

**Title 7**  
**AGRICULTURE AND ANIMALS**  
**Part XV. Plant Protection and Quarantines**

**Chapter 1. Crop Pests and Diseases**

**Subchapter A. General Plant  
Quarantine Provisions**

**§101. Applicability of Regulations**

A. The regulations contained in this Subchapter apply to quarantine of all plants, plant products, parts thereof and all regulated materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:317 (April 1985).

**§103. Definitions**

*Agent* or *Inspector*—any designee of the state entomologist who is qualified by training and/or experience to identify plant pests or diseases.

*Certificate*—a document issued by the state entomologist evidencing apparent freedom of plants, plant products or parts thereof or regulated articles from infestation.

*Certificate Permit*—a written document, stamp, or other form of identification approved by the department, which authorizes the movement, sale or offer for sale or storage of plants, plant products or parts thereof or regulated materials.

*Certificate Permit Tag*—a tag which authorizes the movement, sale or offer for sale or storage of plants, plant products or parts thereof, or regulated materials.

*Commissioner*—the commissioner of Agriculture and Forestry.

*Container*—a crate, box, basket, sack, bag or any other kind of container used for the shipment or storage of plants, plant products, parts thereof, or equipment used in the propagation, production or harvesting of plants subject to regulation.

*Department*—the Louisiana Department of Agriculture and Forestry.

*Eradication Area*—any area within a quarantine area in which plants or host material or other equipment are to be eradicated.

*Fumigation Certificate*—a document evidencing fumigation of plants, plant products or parts thereof or regulated materials.

*Host*—any plant on or in which any plant pest or plant disease lives for nourishment or protection.

*Host Material*—any substance which harbors any plant pest or disease.

*Infested Property*—any property where infested plants, plant products or parts thereof or host material has been found, or any property onto which host material from an infested property has been moved for any purpose.

*Limited Permit*—a document authorizing the movement of regulated articles to a restricted area for limited handling, utilization, processing or for treatment.

*Move, Movement* or *Moved*—shipment, deposit for transmission in the mail, offer for shipment, receive for transportation, carry, otherwise transport or move, or allow to be moved, by mail or otherwise, interstate or intrastate, directly or indirectly.

*Person*—any individual, firm, company, corporation, partnership, society or association engaged in growing, harvesting, storing, shipping or processing any plants subject to inspection and/or regulation by the state entomologist.

*Pest*—any insect known to be destructive of specific plant life in any stage of development, i.e., egg, larva, pupa or adult.

*Pest-Free Area*—any location where there is no known incidence of a specific plant pest or disease. (Note: Any given location may be designated as pest-free for one pest but restricted and/or quarantined for another pest.)

*Premises*—any parcel of land, including any buildings located thereon, irrigation systems and any other similar locations where plant pests or diseases may be supported.

*Property*—any equipment of any kind, containers for crops, vehicles and other similar properties where plant pests and/or diseases may be found.

*Quarantine*—an official Act of the state entomologist to prohibit or limit planting, production, harvesting, movement, sale or offer for sale, or storage of plants subject to infestation and/or any host material of such plants.

*Quarantined Area*—any property within or outside of the state of Louisiana which has been officially designated as a quarantine area because such area is suspected of being or is found to be infested with any plant pest or plant disease which is detrimental to any crop grown in Louisiana.

*Regulated Area* or *Restricted Area*—any property under quarantine or within a 1-mile radius of any property under quarantine.

*Regulated Materials* or *Restricted Materials*—any plants, plant products or parts thereof subject to regulation under this Subchapter, or any host material for any plant pest or disease.

*State Entomologist*—the official within the department, or his designee, who is authorized to impose and supervise plant quarantines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:317 (April 1985), amended LR 27:1175 (August 2001).

#### **§105. Authority of State Entomologist to Conduct Inspections**

A. Whenever the state entomologist has reason to believe or suspect that any plant pest or plant disease subject to regulation may be present at any location within the state of Louisiana, he may cause an inspection of such premises and/or property to be made. Such inspection shall be made at a reasonable time during the normal work day and may be made with or without warrant.

B. Whenever the state entomologist has reason to believe or suspect that any plant pest or disease has been and/or may be transported into Louisiana and/or transported between two or more locations within Louisiana, by any means, he may establish inspection stations and cause an inspection to be made of any vehicle known or suspected to be transporting any materials known to be hosts for such plant pest or disease. In lieu of establishing inspection stations, the state entomologist may utilize existing inspection stations operated by law enforcement personnel of the state of Louisiana.

C. Whenever the state entomologist determines that materials being shipped into or within the state of Louisiana are infested, the state entomologist may order such materials to be destroyed at the inspection point, or to be shipped back to the point of origin. If shipped back to the point of origin, the owner of such materials shall be responsible for payment of all costs associated with the return shipment. Shipments being returned to the point of origin by order of the state entomologist must be sealed in a manner approved by the state entomologist and cannot stop until reaching the point of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

#### **§107. Authority of State Entomologist to Impose Quarantines**

A. Whenever the state entomologist's inspection of properties or premises indicates any presence of an infestation of any plant pest or disease, the state entomologist may declare such properties or premises to be under quarantine.

B. The state entomologist may place any premises or properties under quarantine by the following procedures:

1. he must give notice, in writing, to the owner of the properties to be quarantined; and

2. he must publish notice of the quarantine in the *Louisiana Register* as required by §109 hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1654 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

#### **§109. Procedure for Imposition of Quarantine**

A. In addition to giving written notice to the owner of properties to be placed under quarantine, the state entomologist shall annually, no later than November 30 of each year, publish in the *Louisiana Register* a list of all areas of Louisiana and the nation which are under quarantine, such publication to specify the plant pest or plant disease for which each such area is quarantined.

B. All areas contained on the state entomologist's annual listing of quarantined areas shall remain under quarantine for a period of one year following the date of publication, except as provided in §109.C hereof.

C. The state entomologist may, at his discretion, remove the quarantine from any specific area listed in his annual quarantine listing when it is proven to his satisfaction that the plant pest or disease for which the area was quarantined is no longer present in the area from which the quarantine is to be removed. Whenever the state entomologist removes a quarantine prior to the expiration of one year following publication of the annual quarantine listing, he shall publish a report of his action in the *Louisiana Register*.

D. The state entomologist may, at his discretion, supplement his annual quarantine listing whenever any plant pest or disease is detected in any area which is not under quarantine for such plant pest or disease. The state entomologist shall, in such event, supplement his annual quarantine listing by publishing a "Supplement to the (Year of Quarantine) Quarantine Listing for (Name of Plant Pest or Disease)" in the *Louisiana Register*. The quarantine placed on any area by such supplemental action shall expire at the same time as the quarantines contained in his annual quarantine listing for such plant pests and diseases.

E. Upon publication of the state entomologist's annual quarantine listing, all previously published annual and supplementary quarantine listings shall automatically be repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1654 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

#### **§111. Effect of Quarantine**

A. Regulated materials may not be grown, harvested, sold, stored or moved out of or within a quarantined area except under special permit issued by the state entomologist.

B. Regulated materials grown, harvested, sold, stored or transported within a quarantined area in the absence of a special permit issued by the state entomologist are subject to destruction at the discretion of the state entomologist.

C. Regulated materials may not be moved from a quarantined area into a pest-free area within Louisiana unless accompanied by a fumigation certificate issued by the

state entomologist or by the appropriate official within the state of origin.

D. Regulated materials located within a quarantined area may, at the sole discretion of the state entomologist, be destroyed or disposed of to protect the plant life of the quarantined area. Whenever the state entomologist determines that restricted materials must be destroyed, such destruction shall be performed in a manner approved by the state entomologist. The cost of destruction of such materials shall be borne by the owner of such materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

**§113. Movement, Sale, Offer for Sale and/or Storage of Host Materials**

A. No host materials may be transported out of Louisiana unless:

1. a valid certificate permit issued by the department accompanies each shipment; and

2. if required by the state of destination, a valid certificate permit tag and/or a fumigation certificate accompanies each shipment.

B. No host materials may be transported into or within Louisiana unless:

1. a valid certificate permit issued by the department or the state of origin accompanies each shipment; and

2. a valid certificate permit tag issued by the department or the state of origin is attached to each container in the shipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

**§115. Issuance of Certificate Permits, Certificate Permit Tags and Fumigation Certificates**

A. Certificate permits, certificate permit tags and fumigation certificates may be obtained by application, in writing, to the state entomologist or a local inspector.

B. Certificate permits and certificate permit tags for movement or sale of restricted materials will be issued whenever an inspection reveals that such materials are free of any infestation of the specific plant pest or disease subject to regulation. No certificate permit or certificate permit tag will be issued when such materials are found on inspection to be infested with the plant pest or disease.

