

Questions and Answers: USDA's Revised Regulations for the Movement of Citrus Fruit from Quarantined Areas

Q. Why did the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) amend its regulations regarding the movement of fruit from areas quarantined for citrus canker?

A. On November 19, 2007, APHIS published a final rule in the *Federal Register* that eliminates the requirement for grove inspections and focuses solely on inspection and treatment of fruit at packinghouses prior to shipment as the means for ensuring that only disease-free fruit moves interstate. APHIS amended its regulations because citrus canker has become so widespread within Florida. Its spread has made it increasingly difficult for the State's citrus growers to meet the disease-free grove conditions previously required for interstate movement of citrus fruit under the August 1, 2006, interim rule.

Q. Does the final rule continue to prohibit the shipment of citrus fruit from Florida to other citrus-producing States and U.S. Territories?

A. Yes. The final rule continues to prohibit the entry of Florida citrus into American Samoa, Arizona, California, Guam, Hawaii, Louisiana, the Northern Marianas Islands, Puerto Rico, Texas, and the Virgin Islands. The interstate movement of fresh citrus fruit from Florida to the Nation's 45 noncitrus-producing States is allowed with a limited permit.

APHIS will continue to examine scientific evidence concerning whether commercially packed citrus fruit is a significant pathway for the introduction and spread of citrus canker. If, in the future, evidence supports a determination that commercially packed citrus fruit is not a significant pathway, APHIS would pursue rule-making to amend the regulations accordingly.

Q. How did APHIS determine that packinghouse inspections are sufficient to protect against the spread of citrus canker?

A. The final rule is based on a pest risk analysis (PRA) as well as a risk management analysis (RMA). The PRA concluded that the risk associated with the interstate movement of citrus fruit that is free of citrus canker lesions (referred to as asymptomatic fruit) is negligible. The RMA carefully examined field practices and procedures to determine which ones provide the most effective means of preventing the spread of citrus canker via the movement of commercial citrus fruit. The RMA concluded that packinghouse inspections combined with treatment achieve this goal.

Q. What is a pest risk analysis (PRA)?

A. A PRA is a scientific study that evaluates the likelihood of the entry, establishment, or spread of a pest or disease, and its potential consequences. PRAs serve as a basis for identifying potential pathways for the spread of harmful agricultural pests and diseases. The asymptomatic fruit PRA evaluated the potential for the spread of citrus canker through the movement of apparently healthy citrus. The PRA concluded that asymptomatic, commercially produced citrus fruit, treated with a disinfectant, and subject to other mitigations, poses a negligible risk for the introduction and spread of citrus canker.

Q. What is a risk management analysis (RMA)?

A. An RMA assesses available strategies and determines the optimal measures to effectively manage and mitigate pest risks. In this case, the RMA evaluated pest risks associated with the actual field practices and procedures used to produce, harvest, and pack fresh citrus fruit. Using the findings from the PRA, the RMA evaluated and identified the best risk management practices to achieve the goal of shipping only fresh fruit that is free of citrus canker lesions. Based on the findings of the RMA, APHIS determined that inspections of commercially packed fruit at the packinghouse will ensure that only asymptomatic fruit is readied for shipment, thus providing the most effective safeguard to prevent the spread of citrus canker via the movement of fresh citrus fruit.

Q. Does the final rule place additional requirements on Florida citrus producers?

A. The final rule will ease the burden on citrus grove owners because it eliminates the grove certification requirement that was in place prior to the publication

of this rule. The August 2006 interim rule previously required that fruit destined for noncitrus-producing States originate in groves inspected and found free of citrus canker no more than 30 days before the beginning of harvest.

Q. Are self-surveys of citrus groves recommended?

A. State and Federal surveyors are no longer inspecting Florida citrus groves to determine eligibility for interstate movement. Producers, however, will continue to benefit from conducting their own grove surveys on an on-going basis. APHIS encourages citrus growers to perform self-surveys in order to separate fruit that may have citrus canker from fruit free of lesions that qualifies for out-of-state shipment. Self-surveys help growers ensure that their citrus will not be rejected at packinghouses during inspection. More importantly, it also helps growers assess management practices to reduce disease incidence in their grove.

