

RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE

CHAPTER 40-4-26
CITRUS REGULATIONS AND QUARANTINE

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40-4-26-.01. Establishment and Purpose of Regulations and Quarantine

The purpose of this Chapter is to minimize the spread of serious graft-transmissible diseases as well as certain other pathogens and nematodes of citrus by:

- (1) requiring anyone propagating citrus to participate in a mandatory citrus nursery stock certification program; and
- (2) outlining established protocols for movement of citrus into the state of Georgia. The requirements for program participation are established in this Chapter.

It is intended that there shall be no propagation of citrus nursery stock except as provided in this Chapter, and it shall be unlawful to plant citrus nursery stock in Georgia unless that citrus nursery stock has been propagated in compliance with the requirements of this Chapter.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.02. Definitions

- (1) “Breach” means any circumstance that would allow free access by quarantined pests into a facility, container, package, or means of conveyance.
- (2) “Budwood” means a portion of a stem or branch with vegetative buds used in propagation for budding or grafting; or more generally, any citrus cell, tissue, callus or cutting intended for use in the vegetative propagation of a citrus plant.
- (3) “Certified budwood” or “certified citrus budwood” means budwood produced either in a foundation block, scion block or increase block in accordance with this Chapter.
- (4) “Certified citrus nursery facility” means a Certified Citrus Nursery containing one or more approved pest exclusionary structures at one location.
- (5) “Certified citrus structure” means a pest exclusionary structure approved by the Department and meeting the requirements of this Chapter.
- (6) “Certified laboratory” means a laboratory accredited to perform disease diagnostics by the National Plant Protection and Laboratory Accreditation Program of the USDA-APHIS-PPQ.
- (7) “Citrus identification plan” means a Department approved plan for the identification and tracking of citrus plants produced for the purpose of sale or distribution.
- (8) “Citrus” or “citrus plant” or “citrus tree” or “citrus nursery stock” means any plant in the genus of *Citrus*, *Eremocitrus*, *Microcitrus*, *Poncirus*, or *Fortunella* including any hybrid, grafted, or other plant having parentage in any of those genera; also, *Murraya exotica* and *Murraya paniculata* (orange jasmine, orange jessamine, or limonaria) including any plants, plant parts, budwood, rootstock, seeds, and any other parts thereof.
- (9) “Clone” means an asexually reproduced cultivar; a group of genetically uniform plants that have been propagated vegetatively from a single original plant.
- (10) “Commissioner” means the Commissioner of Agriculture, any employee of the Georgia Department of Agriculture, or other person authorized to act on his behalf.

- (11) “Department” means the Georgia Department of Agriculture.
- (12) “Distribute” means to supply, sell, deliver, lease, provide, or otherwise transfer possession or ownership of a regulated or quarantined article.
- (13) “Foundation block” means a functional unit, regulated by the Department, consisting of one or more citrus trees that meet the requirements for foundation block trees in Rule 40-4-26-.09.
- (14) “Foundation Tree” means a citrus tree that is used to provide a source of budwood to nurserymen, primarily for establishing scion and increase trees.
- (15) “Graft-Transmissible Pathogens” means disease agents spread by vegetative propagation including, but not limited to, budding, grafting, air-layering, and cuttings. This general term includes known viruses, viroids, bacteria, spiroplasmas, and other non-identified virus-like pathogens of citrus.
- (16) “Horticulturally True-To-Type” means a plant which conforms to the description of a particular cultivar and which is from the same genetic line of descent as that cultivar.
- (17) “Increase block” means a functional unit, certified and regulated by the Department, consisting of one or more trees propagated using certified budwood from foundation block or scion block trees to rapidly multiply propagative material that is grown in accordance with this Chapter.
- (18) “Increase Trees” means specially designated nursery propagations made to rapidly multiply supplies of propagative material for citrus nursery tree production and meeting all the requirements of Rule 40-4-26-.07.
- (19) “Inspector” means any employee of the Georgia Department of Agriculture or other individual authorized by the Commissioner to enforce the provisions of this quarantine.
- (20) “Interstate” means from any state into Georgia or from Georgia to another state.
- (21) “Lot” means a group of trees of one or assorted cultivars that are kept together, tagged, or labeled for identification purposes and held separate from other trees.
- (22) “Master Permit” means a document issued by the Commissioner to a state plant regulatory organization for the import of citrus plants and plant parts, excluding fruit.
- (23) “Micropropagated” means the use of a plant part to initiate the tissue culture process.
- (24) “Moved”, “movement”, or “move” means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.
- (25) “Non-Certified Tested Budwood” means budwood that does not originate from a foundation block, scion block or increase block but is eligible for use if certified budwood is unavailable in sufficient quantities.
- (26) “Non-rebuttable presumption” means a presumption that cannot be challenged with evidence.
- (27) “Nursery stock” means any plant or plant part, excluding fruit, intended to be planted, to remain planted, or to be replanted. Nursery stock includes, but is not limited to, trees, shrubs, cuttings, grafts, scions, and buds.