C. Container certificate permit tags must be attached to each container of a shipment prior to issuance of a certificate permit.

D. Certificate permits, certificate permit tags and/or fumigation certificates may be canceled by the state entomologist whenever, in his sole judgment, such cancellation is necessary to prevent the spread of any plant pest or plant disease within Louisiana.

E. Certificate permits, certificate permit tags and fumigation certificates become invalid after one shipment and/or one sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:318 (April 1985).

**§117. Responsibility**

A. The owner of any property on which restricted material is stored, planted, cultivated or grown, and any tenant leasing such land, shall be jointly responsible for compliance with these rules and regulations and any other requirements imposed by the state entomologist to eradicate, control and prevent the spread of any plant pest or disease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

**§119. Shipments for Scientific Purposes**

A. These regulations do not apply to shipments of regulated materials, under proper safeguards, to the United States Department of Agriculture, or to recognized state institutions for scientific purposes, except that a special permit issued by a duly authorized state or federal plant quarantine inspector must be attached to the outside of the container.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

**§121. Prohibitions**

A. No person shall in any way interfere with any agent or inspector representing the state entomologist during the performance of an inspection of premises or other property, the application of suppressive measures for the control or eradication of any plant pest or disease, or the destruction of any plants, plant products or parts, host materials or any other regulated materials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

**§123. Host Materials**

A. The following materials are declared to be host materials for the plant pests or diseases indicated.

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Plant Pest/Disease	Host Materials
A. Sweetpotato weevil <i>Cylas formicarius, elegantulus</i> , (Sum.)	Dehydrated sweet potatoes; sweet potato roots, plants, vines or parts thereof; all other <i>Ipomoea</i> spp.; and containers used for transportation or storage of all such hosts.
B. Pink bollworm <i>Pectinophora gossypiella</i> , (Saunders)	All parts of cotton and wild cotton plants of the genus <i>Gossypium</i> , seed cotton, cottonseed, cotton lint, cotton linters, okra, kanef, cotton waste, gin trash, cottonseed hulls, cottonseed cake, cottonseed meal, used bagging and other wrappers for cotton, used cotton harvesting equipment, used picking sacks and any other farm products, equipment, household goods, ginning and oil mill equipment, means of conveyance and any other articles which may serve as host materials.
C. Phytophagus Snails <i>Helix aspersa</i> European Brown Garden Snail <i>Thebia pisana</i> White Garden Snail <i>Megalobulimus oblongus</i> Giant South American Snail <i>Otala lactea</i> Milk Snail <i>Achatina</i> spp. (e.g., Giant African Snail); and any other plant-feeding snail considered injurious to agriculture)	Ornamental, horticultural and nursery stock.
D. All sugarcane pests and diseases	Sugar cane plants, stalks, cuttings and seed; maize.
E. Lethal yellowing	<ol style="list-style-type: none"> <li>1. <i>Cocos nucifera</i> L. (Coconut palm)—all varieties, including Malayan dwarf</li> <li>2. <i>Veitchia</i> spp.</li> <li>3. <i>Pritchardia</i> spp.</li> <li>4. <i>Arikuryroba schizophylla</i> (Mart.) Bailey (Arikury palm)</li> <li>5. <i>Corypha elata</i> Roxb. (Buri palm, Gebang palm)</li> <li>6. <i>Phoenix reclinata</i> Jacq. (Senegal date palm)</li> <li>7. <i>Phoenix canariensis</i> Hort. ex Chab. (Canary Island date palm)</li> <li>8. <i>Phoenix dactylifera</i> L. (Date palm)</li> <li>9. <i>Phoenix sylvestris</i> (L.) Roxb. (Sylvester date palm)</li> <li>10. <i>Trachycarpus fortunei</i> (Hook.) Wendl. (Chinese windmill palm)</li> <li>11. <i>Hyophorbe (Mascarena) verschaffeltii</i> H. Wendl. (Spindle palm)</li> <li>12. <i>Caryota mitis</i> Lour. (Cluster fishtail palm)</li> <li>13. <i>Borassus flabellifer</i> L. (Palmyra palm)</li> <li>14. <i>Chrysalidocarpus cabadae</i> H.E. Moore (Cabada palm)</li> <li>15. <i>Dictyosperma album</i> (Bory) H. Wendl. &amp; Drude (Hurricane or princess palm)</li> <li>16. <i>Aiphanes lindeniana</i> (H. Wendl.) H. Wendl.</li> <li>17. <i>Allagoptera arenaria</i> (Gomes) Kuntze</li> <li>18. <i>Arenga engleri</i> Becc.</li> <li>19. <i>Ravenea hildebrandtii</i> Wendl. ex Bouche</li> <li>20. <i>Gaussia attenuata</i> (O. F. Cook) Beccari (Puerto Rican Gaussia)</li> <li>21. <i>Howeia belmoreana</i> (C. Moore &amp; F. Muell.) Becc. (Sentry palm)</li> <li>22. <i>Lantania</i> spp. (all species)</li> <li>23. <i>Livistona chinensis</i> (N.J. Jacquin) R. Br. ex Mart. (Chinese fan palm)</li> <li>24. <i>Nannorrhops ritchiana</i> (W. Griffith) J. E. T. Aitchison (Mazari palm)</li> <li>25. <i>Neodypsis decaryi</i> Jumelle (Triangle palm).</li> </ol>
F. Sweet potato mosaic	Sweet potato tubers, plants, vines, cuttings, draws and slips; morning glory plants.
G. Tristeza, xyloporosis, psorosis, exocortis	Citrus nursery stock, scions and budwood.

