

Questions and Answers: Citrus Nursery Grower Compensation

On June 7, 2006, the U.S. Department of Agriculture (USDA) announced the availability of \$100 million in funding for Florida citrus canker compensation. At the same time, USDA's Animal and Plant Health Inspection Service (APHIS) published an interim rule amending the citrus canker regulations to establish provisions under which eligible commercial citrus nurseries may, subject to the availability of funds, receive payments for certified nursery stock destroyed by the Florida Department of Agriculture and Consumer Services' (FDACS) Division of Plant and Industry (DPI). The payment of these funds will reduce the economic effects on commercial citrus nurseries that have had their stock destroyed to control citrus canker.

Q. Are all commercial citrus nurseries eligible to apply for compensation for their citrus canker losses based on the June 7, 2006, announcement?

A. Commercial citrus nurseries whose trees were destroyed under an Intermediate Final Order (IFO) issued by Florida DPI are eligible to apply for funding if their citrus trees were destroyed between the dates of September 30, 2001, and January 10, 2006. Trees destroyed before September 30, 2001, or after January 10, 2006—the date when USDA ended the citrus canker eradication program in Florida—are not eligible for compensation.

Q. What is a stop-sale order and why is it not a reasonable substitute for the IFO to get compensation for destroyed citrus trees?

A. A stop-sale order is issued by the State, and is similar to a federally issued Emergency Action Notification (EAN), which prohibits the movement of plant material from specified locations. It is not an order to destroy plant material. Compensation can be provided only if an IFO was issued and the destruction of plants was performed by or under the supervision of Florida DPI. USDA is aware that some commercial citrus nurseries voluntarily destroyed citrus trees on

their own without an IFO. By regulation, however, USDA can only authorize payment for those trees destroyed pursuant to a public order.

Q. Why was my nursery issued a stop-sale order instead of an IFO? The stop-sale order says it is to be considered as an immediate final order. I don't understand the difference.

A. An IFO was issued prior to January 10, 2006, to those nurseries that were determined to be infected with citrus canker or located within 1,900 feet of an infection. A stop-sale order was issued for those nurseries that were located within 3,800 feet of an infection but outside of the 1,900-foot destruction area. Under the interim rule, an IFO is the only documentation that qualifies growers for compensation.

Q. Isn't prohibiting the movement of nursery plants the equivalent of ordering them destroyed?

A. No. Once an area is found to be free of citrus canker without any new detections for a period of 2 years, the stop-sale order is lifted.

Q. What were the requirements for issuing an IFO?

A. An IFO requiring the destruction of plants would only have been issued if citrus canker was found in the nursery or if the nursery was within 1,900 feet of a tree infected with citrus canker.

Q. Who can I call to verify whether my nursery fell within 1,900 feet of an infected tree?

A. IFOs are issued by Florida's DPI. For your commercial citrus nursery, please contact Ginny Hormel at the following office: 3027 Lake Alfred Road, Winter Haven, FL 33881-1438 Phone: (863) 298-7777.

Q. If I was never issued any paperwork when Florida DPI destroyed my trees, who can I call to get copies of the documents?

A. Standard operating procedures require that Florida DPI provide nursery owners with IFOs at the time trees are destroyed. Please call Ginny Hormel at the Florida DPI office mentioned above for information.

Q. What if the IFO that was issued when they cut out the scion trees in my nursery did not include potted material? How can I get potted material added to the IFO?

A. If there are any errors in the IFO, Florida DPI can amend or correct them. Please call Ginny Hormel at the Florida DPI office mentioned above.

Q. Where can I apply for compensation if I already meet the requirements?

A. Application forms may be obtained from any USDA citrus canker office listed below.

Arcadia

3600 Roan Street, Arcadia, FL 34266,
Phone: (863) 491-6195

Avon Park

3397 US 27 South, Avon Park, FL 33825,
Phone: (863) 314-5912

Bartow

605 E. Main Street, Bartow, FL 33830,
Phone: (863) 533-8859

Clearwater

Newport Square, 4625 E. Bay Drive, Suite 103,
Clearwater, FL 33764, Phone: (727) 531-5858

Ft. Myers

2830 Winkler Street, Suite 204, Ft. Myers, FL 33916,
Phone: (239) 278-7520

Ft. Pierce

4248 Bandy Boulevard, Ft. Pierce, FL 34981,
Phone: (772) 429-2046

Gainesville

7022 NW 10th Place, Gainesville, FL 32605,
Phone: (352) 331-3990

Immokalee

424 E. New Market Road, Unit 10, Immokalee, FL 34142, Phone: (239) 657-4540

Melbourne

733 North Drive, Suite E, Melbourne, FL 32934,
Phone: (321) 255-4747

Miami

10300 Sunset Drive, Suite 150, Miami, FL 33173,
Phone: (305) 275-1908

Orlando

800 Thorpe Road, Orlando, FL 32824,
Phone: (407) 851-5640

Palmetto

1003 17th Street, West Palmetto, FL 34221,
Phone: (941) 721-6622

Plantation

6901 W. Sunrise Boulevard, Plantation, FL 33313,
Phone: (954) 797-6905

Sanford

4195 N. Highway 17/92, Sanford, FL 32771,
Phone: (407) 322-1273

Sarasota

1833 57th Street, Sarasota, FL 34243,
Phone: (941) 358-6409

Tampa

9720 Princess Palm Avenue, Suite 130, Tampa, FL 33619, Phone: (813) 621-4133

West Palm Beach

6620 Lakeside Road, W. Palm Beach, FL 33411,
Phone: (561) 616-1320

Winter Haven

3029 Lake Alfred Road, Winter Haven, FL 33881,
Phone: (863) 293-5428

Q. If my nursery falls outside of the conditions for eligibility, what recourse do I have?

A. The citrus canker nursery interim rule is open for public comment through August 8, 2006. APHIS welcomes and encourages comments on any aspects of the interim rule. Comments are accepted electronically and through the mail. APHIS reviews all comments and will consider making changes to the final rule based on any input that is received. For more information on how to make comments, please refer to the next question.

Q. How do I submit comments on the interim rule?

A. The interim rule is entitled Citrus Canker: Compensation for Certified Nursery Stock. The public comment period opened June 8, 2006, and closes August 8, 2006. Please follow the instructions below to submit your comments.

To submit your comments electronically, go to the Federal eRulemaking Portal at <http://www.regulations.gov> and, in the lower Search Regulations and Federal Actions box, select Animal and Plant Health Inspection Service from the agency drop-down menu; then click on Submit. In the Docket ID column, select APHIS-2006-0033 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's User Tips link.

To provide comments by postal mail or commercial delivery, please send an original and three copies to Docket No. APHIS-2006-0033, Regulatory Analysis and Development, PPD, APHIS, Station

3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. APHIS-2006-0033.

Comments are posted on the Regulations.gov Web site and may also be viewed at USDA, Room 1141 South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

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