- (28) “Nursery” means any commercial location where nursery stock is grown, propagated, stored, maintained, or sold or any location from which nursery stock is distributed.
- (29) “Parent Tree” means a citrus tree of unique germplasm that has met all of the requirements of Rule 40-4-26-.07 and has been registered with the Department.
- (30) “Person” means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.
- (31) “Pest” or “plant pest” means any living stage of any non-human organism that can directly or indirectly injure, cause damage to, or cause disease in a plant.
- (32) “Produce” means to propagate a plant by any sexual or asexual means including, but not limited to, by seed, rooted cutting, budding, grafting, or tissue culture.
- (33) “Progeny” means a citrus nursery tree produced from budwood from a registered source tree in accordance with this Chapter.
- (34) “Propagative material” means any plant or part of a plant, including seed, or plant tissue intended for use in the propagation of citrus nursery stock or other plant that is identified as a quarantined in this Chapter.
- (35) “Registration” means the process of certifying source trees as being virus-tested and meeting the requirements of this Chapter, including annual renewal by notification and fee payment.
- (36) “Regulated article” means any citrus plant grown for the purpose of sale or distribution.
- (37) “Rootstock” means a plant or plant part produced for use as the recipient understock in budding or grafting.
- (38) “Scion tree” means a citrus tree grown from budwood taken from a registered foundation tree, maintained in a scion tree block in a certified facility of a Certified Citrus Nursery, and registered with the Department as a source of budwood. Scion trees shall meet all the requirements for foundation or source trees.
- (39) “Source tree” means a citrus tree that has met all requirements in this Chapter for use as a source of budwood or propagative material, i.e., a scion tree, increase tree, or foundation tree.
- (40) “State” means the District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.
- (41) “Test” means standardized laboratory, biological greenhouse, or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees.
- (42) “Transport” means carry, move, or transfer by motor vehicle, railcar, boat, or other conveyance licensed or otherwise authorized for use on a road, railway, airway, highway, or waterway of the United States or an individual state.
- (43) “USDA-APHIS-PPQ” means United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.
- (44) “Vegetative propagation” means any type of propagation that does not include sexual recombination including, but not limited to, budding, cell culture, grafting, rooted cuttings, and air-layering.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.03. Plant Pest Declaration

The following arthropods, nematodes, and pathogens are declared to be plant pests and agricultural and public nuisances:

- (1) Arthropods:
 - (a) African citrus psyllid (*Trioza erytrae*)
 - (b) Asian citrus psyllid (*Diaphorina citri*)
 - (c) Brown citrus aphid (*Toxoptera citricida*)
- (2) Nematodes and Pathogens:
 - (a) Burrowing nematode (*Radopholus similis*)
 - (b) Cachexia viroid
 - (c) Citrus Black Spot
 - (d) Citrus Blight
 - (e) Citrus canker
 - (f) Citrus greening (huanglongbing)
 - (g) Citrus leprosis virus
 - (h) Citrus psorosis virus
 - (i) Citrus Scab
 - (j) Citrus tatterleaf virus
 - (k) Citrus tristeza virus (severe strains)
 - (l) Citrus variegated chlorosis (seed-transmitted)
 - (m) Concave gum
 - (n) Exocortis viroid
 - (o) Sheath nematode (*Hemicycliophora arenaria*)

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.04. Regulated Articles

- (1) The following are regulated articles:
 - (a) Citrus plants; and
 - (b) Plant pathogens, diseases, and insects in all life stages.

- (2) Any other article, product, or means of conveyance not listed above may be designated as a regulated article if the Commissioner determines that such article, product, or means of conveyance presents a risk of spreading a citrus pathogen, disease, or insect pest and notifies the person in possession of the same that it is subject to the restrictions of these regulations.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.05. Regulated Areas

All States in the United States.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.06. Citrus Plants, Budwood, and Rootstock Entering Georgia

(1) Importing Citrus Plants

(a) Citrus plants are prohibited from entering Georgia unless:

1. The state plant regulatory organization has been issued a Master Permit by the Georgia Department of Agriculture, Plant Protection Section;
2. The citrus plants were produced inside a certified pest exclusionary facility that conforms to or exceeds the USDA-APHIS-PPQ Asian Citrus Psyllid Quarantine requirements;
3. The citrus plants are produced in a facility under a citrus certification compliance program with either the state plant regulatory organization or USDA-APHIS-PPQ;
4. The citrus plants, budwood, and rootstock are tested at least annually for citrus pathogens;
5. The facility and citrus plants are inspected at least six (6) times per year by state plant regulatory or USDA-APHIS-PPQ personnel, or the combined number of inspections of both agencies total at least six (6), for citrus pests and diseases; and
6. The citrus plants are shipped directly from the certified facility to Georgia.

(b) The Commissioner may request additional information to determine whether a nursery is in compliance with the requirements of this Chapter.

(c) The Commissioner will order an immediate Stop-Sale Notice and Hold Order for any citrus plant shipped into Georgia without proof that the plant originated from a nursery in compliance with the requirements of this Rule. If the citrus plant, budwood, or rootstock is determined to originate from a facility in compliance with the requirements of this Rule, then the shipment may be released from the Stop-Sale Notice and Hold Order provided that the Commissioner is satisfied it poses no threat to Georgia's citrus industry.

- (d) Shipments of citrus plants from facilities not in compliance with the requirements of this Rule will be placed under a Stop-Sale Notice and Hold Order until the owner determines final disposition.
 - 1. The owner must determine final disposition and communicate intent to the Commissioner within 10 days of the issuance of the Stop-Sale Notice and Hold Order.
 - 2. Any plants held for more than 10 days without the owner's final disposition plans will be deemed forfeited to the Commissioner for destruction.
 - (e) The Commissioner may suspend or cancel a Master Permit if there is reason to believe that citrus plants are produced or shipped in violation of this Chapter.
- (2) Importing Budwood
- (a) Budwood may be imported from a citrus clean stock program facility including, but not limited to, the following:
 - 1. California Citrus Clonal Protection Program;
 - 2. Florida Department of Agriculture and Consumer Services, Bureau of Citrus Budwood Registration;
 - 3. Texas Citrus Budwood Certification Program; and
 - 4. USDA-ARS National Clonal Germplasm Repository for Citrus and Dates (USDA-ARS-NCGR).
 - (b) Budwood may be imported from USDA-APHIS-PPQ approved facilities that meet the requirements of the USDA-APHIS-PPQ Citrus Nursery Stock Protocol (revised March 1, 2018).
 - (c) Budwood from outside of the United States must comply with all USDA-APHIS-PPQ and Customs and Border Protection applicable regulations and requirements for entry into the country.
- (3) Importing Rootstock
- (a) Rootstock must originate from USDA-APHIS-PPQ approved facilities that meet the requirements of the USDA-APHIS-PPQ Citrus Nursery Stock Protocol (revised March 1, 2018).