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Plant Pest/Disease	Host Materials
<p>H. Burrowing nematode <i>Radopholus similis</i></p>	<p>All plants with roots; all earth; all sand; and all parts of plants produced below soil level Exceptions: 1. aquatic plants if free from soil; 2. air plants, including certain orchids, grown in soil-free media; 3. air layered plants if roots are still established in the original soil-free moss wrappings; 4. dormant bulbs and corms if free from roots and soil; 5. fleshy, roots, corms, tubers and rhizomes for edible or medicinal purposes if washed or otherwise freed of soil; and 6. industrial sand and clay.</p>
<p>I. Oak wilt <i>Ceratocystis fagacearum</i></p>	<p>Rooted trees, seedlings and/or propagative parts of oak (<i>Quercus</i> spp.), Chinese chestnuts (<i>Castanea mollissima</i>), tanoak (<i>Lithocarpus deniflorus</i>) and bush chinquapin (<i>Castanopsis sempervirens</i>), but not including seeds thereof.</p>
<p>J. Phony peach</p>	<p>All peach, plum, apricot, nectarine and almond stock.</p>
<p>K. Asian citrus psyllid <i>Diaphorina citri</i></p>	<p>All plants and plant parts, including but not limited to nursery stock, cuttings, and budwood, except seed and fruit, of: <i>Aegle marmelos</i>, <i>Aeglopsis chevalieri</i>, <i>Afraegle gabonensis</i>, <i>Afraegle paniculata</i>, <i>Amyris madrensis</i>, <i>Atalantia</i> spp. (including <i>Atalantia monophylla</i>), <i>Balsamocitrus dawei</i>, <i>Bergera</i> (= <i>Murraya</i>) <i>koenigii</i>, <i>Calodendrum capense</i>, <i>Choisya ternata</i>, <i>Choisya arizonica</i>, X <i>Citroncirus webberi</i>, <i>Citropsis articulata</i>, <i>Citropsis gilletiana</i>, <i>Citrus madurensis</i> (= X <i>Citrofortunella microcarpa</i>), <i>Citrus</i> spp., <i>Clausena anisum-olens</i>, <i>Clausena excavata</i>, <i>Clausena indica</i>, <i>Clausena lansium</i>, <i>Eremocitrus glauca</i>, <i>Eremocitrus hybrid</i>, <i>Esenbeckia berlandieri</i>, <i>Fortunella</i> spp., <i>Limonia acidissima</i>, <i>Merrillia caloxylon</i>, <i>Microcitrus australasica</i>, <i>Microcitrus australis</i>, <i>Microcitrus papuana</i>, X <i>Microcitronella</i> spp., <i>Murraya</i> spp., <i>Naringi crenulata</i>, <i>Pamburus missionis</i>, <i>Poncirus trifoliata</i>, <i>Severinia buxifolia</i>, <i>Swinglea glutinosa</i>, <i>Tetradium ruticarpum</i>, <i>Toddalia asiatica</i>, <i>Triphasia trifolia</i>, <i>Vepris</i> (= <i>Toddalia</i>) <i>lanceolata</i>, and <i>Zanthoxylum fagara</i>.</p>
<p>L. Citrus greening (Huanglongbing) <i>Candidatus Liberibacter asiaticus</i></p>	<p>All plants and plant parts, including but not limited to nursery stock, cuttings, budwood, and propagative seed (but excluding fruit), of: <i>Aegle marmelos</i>, <i>Aeglopsis chevalieri</i>, <i>Afraegle gabonensis</i>, <i>Afraegle paniculata</i>, <i>Amyris madrensis</i>, <i>Atalantia</i> spp. (including <i>Atalantia monophylla</i>), <i>Balsamocitrus dawei</i>, <i>Bergera</i> (= <i>Murraya</i>) <i>koenigii</i>, <i>Calodendrum capense</i>, <i>Choisya ternata</i>, <i>Choisya arizonica</i>, X <i>Citroncirus webberi</i>, <i>Citropsis articulata</i>, <i>Citropsis gilletiana</i>, <i>Citrus madurensis</i> (= X <i>Citrofortunella microcarpa</i>), <i>Citrus</i> spp., <i>Clausena anisum-olens</i>, <i>Clausena excavata</i>, <i>Clausena indica</i>, <i>Clausena lansium</i>, <i>Eremocitrus glauca</i>, <i>Eremocitrus hybrid</i>, <i>Esenbeckia berlandieri</i>, <i>Fortunella</i> spp., <i>Limonia acidissima</i>, <i>Merrillia caloxylon</i>, <i>Microcitrus australasica</i>, <i>Microcitrus australis</i>, <i>Microcitrus papuana</i>, X <i>Microcitronella</i> spp., <i>Murraya</i> spp., <i>Naringi crenulata</i>, <i>Pamburus missionis</i>, <i>Poncirus trifoliata</i>, <i>Severinia buxifolia</i>, <i>Swinglea glutinosa</i>, <i>Tetradium ruticarpum</i>, <i>Toddalia asiatica</i>, <i>Triphasia trifolia</i>, <i>Vepris</i> (= <i>Toddalia</i>) <i>lanceolata</i>, and <i>Zanthoxylum fagara</i>.</p>
<p>M. Citrus canker <i>Xanthomonas axonopodis</i> pv <i>citri</i></p>	<p>All plants or plant parts, including fruit and seeds, of any of the following: All species, clones, cultivars, strains, varieties, and hybrids of the genera <i>Citrus</i> and <i>Fortunella</i>, and all clones, cultivars, strains, varieties, and hybrids of the species <i>Clausena lansium</i>, and <i>Poncirus trifoliata</i>, and <i>Swinglea glutinosa</i>. The most common of these are: lemon, pummelo, grapefruit, key lime, persian lime, tangerine, satsuma, tangor, citron, sweet orange, sour orange, mandarin, tangelo, ethrog, kumquat, limequat, calamondin, trifoliolate orange, tabog, and wampi.</p>
<p>N. Texas Phoenix decline A phytoplasma disease</p>	<p>All <i>Phoenix</i> spp. palms, queen palm <i>Syagrus romanzoffiana</i> and cabbage palm <i>Sabal palmetto</i>.</p>
<p>O. Boll weevil <i>Anthonomus grandis</i> Boheman</p>	<p>All parts of cotton and wild cotton plants of the genus <i>Gossypium</i>, seed cotton, cottonseed, cotton lint, gin trash, used cotton harvesting equipment, and any other farm products, equipment, means of conveyance and any other articles which may serve as host materials.</p>

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 16:294 (April 1990), LR 18:701 (July 1992), amended by the by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Boll Weevil Eradication Commission, LR 40:1516 (August 2014).

## **Subchapter B. Nursery Stock Quarantines**

### **§125. Applicability of General Quarantine Regulations**

A. Nursery stock is subject to all pertinent provisions of the general quarantine regulations and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985).

### **§126. Nursery Certificate Permit Fees**

A. There is hereby established and henceforth there shall be an annual fee paid by nursery permittees as follows.

1. Any nursery which consists of acreage greater than 2,500 square feet or greenhouse area greater than 200 square feet shall be \$100 per location per year and all other nursery certificate permittees shall pay a fee of \$25 per location per year.

2. There is hereby established and henceforth there shall be a fee of \$0.10 per nursery certificate permit tag issued by the Louisiana Department of Agriculture and Forestry to the nursery certificate permittee.

B. The aforementioned fees shall be paid by the permittee to the Louisiana Department of Agriculture and Forestry at the time of application for nursery certificate permits, which permits shall expire on January 31 of each year and shall be renewed annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:78 (February 1989), amended LR 29:2297 (November 2003).

### **§127. Citrus Nursery Stock, Scions and Budwood**

A. The purchaser in Louisiana of out-of-state nursery stock will be held responsible for proof of origin of citrus trees in his possession. Purchase receipts will be considered adequate proof of origin, but citrus invoice reports will not be considered adequate proof.

B. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas where tristeza is not known to occur, provided the certifying official in the state of origin states on the certificate of inspection that the nursery is located in an area of the state of origin in which tristeza is not known to occur.

C. Citrus nursery stock, scions and/or budwood may move into Louisiana from areas in which tristeza is known to occur, provided it has been grown under a citrus budwood registration program against tristeza, xyloporosis, psorosis and exocortis, and provided that under this registration program the following are required.

1. The nursery stock, scions and/or budwood is from parent stock that has been tested on trifoliata rootstock at least three years and shows no indication of exocortis.

2. The nursery stock, scions and/or budwood is from parent stock which has been indexed and found free of tristeza within 12 months before shipment.

3. The nursery stock, scions and/or budwood is from parent stock that has been indexed and found free of psorosis and the cachexia virulent strain of xyloporosis.

4. The grower has filed a copy of his nursery certificate of inspection with the state entomologist.

5. Each shipment is accompanied by a Louisiana citrus permit tag and a budwood registration tag issued by the appropriate certifying official in the state of origin.

6. Each shipment is accompanied by a citrus invoice report issued by the certifying official of the state of origin, showing the name of the grower; name of consignee; number of trees, scions and/or buds; registered number of parent trees; variety of bud and kind of rootstock. If shipment includes budwood, it must be accompanied by a

bud cutting report. A copy of the invoice and bud cutting report, when required, must be mailed to the state entomologist prior to shipment.

D. Citrus Greening Disease Quarantine

1. The department issues the following quarantine because the state entomologist has determined that citrus greening disease (CG), also known as Huanglongbing disease of citrus, caused by the bacterial pathogen *Candidatus Liberibacter spp.*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

2. Quarantined Areas. The quarantined areas in this state are the parishes of Orleans and Washington, and any other areas found to be infested with CG. The declaration of any other specific parishes or areas shall be published in the official journal of the state and in the *Louisiana Register*.

3. Regulated Materials. The following materials are hosts of CG and their movement is prohibited from CG-quarantined areas due to the presence of CG:

a. all plants 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*, *Afraegle paniculata*, *Amyris madrensis*, *Atalantia spp.* (including *Atalantia monophylla*), *Balsamocitrus dawei*, *Bergera (=Murraya) koenigii*, *Calodendrum capense*, *Choisya ternata*, *Choisya arizonica*, *X Citroncirus webberi*, *Citropsis articulata*, *Citropsis gillettiana*, *Citrus madurensis (= X Citrofortunella microcarpa)*, *Citrus spp.*, *Clausena anisum-olens*, *Clausena excavata*, *Clausena indica*, *Clausena lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Esenbeckia berlandieri*, *Fortunella spp.*, *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *Microcitrus 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*;

b. any other products, materials, articles, or means of conveyance, if an inspector determines that it presents a risk of spreading CG, 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.

E. Asian Citrus Psyllid Quarantine

1. The department issues the following quarantine because the state entomologist has determined that Asian citrus psyllid (ACP), *Diaphorina citri Kuwayama*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

2. Quarantined Areas

a. The United States Department of Agriculture (USDA) has quarantined the entire state of Louisiana for interstate movement of regulated materials.

b. The department has quarantined the following areas within this state for intrastate movement of regulated materials: the parishes of Jefferson, Orleans, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. Tammany, Tangipahoa, Terrebonne, and any other areas found to be infested with ACP. The declaration of any other specific parish or areas shall be published in the official journal of the state and in the *Louisiana Register*.

