

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

Horticulture and Quarantine Programs
Guava Root Knot Nematode Quarantine (LAC 7:XV.171)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, and pursuant to the authority set forth in R.S. 3:1652, notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to adopt the rule set forth below, establishing a quarantine for the following pest: Guava Root Knot Nematode (“GRKN”), *Meloidogyne enterolobii*. The state entomologist has determined that GRKN has been found in this state and may be prevented, controlled, or eradicated by quarantine. This quarantine was first established by emergency rule published at LR 45:2, p. 194.

Guava Root Knot Nematode (GRKN) poses an imminent threat to the health and welfare of Louisiana’s sweet potato, sugarcane, cotton, and soybean industries. In 2017, the total value of sweet potato production, including value added was \$92.6 million (Louisiana State University AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). Sugarcane is also a host for GRKN. The gross farm value for sugarcane in Louisiana was \$589.3 million and the total value of the sugarcane crop to producers, processors, etc. at the first processing level was \$989.5 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). The gross farm value for cotton in Louisiana was \$139.7 million and the total value of cotton production was \$210.1 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). The gross farm value for soybeans in Louisiana was \$679.4 million and when value-added activities are included the total economic impact of the soybean industry is estimated at \$798.2 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources).

In addition to the aforementioned crops, GRKN is also a threat to the nursery and commercial vegetable industries. The gross value of commercial nursery production was \$107.1 million and the total value of nursery production was \$166.04 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources). Commercial vegetable production’s gross value in 2017 was \$79.4 million and the total value of commercial vegetable production was \$186.7 million (LSU AgCenter 2017 Louisiana Summary, Agriculture and Natural Resources).

Guava Root Knot Nematode has only been positively identified in a very small area of Louisiana but this pest could impact almost every agriculture related industry in Louisiana if it were to become established. GRKN has a wide host range of crops and also weeds that it infects. It also has a high rate of reproduction so the use of fumigants would only temporarily reduce the nematode’s populations. In addition, GRKN has been found to attack the native Southern root knot nematode resistant varieties of cotton, tomato, pepper, soybean and sweet potato.

The natural dispersal of GRKN is limited to very short distances. However without quarantine restrictions, GRKN could spread through human assisted means over long distances through GRK infested sweet potatoes, nursery stock, and commercial farm equipment.

In other states where GRKN is found, sweet potatoes are not harvested because the potatoes are of such poor quality and shape that they cannot be sold. Also in some instances, only certain crops can be grown in GRKN infested soil limiting the farmer’s ability to diversify their crops and markets.

For these reasons the presence of GRKN in Louisiana presents a peril to the integrity and stability of Louisiana’s agriculture industries. 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 the regulations proposed herein.

Title 7
AGRICULTURE AND ANIMALS

Part XV. Plant Protection and Quarantine
Chapter 1. Crop Pests and Diseases

Chapter H. Guava Root Knot Nematode Quarantine

§ 171. Guava Root Knot Nematode Quarantine

A. The department issues the following quarantine because the state entomologist has determined that the Guava Root Knot Nematode, *Meloidogyne enterolobii*, has been found in this state and may be prevented, controlled, or eradicated by quarantine.

B. Quarantine Areas:

1. The States of Florida, North Carolina, and South Carolina.

2. a declaration of quarantine for guava root knot nematode covering any specific parish or area in Louisiana or any other 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 into any area of this state, except as provided in this Section.

D. The following articles are hosts of guava root knot nematode or may harbor guava root knot nematode and are deemed to be regulated articles for purposes of this Subsection:

1. the guava root knot nematode in all of its life stages; plant parts, specifically sweet potatoes, from Florida, North Carolina, and South Carolina that can harbor the guava root knot nematode; soil from the above-mentioned quarantined states that may harbor the guava root knot nematode; commercial planting and/or harvesting equipment from the above-mentioned quarantined states.

2. Certified seed sweet potatoes may be moved from the quarantine area into Louisiana under a Special Permit issued by Louisiana Department of Agriculture & Forestry.

3. Nursery crops may not be moved from the quarantine area into Louisiana, whether direct from said area or by diversion or reconsignment from any other point, unless each shipment or lot is accompanied by a certificate issued by the authorized agricultural official of the state, certifying the material to be free from guava root knot nematode.

4. 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 guava root knot nematode 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. Commercial planting and/or harvesting equipment may be moved from quarantined areas into Louisiana only if moved under the following conditions:

1. The commercial equipment being moved is accompanied by a state of origin certificate issued by the state regulatory agency.

2. The commercial equipment must be thoroughly cleaned of any soil and plant debris and inspected by the state regulatory agency. The state regulatory agency must issue a state phytosanitary certificate attesting to the inspection and cleaning of the equipment.

F. 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, 3:1653.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 45:

Family Impact Statement

The proposed Rule should 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 should 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 should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.


Provider Impact Statement

The proposed Rule should 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., Baton Rouge, LA 70806 and must be received no later than 4:00 p.m. on the 10th day of July, 2019.



Mike Strain, DVM

Commissioner of Agriculture and Forestry