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.07. Growing Citrus Nursery Stock in Georgia

(1) Citrus Nursery Stock Certification Program Participation

- (a) It shall be unlawful to propagate or plant citrus nursery stock that is not produced in accordance with the provisions of this Chapter. Participation in the Citrus Nursery Stock Certification Program does not imply any warranty on the part of the nurserymen, the Department, or any employee thereof.

(b) Prior to propagating citrus nursery stock, propagators must:

1. Register with the Georgia Department of Agriculture, Plant Protection Section by completing a Certified Citrus Nursery Application;
2. Pay of applicable fees; and
3. Comply with all conditions that apply to the Citrus Nursery Stock Certification Program contained in this Chapter.

(c) Application Process and Fees

1. Applications for a Certified Citrus Nursery and a schedule of registration fees can be obtained from the Department's website at: www.agr.georgia.gov/nursery.aspx
2. Applicants must submit completed application forms according to directions on the form.
3. An inspection of the facility will be scheduled to determine if the citrus plants and structure meet the requirements of this Chapter. The cost of this inspection will be listed on the application form
4. An annual certification fee of \$500 will be required for facilities with a total enclosed insect exclusionary area of up to 25,000 square feet, plus \$500 for each additional 25,000 square feet or fraction thereof.
5. Renewal payments are late if the fee has not been received by the Department by the due date.
6. If payment of a certification or renewal fee is 30 or more days late, all citrus nursery stock at the location may be subject to a Stop-Sale Notice and Hold Order until full payment has been received.
7. The Citrus Nursery Certification will be canceled if payment of the renewal fee is 60 or more days late. In such case, the facility must re-apply for Citrus Nursery Certification.

(d) Citrus Nursery Certification Required

1. Propagators of citrus nursery stock must hold a current Certificate for a Certified Citrus Nursery.
 - (i) Citrus nursery stock is required to be grown in a Certified Citrus Nursery facility until:
 - a. Moved directly to a grove for immediate planting;
 - b. Moved to a physically separate, exclusively retail area at the location; or
 - c. Moved from the production location to a separate location for immediate wholesale or retail resale.
2. The current Certified Citrus Nursery certificate shall be kept on display at the Certified Citrus Nursery in a location where it is readily visible to the public.
3. Changes in a production greenhouse.

- (i) Before a facility covered under a Certificate for a Certified Citrus Nursery is modified in a way that, either during or after the modification, affects the walls, screening, doors, or insect-exclusionary ventilation, the Certificate holder must either:
 - a. Enter into a compliance agreement with the Department, outlining safeguarding conditions to maintain the facility insect free; or
 - b. Remove all regulated materials from the facility and irrevocably surrender the Certificate to the Department.
- (ii) If the size of the facility changes, the nursery shall submit an application indicating the change. Once an applicant has met certification requirements, an annual certification fee must be remitted to the Department.