3. Regulated Materials. The following materials are hosts of ACP and the interstate and intrastate movement of these materials is prohibited from the ACP-quarantined areas listed in Paragraph E.2 due to the presence of ACP:

a. all plants and plant parts, including but not limited to nursery stock, cuttings, and budwood, except seed and fruit, of *Aegle marmelos*, *Aeglopsis chevalieri*, *Afraegle gabonensis*, *Afraegle paniculata*, *Amyris madrensis*, *Atalantia spp.* (including *Atalantia monophylla*), *Balsamocitrus dawei*, *Bergera (=Murraya) koenigii*, *Calodendrum capense*, *Choisya ternata*, *Choisya arizonica*, *X Citroncirus webberi*, *Citropsis articulata*, *Citropsis gillettiana*, *Citrus madurensis (= X Citrofortunella microcarpa)*, *Citrus spp.*, *Clausena anisum-olens*, *Clausena excavata*, *Clausena indica*, *Clausena lansium*, *Eremocitrus glauca*, *Eremocitrus hybrid*, *Esenbeckia berlandieri*, *Fortunella spp.*, *Limonia acidissima*, *Merrillia caloxylon*, *Microcitrus australasica*, *Microcitrus australis*, *Microcitrus 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*;

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b. any other products, materials, articles, or means of conveyance, if an inspector determines that it presents a risk of spreading ACP, 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;

c. regulated materials originating from ACP-quarantined areas are prohibited entry into or through free areas of Louisiana, except as provided in Subsection D of this Section;

d. exceptions—to be eligible to move from quarantined areas, regulated materials must meet the following requirements.

i. Fruit may move interstate with no additional requirements. Fruit may move intrastate from areas quarantined for ACP to citrus-producing areas not under quarantine for ACP if cleaned using normal packinghouse procedures.

ii. Regulated culinary and decorative materials such as fresh curry leaves (*Bergera* (= *Murraya*) *koenigii*) intended for consumption, (instead of the treatments specified in Subparagraph b of this Paragraph), or mock orange leaves (*Murraya paniculata*) incorporated into leis or floral arrangements, must be treated prior to interstate or intrastate 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 for CG may be irradiated in accordance with 7 CFR 305.

iii. Nursery stock of regulated plants listed in 3.a may be moved in accordance with the following requirements.

(a). Nursery stock of regulated plants may be moved interstate if moved in accordance with all requirements of 7 CFR 301.76 and the citrus nursery stock protocol. Persons wishing to move nursery stock interstate must enter into a compliance agreement with APHIS to move regulated materials. Compliance agreements may be arranged by contacting the Louisiana state plant health director, PPQ-APHIS-USDA, at 4354 South Sherwood Blvd., Suite 150D, Baton Rouge, LA 70816 or telephone (225) 298-5410.

(b). Nursery stock of regulated plants may be moved intrastate from ACP quarantined areas to non-quarantined areas of Louisiana if moved in accordance with conditions set forth in a departmental compliance agreement. Any person engaged in the business of growing or handling regulated materials must enter into a compliance agreement with the department if the regulated materials are to be moved to ACP-free areas of Louisiana.

### F. Citrus Canker Disease Quarantine

1. The department issues the following quarantine because the state entomologist has determined that citrus canker disease (CC), caused by the bacterial pathogen *Xanthomonas axonopodis* *pv. citri* (Xac A, A\* and AW) with synonyms *X. citri* *pv. citri*, or *X. citri* *subsp. citri* or *X. campestris* *pv. citri* or *X. smithii* *subsp. citri*; and *X. axonopodis* *pv. aurantifolii* (Xac B and C) with a synonym *X. fuscans* *subsp. aurantifolii*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

2. No regulated materials as defined in this Subsection shall be moved out of any area of this state that is listed in this subsection as a quarantined area for CC, except as provided in this Subsection.

3. Any person violating this quarantine shall be subject to imposition of the remedies and penalties provided for in R.S. 3:1653 for any violation of this quarantine.

4. Quarantined areas in this state include:

a. the entire parish of Orleans;

b. the portions of Jefferson, Plaquemines and St. Charles Parishes bounded by a line beginning at the intersection of the Orleans and Plaquemines Parish line located in the center of the Mississippi River near St. Bernard State Park; then moving west, following the Orleans Parish line to the intersection of the Orleans Parish line with River Road; then moving west on River Road and following River Road parallel to the western border of the Mississippi River to the point where River Road becomes Highway 11; then following Highway 11 until it reaches the point immediately east of East Walker Road; then moving west following East Walker Road and crossing

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Highway 23 to the intersection of Highway 23 and Walker Road; then moving west following Walker Road to the intersection of East Bayou Road; then moving north following East Bayou Road to the intersection of the service road servicing the intracoastal waterway west closure complex; then moving west-southwest along an imaginary line that intersects with the Jefferson Parish line running through Lake Salvador; then moving northeast, following the Jefferson Parish line to the intersection of the parish line with Highway 18; then moving southwest following Highway 18 (River Road) to the intersection of Interstate Highway 310; then moving north following Interstate Highway 310 across the Mississippi River and continuing on to the Interstate Highway 310/Interstate Highway 10 interchange; then moving east following Interstate Highway 10 to its intersection with the Jefferson Parish line; then moving north following the Jefferson Parish line until reaching the south shoreline of Lake Ponchartrain; then moving east following the south shoreline of Lake Ponchartrain until its intersection with the Orleans Parish line; then moving south following the Orleans Parish line and following said parish line to the point of beginning;

c. a declaration of quarantine for CC covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

5. Regulated materials are hosts of CC and their movement is prohibited from quarantined areas due to the presence of CC. Regulated materials include:

a. all plants or plant parts, including fruit and seeds, of any of the following: all species, clones, cultivars, strains, varieties, and hybrids of the genera citrus and fortunella, and all clones, cultivars, strains, varieties, and hybrids of the species *Clausena lansium*, and *Poncirus trifoliata*, and *Swinglea glutinosa*. The most common of these are lemon, pummelo, grapefruit, key lime, Persian lime, tangerine, satsuma, tangor, citron, sweet orange, sour orange, mandarin, tangelo, ethrog, kumquat, limequat, calamondin, trifoliata orange, tabog, and wampi;

b. all containerized citrus nursery stock plants of all types listed in Subparagraph 3.a above;

c. grass, plant, and tree clippings;

d. any other product, article, or means of conveyance, of any character whatsoever, not covered by Subparagraph a of this Section, when it is determined by an inspector that it presents a risk of spread of citrus canker and the person in possession thereof has actual notice that the product, article, or means of conveyance is subject to the provisions of this CC quarantine.

6. To be eligible to move from quarantined areas to non-quarantined areas within or outside of Louisiana, regulated materials must meet the following requirements.

a. Regulated fruit may be moved intrastate from a quarantined area for processing into a product other than fresh fruit if all of the following conditions are met.

i. The regulated fruit is accompanied by a document that states the location of the grove in which the regulated fruit was produced, the variety and quantity of regulated fruit being moved intrastate, the address to which the regulated fruit will be delivered for processing, and the date the intrastate movement began.

ii. The regulated fruit and any leaves and litter are completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement.

iii. The vehicles, covers, and any containers used to carry the regulated fruit intrastate are treated in accordance with federal requirements before leaving the premises where the regulated fruit is unloaded for processing,

iv. All leaves, litter, eliminations, and culls collected from the shipment of regulated fruit at the processing facility are either incinerated at the processing facility or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs.

b. Regulated fruit may be moved intrastate from a quarantined area for packing, either for subsequent interstate movement with a limited permit or for export from the United States, if all of the following conditions are met.

i. The regulated fruit is accompanied by a document that states the location of the multi-block identification in which the regulated fruit was produced, the variety and quantity of regulated fruit being moved intrastate, the address to which the regulated fruit will be delivered for packing, and the date the intrastate movement began.

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ii. The regulated fruit and any leaves and litter are completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement.

iii. The vehicles, covers, and any containers used to carry the regulated fruit intrastate are treated in accordance with federal requirements before leaving the premises where the regulated fruit is unloaded for packing.

iv. Any equipment that comes in contact with the regulated fruit at the packing plant is treated in accordance with federal requirements before being used to handle any fruit eligible for interstate movement to commercial citrus-producing areas.

v. All leaves and litter collected from the shipment of regulated fruit at the packing plant are either incinerated at the packing plant or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs. All culls collected from the shipment of regulated fruit are either processed into a product other than fresh fruit, incinerated at the packing plant, or buried at a public landfill that is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs. Any culls moved intrastate for processing must be completely covered, or enclosed in containers or in a compartment of a vehicle, during the intrastate movement, and the vehicles, covers, and any containers used to carry the regulated fruit must be treated in accordance with federal requirements before leaving the premises where the regulated fruit is unloaded for processing.

c. Regulated fruit produced in a quarantined area or moved into a quarantined area for packing may be moved interstate with a certificate issued and attached in accordance with federal requirements if all of the following conditions are met.

i. The regulated fruit was packed in a commercial packinghouse whose owner or operator has entered into a compliance agreement with USDA-APHIS-PPQ in accordance with federal requirements.

ii. The regulated fruit was treated in accordance with federal requirements.