Q. What does the final rule require of packinghouses?

A. As with the prior interim rule, packinghouses will continue to operate under compliance agreements and be responsible for treating each lot of fruit with an APHIS-approved surface disinfectant. Citrus canker inoculum, *Xanthomonas axonopodis pv citri*, does not normally survive more than 48 hours on the surface of uninfected fruit that has been removed from humid conditions and allowed to dry.

APHIS requires the application of the surface disinfectant as an additional step to ensure that the citrus canker bacteria is devitalized or rendered incapable of causing infection. Packinghouses must also ensure that each lot of finished fruit is inspected and found free of visible symptoms of citrus canker prior to interstate movement.

Q. What does a compliance agreement require?

A. The compliance agreement requires that the owner or operator of a packinghouse treat fruit to be moved interstate with an approved treatment as specified in 7 CFR § 301.75-11. Additionally, the compliance agreement requires fruit to be packed only in boxes marked in accordance with the requirements in CFR § 301.75-7(a)(6). The compliance agreement also contains specific provisions pertaining but not limited to:

- Access to the facility and documentation by APHIS inspectors;
- Means by which lots are designated;
- Notice of estimated lot size and run times;
- Need for notice when APHIS inspectors are not present on a regular basis;
- Need for notice when there are significant changes in the amount of fruit being packed;

- Conditions (access to fruit, lighting, safety, etc.) that must be met in order for APHIS inspectors to carry out the required inspections;
- Provisions for handling and storage of fruit, including provisions that prohibit the movement of any part of a lot from a packinghouse until APHIS inspection is complete;
- Hazard-free access to decontamination areas so that APHIS inspectors can monitor the concentrations of chemicals used for fruit treatment;
- Provisions for holding fruit when packing is done at a time when an APHIS inspector is not present; and
- Hours of coverage for APHIS packinghouse inspections.

Any compliance agreement may be canceled orally or in writing by an inspector for noncompliance with the established requirements.

Q. What are the approved treatments for citrus moving interstate from Florida?

A. Treatments for moving citrus interstate are found in the Code of Federal Regulations, which you may access by going to <http://usasearch.gov/> and typing in (CFR) 301.75.11. They include solutions containing either sodium hypochlorite or sodium o-phenyl phenate (SOPP). The final rule also calls for the use of peroxyacetic acid as a treatment for fruit and the disinfection of equipment, vehicles, and other articles. All approved treatments are applied at rates consistent with U.S. Environmental Protection Agency requirements and are known to be effective in deactivating the citrus canker bacteria, rendering it incapable of causing infection.

Q. What are the packing requirements for citrus moving interstate from Florida?

A. In order to be moved interstate, regulated fruit must be packaged in boxes or other containers approved by APHIS. The approved boxes or containers must be used exclusively for regulated fruit moving interstate and must be clearly marked with the following statement: "Limited Permit: USDA-APHIS-PPQ. Not for distribution in AZ, CA, HI, LA, TX, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States." Only fruit meeting all of the final rule's requirements concerning interstate movement may be packed in boxes or containers marked with the above statement.

Until August 1, 2008, APHIS is allowing fruit to be packed in bags if those bags are clearly marked with the distribution statement. The bags must then be packed in a box that is clearly marked with the limited permit statement and the distribution statement. APHIS has decided to temporarily allow this to occur

because it is not practical to modify bags to include both the distribution statement and the limited permit statement. After August 1, all fruit intended for interstate movement will be required to be packed only in boxes or other containers that are clearly marked with both statements.

Q. Who will conduct the packinghouse inspections?

A. APHIS inspectors will carry out inspections at the packinghouse level.

Q. What kind of sampling is required for each lot of citrus?

A. The final rule calls for a level of sampling that will allow inspectors to detect, with a 95 percent confidence level, that the incidence of citrus canker in the shipment is less than .38 percent. The rule allows for fruit to be randomly inspected either prior to or after packing. If the fruit is inspected prior to packing, the level of sampling required equates to approximately 1,000 pieces of fruit per lot. However, it is anticipated that most fruit will be inspected after it is already boxed. If the fruit is inspected after packing, the number of boxes sampled will depend on the amount of fruit that is contained in each box. This sampling formula will lead to a slightly higher amount of fruit being inspected, but it is necessary in order to obtain an accurate statistical sample.

