

From the Texas Register

The Texas Department of Agriculture (the department) adopts on an emergency basis new Chapter 19, Subchapter W, paragraph 19.600-19.603, concerning a quarantine for the red palm mite, *Raoiella indica* Hirst. The new sections are adopted on an emergency basis to prevent introduction of red palm mite into Texas. The red palm mite was first detected in the continental United States on December 3, 2007, in Palm Beach County, Florida. Since then the mite has spread to three additional Florida counties. As of June 17, 2008, it was detected in 107 residential properties and two nurseries in Florida. To ensure only mite-free palms are shipped into Texas, the new sections require the Florida Department of Agriculture and Consumer Services, Division of Plant Industry (DPI) to inspect the red palm mite host plants before shipment and provide mite-free phytosanitary certification. Alternatively, nurseries can enter into a compliance agreement with the DPI to follow a prescribed treatment plan and ship plants using a stamp.

The red palm mite is about 1/100th of an inch in length, bright red, and is barely visible with the naked eye. It feeds on leaves of 32 species of palms, bananas, ginger, etc. and causes localized yellowing of leaves followed by tissue death. Heavy infestation can cause significant loss of the foliage. The mite is not known to occur in Texas and it poses a serious threat to the state's palm nurseries and to residential properties, shopping malls, businesses, and other areas where palms are used for landscaping. Although DPI is encouraging nurseries handling the mite host plants to enter into the DPI-established compliance agreement, there is no assurance all nurseries will do so. Furthermore, the quarantine would also deter residents and tourists from transporting the mite-infested host plants from infested to non-infested areas. Inspection of plants by DPI prior to shipment, or shipment of plants under the compliance agreement provision, would ensure shipments to be free of the mites. For these reasons the department believes adoption of a quarantine on an emergency basis, is both necessary and appropriate. The emergency quarantine takes necessary steps to prevent the artificial introduction of the red palm mite into Texas.

New section 19.600 defines the quarantined pest. New section 19.601 designates the infested areas subjected to the quarantine. New section 19.602 lists the articles subject to the quarantine. New section 19.603 prescribes requirements for movement of the quarantined articles from the quarantined area to Texas. An emergency rule adopted under section 2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days. Nevertheless, the department intends to propose adoption of this emergency rule on a permanent basis in a separate submission.

The new sections are adopted on an emergency basis under the Texas Agriculture Code, section 71.001 and 71.002, which authorize the department to establish quarantines against in-state and out-of-state diseases and pests; section 71.004, which authorizes the department to establish emergency quarantines; section 71.007 which authorizes the department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for specific treatment of quarantined articles; and the Texas

Government Code section 2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

<new> 19.601. Quarantined areas. The quarantined areas are:

- (1) Broward, Dade, Monroe and Palm Beach counties in the State of Florida; and
- (2) any other area infested with the red palm mite.

<new>19.602. Quarantined Articles.

(a) The quarantined pest is a quarantined article.

(b) The following articles are quarantined:

Figure: 4 TAC section19.602(b)

<new>19.603. Restrictions.

(a) General. Quarantined articles originating from quarantined areas are prohibited entry into Texas, except as provided in subsection (b) of this section.

(b) Exceptions. Quarantined articles from quarantined areas are allowed entry into Texas if:

- (1) accompanied by a phytosanitary certificate issued by an authorized inspector of the state of origin certifying that the article was inspected within 14 days of the shipment and is free of the quarantined pest; or
- (2) accompanied by a stamp issued by an authorized representative of the state of origin certifying that the article was produced at a nursery which has entered into a compliance agreement with the state of origin to treat and handle the quarantined article as prescribed by the department and the article is free of the quarantined pest.

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