(e) Facility Structural Requirements

1. All citrus plants, including residential citrus nursery stock, that are grown after May 1, 2019, from seed, cuttings, budding, cell culture, or other means must be produced inside a certified pest exclusionary facility that meets USDA-APHIS-PPQ structural requirements, and requirements found in 7 CFR Part 301.76 (Subpart-Citrus Greening and Asian Citrus Psyllid, and Subpart-Citrus Canker) and the USDA-APHIS-PPQ Citrus Nursery Stock Protocol.
2. To qualify as an exclusionary structure which meets certification requirements, a facility must include, at a minimum, each of the following:
 - (i) Exterior walls and top
 - a. Any combination of solid surfaces and screening may be used, as long as the structure meets or exceeds USDA-APHIS-PPQ Citrus Nursery Stock Protocol, including resistance to wind-blown rain.
 - b. Mesh size for any screening used in walls, doors, vent covers, or other parts of a structure to be operated under a certification shall not exceed 0.3 square millimeters (e.g., 0.547 x 0.547 mm or 0.5 x 0.6 mm).
 - (ii) Each approved structure must have a citrus free buffer area of at least 100 feet around the exterior of the approved structure. If a buffer area of 100 feet or more is not feasible, a minimum buffer area of 25 feet is allowed if the side of the structure facing citrus nursery plant material is constructed with a water-proof wall, or double-walled screening with a minimum of a 4-inch space, between each screen.
 - (iii) Doors, doorways, and entryways must be designed and constructed to exclude wind-blown rain, and pest organisms.
 - a. All doorways must have a positive pressure air curtain, double entrance with vestibule (i.e. outer door opening into a vestibule then inner door leading to the structure), or other mechanism sufficient to prevent the entrance of any insect pests, both during operation of the door and while the door is closed.

- b. All doors must fit against the floor and door frame so that no pest organisms or rain can enter the facility.
 - c. All facility emergency exit doors must be marked 'Emergency Exit Only' and may not be used as an entrance.
 - d. At minimum, all entrance doors to the facility must have working locks. The facility must be secured (locked) when employees are not present.
 - e. A footbath containing a product approved by the Department as effective against citrus canker must be located at each entrance and must be properly utilized on footwear by all persons prior to entering the structure.
 - f. Vehicles, equipment, and other articles used to handle or move citrus nursery stock must be treated in accordance with USDA-APHIS-PPQ requirements, immediately before entering the structure.
 - g. The site must incorporate an area for deliveries and shipments.
- (iv) Except for doors, all exterior openings for cooling pads, fans, vents, or other parts of the structure must be covered with screening as specified in paragraph (1)(e)2(i)b above; and
 - (v) The structure perimeter must facilitate drainage away from the structure.
- 3. The owner of the facility is responsible for maintaining the integrity of the facility and ensuring it remains pest-free.
 - (i) The Department must be notified immediately if a breach is detected at any time during the life cycle of the citrus stock, from propagation to point of sale.
 - (ii) If the integrity of the structure is compromised or breached, the citrus nursery stock will be subject to immediate Stop-Sale Notice and Hold Order and will not be eligible for certification until released from Stop-Sale Notice and Hold Order by the Department after a risk evaluation.
 - 4. Citrus nursery stock may be moved from one structure into another structure on the same site provided the plants in the process of being actively relocated and are not subjected via open air exposure to citrus pests and diseases.
 - 5. Structures in existence and actively used for growing citrus that do not meet the structural requirements of this Rule will be given, upon written request by the owner, until November 1, 2019 to make the necessary structural modifications in order to fully comply with this Rule.
- (f) Sanitation Requirements
 - 1. It shall be the responsibility of the nursery to follow Best Management Practices and sanitation procedures to prevent plant pests and plant disease establishment inside the structure.
 - (g) Citrus Propagation Requirements