iii. The regulated fruit is practically free of leaves, twigs, and other plant parts, except for stems that are less than 1 inch long and attached to the fruit.

iv. If the fruit is repackaged after being packed in a commercial packinghouse and before it is moved interstate from the quarantined area, the person that repackages the fruit must enter into a compliance agreement with USDA-APHIS-PPQ and must issue and attach a certificate for the interstate movement of the fruit in accordance with federal requirements.

d. Regulated fruit that is not eligible for movement under paragraph iii of this Section may be moved interstate only for immediate export. The regulated fruit must be accompanied by a limited permit issued in accordance with federal requirements and must be moved in a container sealed by USDA-APHIS-PPQ directly to the port of export in accordance with the conditions of the limited permit.

e. Grass, tree, and plant clippings may be moved intrastate from the quarantined area for disposal in a public landfill, for composting in a recycling facility, or treatment at a treatment facility, including livestock feed heat treatment facilities, if all of the following conditions are met.

i. The public landfill, recycling facility, or treatment location is located within the quarantined area.

ii. The grass, tree, or plant clippings are completely covered during the movement from the quarantined area to the public landfill, recycling facility, or treatment facility.

iii. Any public landfill used is fenced, prohibits the removal of dumped material, and covers dumped material with dirt at the end of every day that dumping occurs.

f. All vehicles, equipment, and other articles used in providing inspection, maintenance, harvesting, or related services in any grove containing regulated plants or regulated trees, or in providing landscaping or lawn care services on any premises containing regulated plants or regulated trees, must be treated in accordance with federal requirements upon leaving the grove or premises. All personnel who enter the grove or premises to provide these services must be treated in accordance with federal requirements upon leaving the grove or premises.

g. Regulated nursery stock may be moved intrastate or interstate from a quarantined area if all of the following conditions are met.

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i. The nursery in which the nursery stock is produced has entered into a compliance agreement 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 federal regulations. The compliance agreement may also specify additional conditions under which the nursery stock must be grown, maintained, and shipped, as determined by regulatory officials, to prevent the dissemination of citrus canker. The compliance agreement will also specify that regulatory officials may amend the agreement.

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

iii. The nursery stock is accompanied by a certificate issued in accordance with federal regulations.

iv. The nursery stock is completely enclosed in a sealed container that is clearly labeled with the certificate and is moved in that container.

v. A copy of the certificate is attached to the consignee's copy of the accompanying waybill.

h. Regulated nursery stock produced in a nursery located in a quarantined area that is not eligible for movement under this Section may be moved intrastate or interstate only for immediate export. The regulated nursery stock must be accompanied by a limited permit issued in accordance with federal regulations and must be moved in a container sealed by USDA-APHIS-PPQ directly to the port of export in accordance with the conditions of the limited permit.

i. Regulated seed may be moved intrastate or interstate from a quarantined area if all of the following conditions are met.

i. The source plants are not from an area quarantined for citrus greening.

ii. During the two years before the movement date, no plants or plant parts infected with or exposed to citrus canker were found in the grove or nursery producing the fruit from which the regulated seed was extracted.

iii. The regulated seed was treated in accordance with federal regulations.

iv. The regulated seed is accompanied by a certificate issued in accordance with federal regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:319 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 40:1308 (July 2014), LR 42:730 (May 2016).

### **§129. Phony Peach**

A. Permit certificates shall be issued for nursery stock originating in an area known to be infested with phony peach only on the following conditions:

1. that each nursery in the infested areas shall apply to the state entomologist for approval of the proposed nursery-growing site on or before August 15 of each year;

2. that nursery sites shall be at least 300 yards from wild plum, 1/2 mile from phony infested commercial orchards and 1/2 mile from urban areas;

3. that all area within a 1/2 mile radius of the nursery site shall be inspected prior to October 1 of each year, and all phony trees found within such environs removed prior to November 1 of the year in which phony infested trees are found; and

4. that all budding shall be restricted to the slipbud method.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985).

### **§131. Phytophagous Snails**

A. From Non-Infested States. Regulated material, including ornamental, horticultural and nursery stock, moved into or within Louisiana directly from any state not infested with European Brown Garden Snail or other Phytophagous Snails injurious to live plants, must be accompanied by a certificate of nursery inspection (tag).

B. From Infested States or Areas. Regulated material, including ornamental, horticultural and nursery stock, originating from any state or area of any state known to be infested with European Brown Snail or other Phytophagous Snails injurious to live plants, and moved into or within Louisiana must be accompanied by a certificate of nursery inspection (tag) and shall be certified snail-free in a manner approved by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992).

### **§132. Conifer and Hardwood Seedlings Used for Forestation Purposes**

A. The premises of nurseries growing seedlings for afforestation or reforestation purposes must be inspected and found to be apparently free of pests, diseases, and noxious plants.

B. Any shipment of conifer or hardwood seedlings into or within the state for afforestation or reforestation purposes must be accompanied by a valid certificate issued by the department or the state of origin evidencing that the seedlings are apparently free of pests, diseases, and noxious plants.

C. To aid in obtaining seedlings that are free of pests, diseases, and noxious plants, the preferred method of treatment is fumigation using methyl bromide in seedling plant beds prior to seeding. All such treatments shall be accomplished by utilizing state and federally registered pesticides in accordance with the label.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 33:34 (January 2007).

## **Subchapter C. Sweetpotato Weevil Quarantine**

### **§133. Applicability of General Quarantine Regulations**

A. Sweet potato plants, plant products and parts thereof and host materials for the sweetpotato weevil are subject to all pertinent provisions of the general quarantine regulations contained in Subchapter A and to the regulations contained in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

### **§135. Definitions Applicable to this Subchapter**

A. In addition to definitions found in §103, the following definitions shall also be applicable to this Subchapter.

*Commercial Kiln and Storage Houses*—any buildings where sweet potatoes produced by different farmers or growers are assembled and stored.

*Compliance Agreement*—a written agreement between the department and a Sweet Potato Dealer in which the dealer agrees to comply with the General Plant Quarantine Regulations, the provisions of this Subchapter and any conditions specified in the agreement.

*Farm Kiln or Storage House*—a building or enclosed structure located on a farm in which sweet potatoes grown solely on said farm are stored.

*Non-Sweet Potato Area*—any area in which the planting, bedding, growing, or storing of any material which acts as a host for the sweetpotato weevil is prohibited.

*Platform Inspection*—a visual examination by an inspector of sweet potatoes that have been cleaned and packed or containerized prior to the issuance of a certificate permit.

*Processing Plants*—canning, freezing and dehydrating plants.

*Sweet Potato Dealer*—a person engaged in the growing for sale, offering for sale, moving or brokering of sweet potatoes, except as noted in §147.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:702 (July 1992), LR 27:1175 (August 2001).

**§137. Issuance and Use of Certificate Permits, Certificate Permit Tags, and Fumigation Certificates for the Movement of Regulated Material**

**A. From Sweetpotato Weevil-Free Designations**

1. Green certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-free and who meet the following conditions.

a. The person has a valid sweet potato dealer's permit as required by these regulations.

b. The properties or premises of the person, where regulated materials are grown or stored, have been trapped or surveyed for sweetpotato weevil during the growing season in a manner approved by the department and have been found by the department to be free from sweetpotato weevil.

2. Certificate permits authorizing the movement of regulated material from sweetpotato weevil-free areas or properties or premises to points within and outside of Louisiana will be issued by the department under the following conditions.

a. The person moving the regulated material has a valid sweet potato dealer's permit as required under these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

3. Green certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such. Green certificate permit tags shall not be reused.

4. Regulated material moving into areas or properties or premises of Louisiana or into a portion of any other state designated as sweetpotato weevil-infested, unless moving under the provisions set forth in §139.D.2.c, shall not be moved back into any Louisiana sweetpotato weevil-free designated area and shall lose its sweetpotato weevil-free status.

**B. From Sweetpotato Weevil-infested Designations**

1. Pink certificate permit tags will, upon request to the department, be issued to any person whose growing, packing and storage facilities are designated by the department as sweetpotato weevil-infested and who possess a valid sweet potato dealer's permit as required under the provisions of these regulations.

2. Certificate permits authorizing the movement of regulated material from or within sweetpotato weevil-infested areas or properties or premises will be issued by the department under the following conditions.

a. The person has a valid sweet potato dealer's permit as required under the provisions of these regulations.

b. The person has signed a compliance agreement with the department specifying the handling of the regulated material to be moved and the proper use of the certificate permits.

c. The regulated material shall not be moved from a sweetpotato weevil infested designated area into a sweetpotato weevil-free designated area, or to any state which may prohibit entry of such regulated material, unless fumigated under the provisions set forth in §138.

d. If regulated materials are moved, then the regulated materials shall be completely enclosed in the vehicle body or covered tightly by tarpaulins or other means approved by the department in advance of movement.

e. Certificate permits attesting to regulated material fumigation and authorizing the movement of regulated material from areas or properties or premises designated as sweetpotato weevil-infested will be issued when such regulated material is inspected, found apparently free of the sweetpotato weevil and fumigated under the provisions set forth in §138 hereof.