Q. Under the final rule, what constitutes a “lot”?

A. In the CFR § 301.75-1, a lot is defined as “fruit of a single variety that has passed through the entire packing process in a single continuous run not to exceed a single work day” (i.e., a run started one day and completed the next is considered two lots).

Q. What if an APHIS inspector finds citrus canker on fruit during a packinghouse inspection?

A. The same procedures previously in force still apply. After an APHIS inspector—based upon visual inspection—makes a preliminary diagnosis, packinghouse representatives have several options concerning the fruit. They may elect either to divert the fruit for processing as juice, for sale intrastate as fresh fruit, or they may hold the shipment and await confirmation of citrus canker by an APHIS plant pathologist. Based upon their review of digital images forwarded by inspectors in the field, APHIS plant pathologists provide disease confirmation. If photos are inconclusive, a pathologist will be dispatched to the packinghouse. If suspect lesions are not confirmed, the shipment is released and allowed to move interstate.

Q. Will reconditioned fruit be eligible for interstate movement?

A. No. APHIS will not allow the reconditioning of rejected fruit lots under this final rule. Reconditioning is the re-running and re-grading of a fruit lot found to be infected. When reconditioned, infected pieces of fruit are removed and the lot is resubmitted for inspection.

If APHIS were to allow previously rejected fruit lots to be reconditioned and resubmitted for inspection, the incentive for growers to present fruit that is free of visible signs of citrus canker for inspection would substantially diminish. Additionally, if reconditioned lots were allowed to undergo multiple surface disinfectant treatments, the treatment residue might exceed EPA tolerances.

Q. Will APHIS make an exception in the final rule and allow tangerines to be shipped to citrus-producing States?

A. No. Under the final rule, tangerines, or *Citrus reticulata*, are included in the quarantine. *Citrus reticulata*, or mandarin, is a group name for a species of citrus with a thin, loose peel. Although some people consider tangerines to be resistant to citrus canker, the disease has been detected on the fruit numerous times. During the 2005-2006 growing season grove surveys, citrus canker was detected on 274 samples from tangerine, tangor, and tangelo groves. In addition, APHIS pest interception data between 1985 and 2006 shows that citrus canker was intercepted 632 times on tangerine varieties.

Q. Can other citrus-producing nations with citrus canker ship to the United States under the same conditions in this rule?

A. Other citrus-producing countries with citrus canker are not eligible to ship citrus fruit to the United States under the same requirements due to the presence of other exotics pests of concern. The final rule is a domestic regulation that applies only to Florida citrus.

Q. Does the final rule apply to Florida citrus shipped within the State or destined for other countries?

A. No. Fruit shipped within Florida does not require sampling and inspection as described in the final rule. Florida citrus exported to other international markets must meet all import requirements of the destination country. For example, the European Union requires that fruit originate in groves inspected and found free of citrus canker prior to harvest.

Q. Can homeowners ship backyard citrus interstate?

A. Under the final rule, homeowners have the same opportunity to ship citrus interstate as commercial producers. Homeowners need to meet the same requirements as producers, including having their citrus treated, packed, and inspected at a packinghouse that has entered a compliance agreement with APHIS. The citrus must be shipped in an appropriately marked box.

Q. Does the new citrus greening Federal Order affect this rule?

A. No. APHIS is currently evaluating research to determine whether seed contained in fruit may serve as a pathway for the transmission of citrus greening and, if so, what restrictions may be appropriate for the movement of fruit from citrus greening quarantined areas. Any regulatory action needed in response to this new evidence would be taken quickly and in a separate action from this rulemaking.

Q. Where can I find additional information on citrus canker?

A. For more information on citrus canker, please go to www.aphis.usda.gov and click on the citrus canker hot issues link.

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