certificate for interstate movement of regulated nursery stock to any State if:

- (1) 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 a PPQ protocol document. The protocol document will be provided to the person at the time he or she enters into the compliance agreement. The compliance agreement may also specify additional conditions determined by APHIS to be necessary in order to prevent the spread of Asian citrus psyllid under which the nursery stock must be grown, maintained, and shipped in order to obtain a certificate for its movement. The compliance agreement will also specify that APHIS may amend the agreement.

The protocol document is available on the USDA APHIS website:

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

- (2) An inspector determines that the nursery has adhered to all terms and conditions of the compliance agreement.
- (3) The nursery stock is completely enclosed in a sealed container that is clearly labeled with the certificate and is moved interstate in that container.

- (4) A copy of the certificate is attached to the consignee's copy of the accompanying waybill.

(C) Additional conditions for issuance of a limited permit; regulated nursery stock.

(1) Nursery stock that will not be moved through American Samoa, Arizona, California, Florida, Guam, Hawaii, the Northern Mariana Islands, Puerto Rico, Texas, or the U.S. Virgin Islands. In addition to the general conditions for the issuance of a limited permit contained in 301.76-5(b), an inspector or person operating under a compliance agreement, other than the operator of the nursery in which the nursery stock was produced and his or her employees, may issue a limited permit for the interstate movement of regulated nursery stock through areas of the United States other than American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, or the U.S. Virgin Islands, and to areas of the United States other than Northern Mariana Islands and those portions of Arizona and California that are not quarantined due to the presence of Asian citrus psyllid or citrus greening, if:

(i) The nursery in which the nursery stock is produced has entered into a compliance agreement with APHIS in accordance with 301.76-8;

(ii) All citrus nursery stock at the nursery has been inspected by an inspector every 30 days, and any findings of Asian citrus psyllid during an inspection have been reported to APHIS immediately;

(iii) The nursery stock is treated for Asian citrus psyllid with an APHIS approved soil drench or in-ground granular application no more than 90 days and no fewer than 30 days before shipment, followed by an APHIS approved foliar spray no more than 10 days before shipment. All treatments must be applied according to their EPA label, including directions on application, restrictions on place of application and other restrictions, and precautions, and including statements pertaining to Worker Protection Standards;

(iv) The nursery stock is affixed prior to movement with a plastic or metal tag on which the statement "Limited permit: USDA-APHIS-PPQ. Not for distribution in those portions of AZ and CA not quarantined due to the presence of Asian citrus psyllid or citrus greening" is prominently and legibly displayed on the obverse, and adequate information as determined by APHIS regarding the identity of the nursery stock and its source of production to conduct traceback to the nursery in which the nursery stock was produced is prominently and legibly printed on the reverse. If the nursery stock is destined for movement or sale in boxes or containers, the statement and the identifying information may be printed on the box or container, or printed on a label permanently affixed to the box or container, provided that, in either case, the statement and the identifying information are prominently and legibly displayed;

(v) A copy of the limited permit will be attached to the consignee's copy of the accompanying waybill; and

(vi) The nursery stock is shipped in accordance with the conditions specified on the limited permit to the destination specified on the permit.

(2) Nursery stock that will be moved through American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, or the U.S. Virgin Islands. In addition to the general conditions for the issuance of a limited permit contained in 301.76-5(b), an inspector or person operating under a compliance agreement may issue a permit for the interstate movement of regulated nursery stock through American Samoa, Arizona, California, Florida, Guam, Hawaii, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, or the U.S. Virgin Islands, and to areas of the United States other than Northern Mariana Islands or those portions of Arizona and California that are not quarantined due to the presence of Asian citrus psyllid or citrus greening, if:

(i) All conditions for movement of regulated nursery stock in paragraphs (c)(1)(i) through (c)(1)(vi) of this section are fulfilled;

(ii) The nursery stock is inspected by an inspector on the date of shipment and found free of Asian citrus psyllid;

(iii) The nursery stock is completely enclosed in a container sealed with an agricultural seal and is moved interstate in that container;

(iv) The container prominently and legibly displays the statement and identifying information specified in paragraph (c)(1)(iv) of this section;

(v) The agricultural seal remains intact throughout movement to the destination specified on the limited permit; and

(vi) The agricultural seal is removed at the destination specified on the limited permit by an inspector.

(D) Additional conditions for issuance of a limited permit: regulated articles intended for consumption, as apparel or as a similar personal accessory, or for other decorative use. In addition to the general conditions for issuance of a limited permit contained in 301.76-5(b), an inspector or person operating under a compliance agreement may issue a limited permit for the interstate movement of regulated articles intended for consumption, as apparel or as a similar personal accessory, or for other decorative use if:

(1) The articles are treated with irradiation in accordance with 7 CFR part 305 of this chapter at an irradiation facility that is not located in an area quarantined for citrus greening.

(2) The container that will be used to move the articles interstate is clearly labeled with the limited permit, which must contain the name of the State or portion of a State where the articles were produced and a statement that the articles were treated in accordance with 7 CFR part 305 of this chapter.