3. Pink certificate permit tags shall be attached to or placed within each container in a load or shipment of sweet potatoes, if moved within Louisiana or to any other state which may require such tags. Pink certificate permit tags shall not be reused.

**C.** No regulated material may be moved or shipped within or out of Louisiana unless accompanied by a valid certificate permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

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HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 14:527 (August 1988), LR 16:600 (July 1990), LR 18:702 (July 1992), LR 27:1175 (August 2001).

**§138. Fumigation and Maintenance of Weevil-Free Status of Regulated Materials Originating from Designated Sweetpotato Weevil-Infested Areas or Properties or Premises**

A. Fumigation Measures. Persons operating storage houses and/or packing sheds who desire to move regulated materials from areas or properties or premises designated by the department as sweetpotato weevil infested into areas

or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material, shall:

1. enlist the services of a certified fumigator to perform the fumigation;
2. possess a valid fumigation certificate issued by a certified fumigator, indicating that the fumigation was done in accordance with all fumigant label requirements and in a manner approved by the department. Each fumigation certificate shall state the conditions and dates of fumigation;
3. fumigate with fumigants labeled for use on the regulated material and formulated and used in a manner and at a concentration approved by the department.

B. Maintenance of Weevil-Free Status. Regulated materials shall be maintained in such a manner that the integrity of their weevil-free status following fumigation is retained.

1. *Fumigation Chamber*—fumigated regulated materials may be stored in a fumigation chamber approved by the department, designed specifically for fumigating and storing regulated materials. The chamber shall be airtight with a self contained, screened exhaust system in place; shall possess doors that seal; shall contain a minimum of 1,000 cubic feet of space, and larger chambers must be designed to contain an even multiple of 1,000 cubic feet; shall be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of fumigation and storage.

2. Tractor trailer rigs designed and constructed for use in fumigations may be used in place of a fumigation chamber provided the truck body meets the fumigation chamber requirements outlined above, with the exception of the cubic feet requirement. A variation in truck body cubic feet shall be allowed provided the variation allows adequate volume to fumigate according to the fumigant label. All entrances or openings on the truck body shall be sealed in a manner approved by the department, prior to shipment, by the use of not more than two seals.

3. If an approved fumigation chamber or tractor-trailer rig is not used then fumigation and storage of regulated materials shall be conducted as follows.

a. Regulated materials shall be placed in a storage area separate from and in no way connected to any other storage or packing areas containing non-fumigated regulated materials. Storage area must be cleaned of all sweet potatoes, parts, and any other regulated materials between periods of storage.

b. The storage area shall have been treated with an appropriately labeled chemical and in a manner approved by the department prior to initial storage of sweet potatoes harvested and fumigated that season and the storage area shall not be used to store any non-fumigated regulated materials.

c. Fumigation shall be accomplished by tenting the regulated material with a sealed tarpaulin or other suitable sealable material of adequate thickness and construction for use in fumigation with commercial fumigants.

d. Regulated materials shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material prior to, during and following fumigation. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes.

4. Packing House or Shed—sweet potatoes fumigated, screened and stored according to these regulations may be washed and packed in the same packing house or shed as non-fumigated sweet potatoes, provided:

a. the packing house or shed and all packing equipment is cleaned of all sweet potatoes, parts, and any other regulated materials prior to washing and packing of fumigated sweet potatoes;

b. the packing house or shed is treated with an appropriately labeled chemical and in a manner approved by the department prior to each packing period involving fumigated sweet potatoes.

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5. All packing boxes and other packing and shipping materials shall be held in a storage area separate from and in no way connected to any other non-fumigated materials, or be fumigated and stored according to these regulations.

6. Fumigated sweet potatoes washed and packed under approved conditions must be shipped within seven days of packing. Washed and packed sweet potatoes shall be completely enclosed with nylon, fiberglass, plastic or other synthetic screen material immediately following packing and must remain enclosed until shipment. The screen mesh must be of a size sufficient to prevent entry of sweetpotato weevil and shall be free from tears, rips and holes. Fumigated, screened sweet potatoes awaiting shipment shall be labeled with the dates of fumigation.

7. Trucks or other vehicles used to ship fumigated sweet potatoes from sweetpotato weevil infested areas or properties or premises shall be cleaned of all sweet potatoes, parts, and any other regulated materials prior to hauling fumigated sweet potatoes. Vehicle compartments previously containing shipments of non-fumigated regulated materials that were moved from or within designated sweetpotato weevil infested areas or properties or premises must be treated with an appropriately labeled chemical and in a manner approved by the department prior to loading fumigated sweet potatoes for shipment.

8. No non-fumigated sweet potatoes shall be stored, loaded or shipped with fumigated sweet potatoes.

C. Issuance of Certificate Permit Tags. Manila certificate permit tags will be issued by the department to persons meeting all sweetpotato weevil quarantine regulation and compliance agreement requirements and who desire to ship regulated materials that have been properly fumigated from areas or properties or premises designated by the department as sweetpotato weevil infested into areas or properties or premises designated as sweetpotato weevil-free, or to any state which may prohibit entry of such regulated material. Permit tags shall be attached to or within each container in a load or shipment of fumigated sweet potatoes and shall not be reused.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 16:600 (July 1990), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:703 (July 1992), LR 27:1176 (August 2001).

### **§139. Effect of Quarantine for Sweetpotato Weevil**

#### A. Sweetpotato Weevil-Free Designations of Louisiana

1. The growing or storing of regulated material, including seed beds and field plantings of sweet potatoes is prohibited in areas or properties or premises declared to be non-sweet potato areas, except under special permit issued by the department. Non-sweet potato areas may include but are not limited to sweetpotato weevil-infested properties or premises, as determined by survey or trapping procedures conducted in a manner approved by the department, located in those areas of the state designated by the department as sweetpotato weevil-free.

2. Any regulated material found in non-sweet potato areas shall be disposed of in a manner approved by the department.

3. Regulated materials, properties or premises found to contain sweetpotato weevil may be subject to required treatments, handling restrictions, or destruction as determined by the department.

#### B. Sweetpotato Weevil-Infested Designations of Louisiana

1. Owners or persons in charge of properties or premises supporting active infestations of sweetpotato weevil within those areas or properties or premises of the state designated as sweetpotato weevil-infested may save their own seed sweet potatoes, provided that:

a. such seed sweet potatoes are graded in a manner sufficient to render them apparently free of the sweetpotato weevil;

b. such seed sweet potatoes are properly treated in a manner approved by the department at the time of storage;

c. no seed sweet potatoes, plants, vines and/or cuttings shall be sold, offered for sale or moved except those which have been inspected by the department and found to be apparently free of the sweetpotato weevil.

2. Regulated materials, properties or premises supporting active infestations of sweetpotato weevil within those areas of the state designated as sweetpotato weevil-infested may be subject to required treatments, handling restrictions, or destruction as determined by the department.

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### C. Statewide

1. Sweet potatoes in seedbeds shall be destroyed within 15 days after such potatoes have served their purpose, and not later than July 15 of each year. Destruction shall be in such a manner that all sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

2. All sweet potato fields shall be harvested by December 1 of each year by the owner of the crop. Such fields shall be destroyed within 15 days after harvesting, and not later than December 15 of each year. Destruction shall be in such a manner that all remaining sweet potatoes, plants and parts are brought to the soil surface and exposed, or in such other manner as may be prescribed by the department.

3. Sanitary Measures. Persons operating packing sheds, assembly points, processing plants and/or storage houses shall:

a. not permit loose sweet potatoes or parts of sweet potatoes to accumulate in or around any structure in which sweet potatoes are cleaned, packed, processed or stored;

b. render waste sweet potatoes and sweet potato parts unsuitable for or unavailable to the sweetpotato weevil by processing or disposal in a manner approved by the department. If it is necessary to haul host material from the place of accumulation for processing or disposal, such hauling shall be done in an approved tight-body truck or container and covered with a tarpaulin when necessary;

c. not allow sweet potatoes, sweet potato crowns and roots or parts thereof to be carried away from storage houses, processing plants, packing sheds or assembly points in water used in washing sweet potatoes;

d. not permit the sale, offer for sale or movement to any person or farm of culled sweet potatoes or sweet potato parts, except under special permit issued by the department; and

e. not move empty containers or equipment used in the handling of sweet potatoes from packing sheds or processing plants unless cleaned free of all host materials.