1. Any citrus nursery stock or budwood source tree found infected or exposed to plant pest infestation shall be subject to immediate quarantine action and will not be eligible for certification until released from quarantine by the Department.
2. Citrus nursery stock grown or distributed in Georgia after May 1, 2019 must be produced in a Certified Citrus Nursery under the provisions of this Chapter.
3. All planting, growing, and budding of rootstock or other propagative material, including seeds, shall be in a certified pest exclusionary facility.
4. In-ground production of citrus nursery stock is not approved. Citrus nursery stock may only be produced on a barrier between the soil and pot (e.g. gravel, horticulture cloth, tables, etc.).
5. Citrus nursery stock must be propagated in compliance with the following provisions:
 - (i) Citrus nursery stock must be propagated directly from certified budwood taken from scion trees or increase trees; or
 - (ii) Citrus nursery stock may be propagated directly from non-certified citrus budwood provided:
 - a. The nursery was actively engaged in propagating commercial citrus nursery stock from non-certified source trees at the time these rules are adopted; and
 - b. The source trees have been tested and found free from citrus propagated pathogens; and
 - c. The source trees are in a structure that excludes citrus pests; and
 - d. The source trees are tested at least annually for citrus propagated pathogens.
 - e. If a source tree tests positive for any citrus propagated pathogens, the tree must be removed from the structure and budwood from that tree may no longer be used for propagation.
 - f. Plants produced from non-certified citrus budwood are ineligible for interstate movement.
 - g. Plants produced from non-certified budwood must be maintained in a separate structure from any plants eligible for interstate movement.
 - h. After December 31, 2024, non-certified citrus budwood may no longer be used to propagate commercial citrus nursery stock.
 - (iii) All citrus nursery stock and propagative material must remain within the approved structure at all times or be moved under protective cover to exclude insects until distributed for sale or use.
 - (iv) Citrus nursery stock may be moved directly from one approved structure into another approved structure, provided that the plants are protected and covered with material designed to prevent exposure to citrus pests and diseases at all times during transit.

- (v) Citrus plants, including residential citrus nursery stock, that were grown from seed, cuttings, budding, cell culture or other means before May 1, 2019, may be sold by the nursery until December 31, 2021 provided that the grower provides the Commissioner with the number and location of all plants propagated prior to May 1, 2019.

(h) Parent Trees

1. Parent trees are selected as unique germplasm belonging to a nurseryman, grower, or researcher or on property that the owner has given written permission for access for observation and testing.
2. Parent trees may not be used as a source of propagating material.
3. Clones or shoot tip grafts from parent trees must be submitted to a clean stock program recognized by the Commissioner for testing of quarantined plant diseases.
4. Once the parent tree clones or shoot-tip grafts have tested negative for all plant pests listed in this Chapter, the clones or shoot-tip grafts may be used to establish foundation or scion trees for propagation purposes.

(i) Scion Trees and Scion Block

1. Scion trees must meet the following requirements:
 - (i) Budwood for propagating scion trees must be obtained from a foundation tree.
 - (ii) Scion trees must be propagated and grown in a Certified Citrus Nursery.
 - (iii) Scion trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source as the original must be used.
 - (iv) Scion trees must be vigorous, productive, and horticulturally true-to-type and must have borne fruit.
2. Scion trees must be held exclusively in an approved pest exclusionary structure designated for scion trees.
 - (i) At no time shall any uncertified citrus nursery stock be inside the approved pest exclusionary structure.
 - (ii) Scion trees may be grown in containers or planted in the ground.
 - (iii) Scion trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of scion trees originating from different source trees.
3. Labeling of Scion Trees
 - (i) Each lot of scion trees produced from the same lot of budwood from a specific foundation block tree must be labeled for traceability with a unique identification number. The permanent label or tag must include the variety, source tree identification number, and the month and year of budding.

- (ii) Each lot of scion trees must be of the same cultivar, originating from the same foundation block source tree(s) and budded in the same month and year.
- (iii) A scion tree identification map must be maintained on-site. The map must be made available during an inspection or upon request by the Department. The map must include the location of each group of scion trees by selection in the approved pest exclusionary structure, the name of the selection, the number of trees in each lot, source tree identification number, and the month and year of budding.

4. Inspection

- (i) Scion trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 12 months for citrus tristeza and citrus greening or any other pest of regulatory concern. The Department will collect samples for testing according to the sampling plan, "Survey Protocol in Exclusionary Facilities for the Interstate Movement of Citrus and Other Rutaceous Plants for Planting from Areas Quarantined for Citrus Greening, Asian Citrus Psyllid, and Citrus Canker," developed by the CPHST Plant Epidemiology and Risk Analysis Laboratory of the Plant Protection and Quarantine branch of USDA-APHIS. The cost of the laboratory analysis of the samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.
 - (ii) The scion block must be routinely inspected and treated to prevent pests and diseases.
 - (iii) Scion trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.
 - (iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of scion trees.
5. Upon discontinuing use of a scion tree, the scion tree must be removed from the scion block and may be sold, planted, or destroyed.

