NOTICE OF INTENT
Department of Agriculture and Forestry
Office of Agricultural and Environmental Sciences
Horticulture and Quarantine Programs

Citrus Greening and Citrus Canker Disease Quarantine
(LAC 7:XV.127)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority of the state entomologist in R.S. 3:1652, notice is hereby given that Department of Agriculture and Forestry ("department") intends to adopt the rule set forth below, establishing a quarantine for citrus greening disease ("CG") and citrus canker disease ("CC") caused by the bacterial pathogens Xanthomonas axonopodis pv. citri and Xanthomonas axonopodis pv. auranitfolii. The state entomologist has determined that CG and CC has been found in this state and may be prevented, controlled, or eradicated by quarantine. CG renders the fruit unmarketable and ultimately causes death of infested plants. CC causes premature leaf and fruit drop, twig dieback and tree decline in citrus trees and is spread by wind-driven rain or through the movement of infected plants. Failure to prevent, control, or eradicate these diseases threatens to destroy Louisiana’s commercial citrus industry and the growing and harvesting of citrus by citizens of Louisiana for their own private use.

Louisiana’s commercial citrus industry adds $7.5 - $10 million dollars to the state’s agriculture economy each year. Sales of citrus trees and plants by nursery stock dealers to private individuals also are important to the state’s economy. The loss of the state’s commercial citrus industry and privately owned citrus trees and fruit would be devastating to the state’s economy and to its private citizens. The quarantine and labeling requirements established by this regulation are necessary to prevent the spread of CG and CC in Louisiana outside of the current areas where these diseases have already been found.

For these reasons, the outbreak CG and CC in Louisiana presents an imminent peril to the health, safety and welfare of Louisiana’s citizens and the state’s commercial and private citrus industry. As a result of this imminent peril, the Department of Agriculture and Forestry hereby exercises its full and plenary power pursuant to R.S. 3:1652 to deal with crop and fruit pests and contagious and infectious crop and fruit diseases by imposing the quarantines set out in these proposed regulations.

Title 7. Agriculture and Animals
Part XV. Plant Protection and Quarantine

Chapter 1. Crop Pests and Diseases
Subchapter B. Nursery Stock Quarantines
§127. Citrus Nursery Stock, Seleons and Budwood
A. C(6) ...
D. Citrus Greening

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, Washington, Jefferson, 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, Afraege gabonensis, Afraege paniculta, Amyris madrensis, Atalantia spp. (including Atalantia monophylla), Balsamocirrus davisi, Bergera (=Murraya) koenigii, Calodendrum capense, Choiysa ternata, Choiysa arizonica, X Citroncirus webberi, Citropsis articulata,
Citropsis gilletiana, 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 papuan, X Microcitronella spp., Murraya spp., Naringi crenulata, Pandanus missions, Poncirus trifoliata, Severinia buxifolia, Swinglea glauca, Tetradium ruticarpum, Todalia asiatica, Triphasia trifolia, Veroxi (= Todalia) 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. – E.3.d.iii.b ...

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 & C) with a synonym X. fuscans subsp. aurantifolii, has been found in this state and may be controlled, 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:
   b. 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.
F.5. – 6(i)(iv) ...

G. Labeling requirements for Citrus related Quarantines
1. Any citrus nursery stock sold, moved, or distributed within an area quarantined for Citrus Greening, or Citrus Canker shall have attached to the article or to the container of the article, a permanent and weatherproof tag or label in a clear and legible format no less that than 14 point font bearing the exact words: PROHIBITED FROM MOVEMENT OUTSIDE OF THE CITRUS QUARANTINE AREAS, PENALTY FOR VIOLATION, Louisiana Department of Agriculture and Forestry. For a current list of quarantine areas, please go to www.ldaf.state.la.us.
2. Citrus nursery stock that is not in or intended for movement within a Citrus Greening or Citrus Canker quarantined area shall not be required to be labeled as described in paragraph (1) of this subsection.
3. Citrus nursery stock labeled or tagged according to paragraph (1) of this subsection that is offered for retail sale in an area that is not quarantined for Citrus Greening or Citrus Canker may be subject to stop order.

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); LR 43:

Family Impact Statement
The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:
(1) the stability of the family;
(2) the authority and rights of persons regarding the education and supervision of their children;
(3) the functioning of the family;
(4) family earnings and family budget;
(5) the behavior and personal responsibility of children;
(6) the ability of the family or a local government to perform the function as contained in the proposed Rule.
Poverty Impact Statement
The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:
(1) the effect on household income, assets, and financial security;
(2) the effect on early childhood development and preschool through postsecondary education development;
(3) the effect on employment and workforce development;
(4) the effect on taxes and tax credits;
(5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement
The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement
The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:
(1) the effect on the staffing level requirements or qualifications required to provide the same level of service;
(2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or
(3) the overall effect on the ability of the provider to provide the same level of service.

Public Comments
Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Ansel Rankins, Director of the Horticulture Commission, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3002, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on December 5, 2017. No preamble is available.

Mike Strain, DVM
Commissioner of Agriculture and Forestry