### D. Regulated Material from Other States

1. Sweet potatoes, sweet potato plants, plant products and parts thereof, host materials, and containers and equipment used in handling sweet potatoes may not enter Louisiana unless accompanied by valid certification from the state of origin.

2. A valid state-of-origin certificate permit tag shall be attached to or placed within each container in a load of sweet potatoes entering Louisiana.

a. Only regulated material certified as grown, stored and inspected in a portion of the state of origin designated as sweetpotato weevil-free, or fumigated in accordance with these regulations, shall enter those areas or properties or premises of Louisiana designated sweetpotato weevil-free unless moving under the provisions of this Section.

b. Regulated material grown, stored or inspected in a portion of the state of origin designated sweetpotato weevil-infested or sweetpotato weevil regulated, and inspected and found apparently free of sweetpotato weevil, shall enter only those areas or properties or premises of Louisiana designated sweetpotato weevil-infested unless moving under the provisions of this Section.

c. Movement of regulated material from sweetpotato weevil-infested or sweetpotato weevil regulated areas or properties or premises through those areas or properties or premises of Louisiana designated sweetpotato weevil-free is prohibited, except when moved by common carrier with a through bill of lading; or, if moved by truck or any other conveyance, said conveyance shall be sealed by the state of origin, shall have no additional regulated material added to the shipment, and shall not be unloaded within designated weevil-free areas or properties or premises of Louisiana.

d. Regulated material originating in areas or properties or premises designated sweetpotato weevil-free that is moved into any area or property or premise designated sweetpotato weevil-infested or sweetpotato weevil regulated, except under the provisions of this Section, shall not be moved back into any designated sweetpotato weevil-free area or property or premise and shall lose its sweetpotato weevil-free status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

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HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:320 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:704 (July 1992), LR 27:1177 (August 2001).

**§141. Handling, Storage and Processing of Sweet Potatoes within Those Areas or Properties or Premises of the State Designated Sweetpotato Weevil-Infested**

A. Sweet Potatoes Treated with Approved Chemicals. There shall be no date limit on the shipment of sweet potatoes from those areas or properties or premises of the state designated sweetpotato weevil-infested, provided:

1. sweet potatoes to be marketed after April 1 following the year of production must be treated before February 28 with a chemical or chemicals labeled for sweet potato use and approved by the department; and

2. sweet potato packing sheds, processing plants and/ or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department as soon as possible after final disposal of a crop of sweet potatoes.

B. Sweet Potatoes Not Treated with Approved Chemicals and/or Heavily Infested with Sweetpotato Weevil. Unprocessed sweet potatoes shall not:

1. be held in processing plants, warehouses or other storage houses on properties or premises supporting active infestations of sweetpotato weevils;

2. be moved in any manner except as provided for in §139.C.3.b;

3. be sold or offered for sale after April 1 following the year of production, except seed sweet potatoes that are apparently free of sweetpotato weevils and have been properly treated as prescribed in this Section.

C. This provision shall apply to all sweet potatoes even though previously inspected and certified for sale and movement.

D. Sweet potato packing sheds, processing plants and/or storage houses, and all containers and equipment used in handling sweet potatoes must be cleaned and treated in a manner prescribed by the department unless a special permit extending the deadline is issued by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1178 (August 2001).

**§143. Fees**

A. A fee of \$0.06 per bushel shall be charged for each bushel of sweet potatoes moved or shipped within or out of Louisiana.

B. The fee charged for sweet potatoes moving to processing plants shall be collected on the basis of the amount of purchase less 10 percent for breakdown and shrinkage while in storage.

C. A fee of \$0.10 per thousand shall be charged for vines, plants, slips or cuttings moved or shipped within or out of Louisiana.

D. Method of assessing fees and time when fees are to be assessed.

1. Fresh Market

a. Fees will be assessed based on average marketable yield per acre for each acre of sweet potatoes planted. The Louisiana Sweet Potato Advertising and Development Commission will determine the average yield.

b. The total acres planted by each producer will be officially determined through the use of global positioning technology or other, similarly technical means, under departmental oversight. Each producer will be provided a mapped copy of his production fields and the acres of each field.

c. One-half of the total fee assessment shall be paid on or before October 15 of each year and the remaining balance shall be paid on or before December 15 of each year.

2. Processing Plants—assessed at the time the sweet potatoes are moved into a plant for processing or packed to be shipped as non-processed potatoes.

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**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1655, R.S. 3:1732 and R.S. 3:1734.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:77 (February 1989), LR 18:705 (July 1992), LR 27:1178 (August 2001), LR 29:2298 (November 2003).

### **§145. Penalties for Violation of Sweetpotato Weevil Quarantine**

A. Any person violating any portion of the sweetpotato weevil quarantine regulations, or any portion of a signed compliance agreement with the department, may be called to an adjudicatory hearing held in accordance with the Administrative Procedure Act and may be subject to a civil penalty of not more than \$5,000 per each violation per day. Proportionate costs of the hearing may be assessed against the violator. The amount of these costs shall be limited to attorneys' fees as charged to the department for the actual hearing and preparation for the hearing; and actual cost of departmental personnel time in processing violations.

B. A sweet potato dealer's permit may be suspended, revoked or placed on probation if the holder thereof fails to comply with the provisions of these regulations or with the provisions of a signed compliance agreement with the department, subject to a finding in support of such action in a properly conducted adjudicatory hearing.

C. Sweet potato plantings found in a non-sweet potato area may be destroyed at the expense of the person or persons responsible for the plantings.

D. Regulated material found in violation of these regulations or in violation of a signed compliance agreement with the department may be destroyed and/or disposed of in a manner approved by the department at the expense of the person or persons responsible for the regulated material.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1655 and R.S. 3:1732.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:321 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

### **§147. Sweet Potato Dealer's Permit**

A. All persons, including sweet potato growers and farmers, commercially growing, selling or offering for sale sweet potatoes shall not grow, move, clean, grade, pack or repack for sale, or process in any manner sweet potatoes without a valid Sweet Potato Dealer's Permit.

B. Applicants for Sweet Potato Dealer's Certificate Permit shall complete and file the application required by the department, which shall set forth the following conditions:

1. a guarantee to reimburse any purchase price of sweet potatoes which are confiscated because of sweetpotato weevil infestation or unauthorized sale, offer for sale or movement;

2. an agreement to permit, at the dealer's cost, the disposal or destruction by an inspector of the department or the return to point of origin of any sweet potatoes sold, offered for sale, moved or moving without authorization, or infested with sweetpotato weevil;

3. a signed agreement to comply with any and all sweet potato quarantine regulations and any conditions specified in the agreement.

C. The provisions of this Section do not apply to retail grocers and other retail outlets selling or offering for sale sweet potatoes possessing a valid certificate permit and/or certificate permit tags indicating that the sweet potatoes have been inspected, and that are sold or offered for sale directly to the consumer from a permanent building at a permanent location.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1653, R.S. 3:1655, R.S. 3:1732 and R.S. 3:1735.

**HISTORICAL NOTE:** Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 18:705 (July 1992), LR 27:1179 (August 2001).

## **Subchapter D. Pink Bollworm Quarantine Regulations**

### **§149. Applicability of General Quarantine Regulations**

A. Cotton plants, plant products and parts thereof and host materials for the pink bollworm are subject to all pertinent provisions of the general quarantine regulations and to the regulations contained in this Subchapter.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1652.

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HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

**§151. Definitions Applicable to Pink Bollworm**

*Approved Gin*—a gin with a pink bollworm kill efficiency rating of 90 percent or better.

*Disinfected or Disinfested Seed*—cottonseed treated in a manner and by a method approved by the state entomologist to kill pink bollworm present in any stage of development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

**§153. Articles Restricted or Prohibited for Intrastate Movement**

- A. Regulated articles may not be moved from a regulated area to a pest-free area except under certification.
- B. Untreated and/or unmanufactured regulated articles may not be moved within a regulated area except under permit.
- C. The following articles are exempt from the prohibition contained in this Section under conditions as shown for each article:
  - 1. compressed baled cotton lint, linters and lint cleaner waste when such products have been given standard or equivalent compressions;
  - 2. samples of cotton lint and cotton linters of the usual trade size;
  - 3. cottonseed cake;
  - 4. cottonseed meal; and
  - 5. edible okra grown within a locality in which no pink bollworm is known to be present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

**§155. Certificates for Intrastate Movement**

- A. In addition to pertinent requirements contained in the general quarantine regulations (Subchapter A of this Chapter), the following conditions apply to issuance of certificates.
  - 1. Cottonseed. A certificate for intrastate movement of cottonseed will be issued only when the cottonseed are ginned in an approved gin with an approved treatment under the supervision of a department inspector.
  - 2. Cottonseed Hulls Produced from Treated Cottonseed. Certificates for intrastate movement of treated cottonseed hulls from a regulated area may be issued when such hulls are:
    - a. produced from sterilized seed originating in a regulated area;
    - b. processed in an authorized cotton oil mill under the supervision of an inspector; and
    - c. subsequently protected from infestation.
  - 3. Cottonseed Hulls Produced from Untreated Cottonseed. Certificates for intrastate movement of untreated cottonseed hulls from a regulated area may be issued when the hulls are produced from unsterilized seed processed in a designated oil mill and treated by passing through an approved fan.
  - 4. Okra
    - a. Certificates for the intrastate movement of edible okra originating in a regulated area outside the state of Louisiana may be issued when the shipment is inspected and found to be free of pink bollworm infestation.
    - b. Dried okra seed originating in a regulated area shall be disinfected in an approved manner before being permitted to move within or outside of the regulated area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

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HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

### **§157. Limited Permits for Intrastate Movement**

A. In addition to pertinent requirements contained in the general quarantine regulation (Subchapter A of this Chapter), the following conditions apply to issuance of limited permits.