(j) Increase Trees and Increase Blocks

1. Increase trees and increase blocks must meet the following requirements:
 - (i) Budwood for propagating increase trees must be obtained from a foundation or scion tree.
 - (ii) Increase trees must be propagated and grown in a Certified Citrus Nursery.
 - (iii) Increase trees must be budded on nursery rootstock which has not been budded previously. If re-budding is necessary, buds from the same source tree as the original bud must be used.
2. Increase trees must be held exclusively in an approved structure designated for increase trees or housed with other Certified Citrus Nursery stock being grown in

the approved structure, provided the two groups of plants are kept identifiably separate.

- (i) At no time shall any uncertified citrus nursery stock be inside the approved structure.
- (ii) Increase trees may be grown in containers or planted in the ground.
- (iii) Increase trees of different varieties and selections must be kept distinctly apart and clearly identified to avoid the mixing of increase trees originating from different source trees.

3. Labeling of Increase Trees

- (i) Each lot of increase trees produced from the same lot of budwood from a specific foundation block tree must be labeled for traceability with a unique identification number. The permanent label or tag must include the variety, source tree identification number, and the month and year of budding.
- (ii) Each lot of increase trees must be of the same cultivar, originating from the same foundation block source tree(s), and budded in the same month and year.
- (iii) An increase tree identification map must be maintained on site. The map must be made available during an inspection or upon request by the Department. The map must include the location of each group of increase trees by selection in the approved structure, the name of the selection, the number of trees in each lot, source tree identification number, and the month and year of budding.

4. Increase trees may be used as a source of certified budwood to produce Certified Citrus Nursery stock for a period not to exceed 60 consecutive months. The 60-month duration begins on the first day of the month following the month in which the trees were budded.

5. Citrus trees propagated from budwood that originated from increase trees shall not serve as a future source of certified budwood.

6. Inspection

- (i) Increase trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 12 months for citrus tristeza and citrus greening or any other pest of regulatory concern. The Department will collect samples for testing according to the sampling plan, "Survey Protocol in Exclusionary Facilities for the Interstate Movement of Citrus and Other Rutaceous Plants for Planting from Areas Quarantined for Citrus Greening, Asian Citrus Psyllid, and Citrus Canker," developed by the CPHST Plant Epidemiology and Risk Analysis Laboratory of the Plant Protection and Quarantine branch of USDA-APHIS. The cost of the laboratory analysis of the samples will be borne by the owner of the nursery. The Department will inspect trees for citrus canker and other pests of regulatory concern during facility inspection.

- (ii) The increase block must be routinely inspected and treated to prevent pests and diseases.
 - (iii) Increase trees found infected with a pathogen must be removed from the protected greenhouse within 10 days of notification of test results by the Department.
 - (iv) The Department may consult with a panel of experts for additional mitigation measures necessary to ensure the integrity of increase trees.
7. Upon discontinuing use of an increase tree, the increase tree must be removed from the increase block and may be sold, planted, or destroyed.

(k) Rootstock

- 1. All planting, growing and budding of rootstock or other propagative material, including seeds, must be in a certified pest exclusionary facility that meets the requirements of the USDA-APHIS-PPQ Citrus Nursery Stock Protocol (revised March 1, 2018).
- 2. All rootstock seed planted for propagation must have undergone thermal treatment or other treatment approved by the Department to reduce the risk of citrus infesting pathogens.
- 3. Rootstock produced any way other than from seed:
 - (i) Must have been taken from a tree tested within the previous year, using methods approved by the Department, and found free of diseases quarantined under Rule 40-4-26-.03; and
 - (ii) The source tree must have been maintained continuously in a facility with current certification.
- 4. Documentation of negative test results described in this paragraph must be maintained for at least four years following distribution of all plants propagated from the source tree and must be available for inspection during normal hours of operation.