(3) A copy of the limited permit is attached to the consignee's copy of the accompanying waybill.

Sec. 301.76-7 Additional conditions for issuance of certificates and limited permits for regulated articles moved interstate from areas quarantined for citrus greening

(A) Additional conditions for the issuance of a certificate; regulated nursery stock produced within a nursery located in

the quarantined area. In addition to the general conditions for issuance of a certificate contained in 301.76-5(a), an inspector or person operating under a compliance agreement may issue a certificate for interstate movement of regulated nursery stock to any State if all of the following conditions are met:

(1) 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 a PPQ protocol document. The protocol document will be provided to the person at the time he or she enters into the compliance agreement. The compliance agreement may also specify additional conditions determined by APHIS to be necessary in order to prevent the dissemination of citrus greening under which the nursery stock must be grown, maintained, and shipped in order to obtain a certificate for its movement. The compliance agreement will also specify that APHIS may amend the agreement.

The protocol document is available on the USDA APHIS website:

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

(2) An inspector has determined that the nursery has adhered to all terms and conditions of the compliance agreement.

(3) The nursery stock is completely enclosed in a sealed container that is clearly labeled with the certificate and is moved interstate in that container.

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

(B) Additional conditions for issuance of a limited permit: regulated nursery stock grown, produced, or maintained at a nursery or other facility located in the quarantined area. In addition to the general conditions for issuance of a limited permit contained in 301.76-5(b), an inspector or person operating under a compliance agreement may issue a limited permit for the interstate movement for immediate export of regulated nursery stock grown, produced, or maintained at a nursery or other facility located in the quarantined area if:

(1) The nursery stock is treated for Asian citrus psyllid with an APHIS approved soil drench or in-ground granular application, followed by an APHIS-approved foliar spray, in accordance with 301.76-6(b)(1), or with methyl bromide, in accordance with 7 CFR part 305 of this chapter.

(2) The nursery stock is inspected by an inspector in accordance with 301.76-9 and found free of Asian citrus psyllid, if treated in accordance with 301.76- (b)(1).

(3) The nursery stock is affixed prior to movement with a plastic or metal tag on which the statement "Limited permit: USDA-APHIS-PPQ. For immediate export only" is prominently and legibly displayed. If the nursery stock is destined for movement or sale in a box or container, the statement may be printed on the box or container, or printed on a label permanently affixed to the box or container, provided that, in either case, the statement is prominently and legibly displayed.

(4) The nursery stock is accompanied by a copy of this limited permit attached to the consignee's copy of the waybill.

(5) The nursery stock is moved in accordance with the conditions specified on the limited permit directly to the port of export specified on the limit permit, in a container sealed with an agricultural seal placed by an inspector.

(6) A copy of the limited permit is attached to or legibly printed on this container.

(7) The nursery stock remains in this container, and the container remains sealed, as long as the plants are within the United States.

(C) Except for nursery stock for which a limited permit has been issued in accordance with the conditions of paragraph (a) or (b) of this section, no other regulated article may be moved interstate from an area quarantined for citrus greening.

(3) Attached to the consignee's copy of the accompanying waybill. The host article must be sufficiently described on the certificate or limited permit and on the waybill to identify the article.

(B) The certificate or limited permit for the interstate movement of a host article must be furnished by the carrier or the carrier's representative to the consignee listed on the certificate or limited permit upon arrival at the location provided on the certificate or limited permit.

Sec. 301.76-8 Compliance agreements and cancellation

(A) Any person involved in the growing, maintaining, processing, handling, packing, treating, or moving of regulating articles from areas quarantined for citrus greening or Asian citrus psyllid may enter into a compliance agreement when an inspector determines that the person understands this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in the compliance agreement. The person must also agree to maintain and offer for inspection such records as are necessary to demonstrate continual adherence to the requirements of the regulations and the provisions of the compliance agreement.

(B) Any compliance agreement may be canceled, either orally or in writing, by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart or any term or condition of the compliance agreement itself. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongly canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

Sec. 301.76-9 Inspection of regulated nursery stock

All nursery stock intended for interstate movement for immediate export from an area quarantined for citrus greening must be inspected by an inspector no more than 72 hours prior to movement. The person who desires to move the articles interstate must notify the inspector as far in advance of the desired interstate movement as possible. The articles must be inspected at the place and in the manner the inspector designates as necessary to comply with this subpart. If the inspector has reason to believe that the interstate movement of the articles may lead to the artificial spread of citrus greening or Asian citrus psyllid, he or she may deny issuance of a limited permit for interstate movement of the article or take other remedial measures to prohibit such spread.

Sec. 301.76-10 Attachment and disposition of certificates and limited permits

(A) A certificate or limited permit required for the interstate movement of a regulated article, or a copy thereof, must, at all times during the interstate movement, be:

(1) Attached to or legibly printed on the outside of the container containing the regulated article or attached to the regulated article itself, if the article is not packed in a container; and

(2) Attached to or legibly printed on the sealed container in which the article is shipped; and