1. Cotton Lint and Linters. Cotton lint or linters, either baled or unbaled, may be moved intrastate to designated cotton compresses or approved processing plants with a limited permit.

2. Non-Certified Regulated Articles. Non-certified regulated articles may be moved intrastate under a limited permit only to authorized and designated cotton gins, cottonseed oil mills or processing and manufacturing plants and only for treatment incidental to preparing such products for certification. In such event, operators of cotton gins, cottonseed oil mills and other manufacturing plants must agree in writing to the following:

- a. to segregate processed regulated articles from non-processed regulated article;
- b. to assure efficient functioning of processing equipment;
- c. to dispose of gin trash and/or waste on a daily basis;
- d. to use uncontaminated containers for processed products to prevent contamination;
- e. to maintain the identity of regulated and non-regulated products;
- f. to maintain such other sanitary safeguards against the establishment and spread of infestation as may be required by the state entomologist; and
- g. to comply with any other restrictions as to handling and subsequent movement of regulated articles as may be required by the state entomologist.

3. Untreated Cottonseed. A limited permit may be issued for the intrastate movement of untreated cottonseed from an approved cotton gin to a designated oil mill or other authorized processing plant under such conditions as may be stipulated in the dealer-carrier agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

### **§159. Treatment Required for Materials Originating in Regulated Areas**

A. When contaminated with cotton products originating from states other than Louisiana which are infested with pink bollworm or from a regulated area within Louisiana, the following shall not be moved interstate or intrastate until freed from contamination to the satisfaction of an inspector:

1. railway cars, trucks or other vehicles;
2. cotton bagging or other containers of cotton;
3. cotton processing machinery;
4. farm household goods;
5. farm equipment;
6. used picking sacks;
7. personal belongings of transient pickers;
8. farm products; and
9. any other contaminated articles.

B. When contaminated articles listed in §159.A hereof are cleaned to the satisfaction of the inspector, no certificate or limited permit will be required except for cotton bagging or other containers of cotton and cotton processing machinery.

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C. Cotton processing equipment originating in a regulated area outside of Louisiana must be dismantled and cleaned in an approved manner to the satisfaction of an inspector, or fumigated before a permit will be issued for its movement into a pest-free area.

D. Mechanical cotton pickers and used picking sacks must be accompanied by an official fumigation certificate and sealed by the appropriate official of the state of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:322 (April 1985).

### **§161. Cultural and Other Requirements in Regulated Areas**

#### A. Destruction of Cotton Plants

1. Immediately after harvesting a commercial crop, and not later than December 31 in any year, all cotton plants and parts thereof shall be plowed under and thoroughly covered to expedite decay of this material, provided that the state entomologist may approve other methods of destruction under conditions as shown in this Section.

2. The state entomologist may approve close grazing of cotton fields, in lieu of plowing, under conditions stipulated in the dealer-carrier agreement. Application for approval for close grazing in lieu of plowing must be made, in writing, to the department no later than November 1 in any given year.

3. The state entomologist may issue a special permit to allow shredding of cotton stalks with a conventional rotary shredder prior to December 31, in lieu of plowing, for fields which have been planted to leguminous cover crops prior to harvest of the cotton crop. Application for this permit must be made to the state entomologist prior to November 1 in any given year.

#### B. Handling of Seed Cotton and Cottonseed

1. No seed cotton shall be held over on any farm, or at any cotton gin, warehouse or any other place for any purpose whatsoever after January 31 in any year.

2. Seed cotton moving from farm to gin shall be covered in such a manner as to prevent spillage.

3. Cottonseed may be returned without treatment from an approved gin to the farm of origin within a regulated area.

4. Cottonseed may move to farms other than the farm of origin within the regulated area provided it is gained at an approved gin and delinted at an approved delinting plant.

5. Cottonseed may be moved outside a regulated area only after approved treatment under an inspector's supervision, except when moved to designated oil mills for processing.

#### C. Gin Trash Disposal

1. In addition to other normal gin sanitation measures, gin trash must be disposed of daily to avoid harboring the pink bollworm.

2. Gins shall provide a reasonable means for inspection of gin trash disposal procedures.

3. All gins in a regulated area must be thoroughly cleaned by February 10 in any given year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

### **§163. Dealer-Carrier Agreement**

A. As a condition for the issuance of certificates or limited permits for intrastate movement of regulated articles by persons engaged in purchasing, assembling, ginning, processing, transporting or storing such regulated articles, such persons must have a dealer-carrier agreement with the department. Holders of dealer-carrier permits must agree to:

1. maintain an accurate record of receipts and sales, shipments or services and such record shall be available at all times for examination by an inspector; and

2. carry out any and all conditions, treatments, precautions and sanitary measures which may be required by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

## **Subchapter E. Repeal of Prior Rules and Regulations**

### **§165. Repeal of Prior Rules and Regulations**

A. All prior rules and regulations adopted and approved in accordance with R.S. 3:1651 through 1805 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agricultural and Environmental Sciences, LR 11:323 (April 1985).

## **Subchapter F. Emerald Ash Borer Quarantine**

### **§167. Emerald Ash Borer Quarantine**

A. The department issues the following quarantine because the state entomologist has determined that the insect emerald ash borer ("EAB"), *Agrilus planipennis*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantined areas in this state include:

1. the entire parishes of Bossier, Claiborne and Webster;

2. a declaration of quarantine for EAB covering any other specific parishes or areas of this state shall be published in the official journal of the state and in the *Louisiana Register*.

C. No regulated articles as defined in this Section shall be moved out of any area of this state that is listed in this Section as a quarantined area for EAB, except as provided in this Section.

D. The following articles are hosts of EAB and are deemed to be regulated articles for purposes of this Subsection:

1. the emerald ash borer in all of its life stages; firewood of all hardwood (non-coniferous) species; nursery stock, green lumber, and other material living, dead, cut, or fallen, including logs, stumps, roots, branches, and composted and uncomposted chips of the genus *Fraxinus*;

2. any other article, product, or means of conveyance not listed in this Section may be designated as a regulated article if an inspector determines that it presents a risk of spreading emerald ash borer and notifies the person in possession of the article, product, or means of conveyance that it is subject to the restrictions of the regulations.

E. Regulated articles may be moved from quarantined areas to non-quarantined areas within or outside of Louisiana only if moved under the following conditions.

1. The regulated articles being moved are accompanied by a certificate or limited permit issued by LDAF and attached in accordance with the EAB federal requirements.

2. The regulated articles being moved are not accompanied by a certificate or limited permit but are being moved by the United States Department of Agriculture for experimental or scientific purposes.

3. The regulated articles being moved are not accompanied by a certificate or limited permit but originated outside of any EAB quarantined area and are moved interstate through the quarantined area under the following conditions:

a. the points of origin and destination are indicated on a waybill accompanying the regulated article; and

b. the regulated article, if moved through the quarantined area, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

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c. the regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

d. the article has not been combined or commingled with other articles so as to lose its individual identity.

F. Persons or businesses engaged in growing, handling, or moving regulated articles intrastate may enter into a compliance agreement with LDAF if such persons or businesses review with an LDAF inspector each provision of the compliance agreement. Any person or business who enters into a compliance agreement with LDAF must agree to comply with the provisions of this Part and any conditions imposed under this Part.

1. Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the person who has entered into the compliance agreement has not complied with this Part or any conditions imposed under this Part. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to LDAF within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants LDAF to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by LDAF. As soon as practicable, LDAF will grant or deny the appeal, in writing, stating the reasons for the decision.

G. Any person violating this quarantine shall be subject to imposition of the remedies and penalties set forth in R.S. 3:1653.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1652 and 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 41:2577 (December 2015).