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Texas Register Preamble

The Texas Department of Agriculture (the department) adopts on an emergency basis, amendments to §21.6, concerning citrus quarantines.

The amendments are adopted on an emergency basis to tighten requirements related to citrus quarantines by removing an exception that under certain conditions allows movement of citrus seed from Florida into Texas. Currently citrus seed from Florida is allowed an exception from the requirements of §21.6, relating to restrictions on quarantined citrus articles. However, Florida is infested with citrus greening disease and recent research indicates that citrus greening disease can be seed-transmitted. The emergency amendments will provide the citrus industry and other citrus growers in Texas increased protection from seed-borne disease, specifically, from citrus greening. Immediate action is required because recent research indicates that citrus greening can be seed-transmitted; failure to act will result in exposing the Texas citrus industry to great peril in that citrus greening (one of the most dangerous citrus diseases) could be introduced into and spread throughout the state. The department believes that adoption of this quarantine on an emergency basis is both necessary and appropriate. The amendments delete subsection (c)(3) of §21.6, which provides conditions under which citrus seed produced in Florida may be imported to Texas, and renumber current paragraph (4) accordingly.

The amendments to §21.6 are adopted on an emergency basis under the Texas Agriculture Code (the Code), §71.009, which provides the department with the authority to adopt rules as necessary for the seizure, treatment, and destruction of plants, plant products, and other substances for the effective enforcement and administration of Chapter 71; the Code, §73.002 which provides for the state to use all constitutional measures to protect the citrus industry from destruction by pests and diseases, and the Texas Government Code, §2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

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Texas Register

TITLE 4	AGRICULTURE
PART 1	TEXAS DEPARTMENT OF AGRICULTURE
CHAPTER 21	CITRUS
SUBCHAPTER A	CITRUS QUARANTINES
RULE §21.6	Restrictions
ISSUE	11/13/2009
ACTION	Emergency

Preamble

Texas Admin Code
Rule

(a) - (b)(No change.)

(c)Exceptions.

(1) - (2)(No change.)

~~[(3)Citrus seed produced in Florida may be imported into Texas under the following conditions:]~~

~~[(A)a certificate from the Florida Department of Agriculture and Consumer Services shall be provided prior to shipment, verifying that the seed is from registered stock and was harvested in territory in Florida that is free from citrus canker, and that the seed has been treated to eliminate bacterial and fungal pathogens prior to shipment. Treatment procedures shall be approved by the Texas Department of Agriculture; and]~~

~~[(B)a permit from the Texas Department of Agriculture shall be issued and, together with a copy of the certificate required by this section, shall be attached to the shipping container.]~~

(3)[~~(4)~~] Citrus plants may enter Texas on a temporary basis for display purposes only, provided they move under the conditions of a special permit issued by the department.

(A)A request for a special permit must be submitted in writing to Texas Department of Agriculture, Attention: Pest Management Programs, P.O. Box 12847, Austin, Texas 78711. The request shall be received not later than 30 days prior to proposed date of entry into the state and shall include the following information:

- (i)name and address of requestor;
- (ii)name and address of location where plants will be displayed in the state;
- (iii)date when plants will enter the state as well as the date the plants will exit the state;
- (iv)common and scientific name of plants to be displayed, including variety or cultivar; and
- (v)number of each type of plant to be displayed.

(B)Each request will be considered on a case by case basis and if approved by the department, a written permit will be issued. Permit conditions will include but may not be limited to the following:

(i)Citrus plants may not be moved into Texas from an area quarantined for citrus canker or any exotic fruit fly pest;

(ii)Within 7 days prior to entering the state, all citrus plants must be treated with a foliar insecticide and a soil drench to ensure they are free of all pests;

(iii)Plants must be inspected and found free of all pests in all stages of development by the origin state department of agriculture and a phytosanitary certificate issued by the origin state indicating the treatment product used, rate applied and date of application. A non-destructive tag written in waterproof ink identifying plants inspected and certified shall be attached to all plants by the origin state department of agriculture;

(iv)The special permit must accompany the shipment at all times and be presented to a department employee upon request; and

(v)Upon return to origin, plants must be re-inspected by the origin state department of agriculture to verify all permitted plants were returned. The origin state department of agriculture must submit written verification of inspection findings to the department.

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 30, 2009

TRD-200904950

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Texas Department of Agriculture

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For further information, please call: (512) 463-4075

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