(l) Micropropagation of Citrus Rootstocks and Plants

- 1. The plant material for initiation of micropropagated cultures must originate from fully tested foundation material.
- 2. Cultures must be re-initiated from foundation material after a maximum of 36 months
- 3. The plant portion micropropagated must come from non-zygotic embryos or shoots from adult plants.
- 4. Material grown on contaminated media will be rejected.
- 5. Antibiotics that can mask the presence of microorganisms must not be added to any media.
- 6. Once plants leave culture vessels they must be maintained in approved enclosed structures.

7. All movement reports and shipping labels must include the word “micropropagated”.

(m) Plant Identification and Labeling

1. Each citrus plant sold or distributed within Georgia must have attached to the regulated article, or to the container in which the regulated article is planted, a waterproof tag or label upon which is legibly printed in permanent lettering:
 - (i) “Grown by [the Production Facility Name]”;
 - (ii) “Produced in [State of Origin]” (Postal abbreviation of the state is acceptable); and
 - (iii) “Georgia Live Plant License # [Number]” or nursery license number in the state of origin.
2. Unless satisfactory records that readily identify the regulated articles as having been produced in a certified facility are provided, the absence of a tag or label required by this Rule creates a non-rebuttable presumption that the regulated article is a quarantined article, and the quarantined article will be placed under a Stop-Sale Notice and Hold Order until the owner arranges proper disposition.

(n) Inspections

1. The Department will inspect Certified Citrus Nursery facilities as often as it deems necessary but at a minimum of six (6) times per calendar year.
2. Department personnel may inspect the growing practices and take physical and/or documentary samples as deemed necessary of:
 - (i) Compliance with facility structural requirements;
 - (ii) Plants in the nursery;
 - (iii) Insects and plant pests that may be present;
 - (iv) Recordkeeping; and
 - (v) Any other item that is related to the Citrus Nursery Stock Certification Program and citrus plant propagation or production.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.08. Retail Sales and Wholesale of Citrus Plants

Retail and wholesale locations of citrus nursery stock must comply with the following:

- (1) All nursery stock must originate from a Certified Citrus Nursery that has produced citrus plants according to the provisions of this Chapter.
- (2) Any retail citrus tree found to be infested with citrus pests or diseases will be subject to a Stop-Sale Notice and Hold Order.

40-4-26-.09. Georgia Citrus Clean Stock Program

- (1) A Georgia Citrus Clean Stock Program may be initiated with the recommendation from any of the following organizations:
 - (a) Fort Valley State University
 - (b) Georgia Crop Improvement Association
 - (c) Georgia Department of Agriculture
 - (d) Georgia Seed Development Commission
 - (e) University of Georgia
- (2) The Georgia Citrus Clean Stock Program will provide the care, maintenance, and security for all foundation trees in Georgia.
- (3) Establishment of a Foundation Block
 - (a) Foundation block status will be considered upon written request to the Department. The request must include:
 1. A physical description of the proposed site including location, size, and a map of the land to be used. A copy of the deed or lease to the property must be made available upon request by the Department;
 2. Identification of the certified laboratory available to perform tests to diagnose plant pests and diseases identified in Rule 40-4-26-.03; and
 3. The name and address of the person responsible for the overall operation of the foundation block.
 - (b) Adequate environmental controls must be in place to prevent loss of the block due to adverse environmental conditions such as damaging heat, cold, or wind.
 - (c) Adequate security must be maintained to protect the budwood from contamination or theft.
 - (d) Plants must be kept exclusively in an approved structure at a Certified Citrus Nursery as described in Rule 40- 4-26-.07.
 - (e) Foundation trees must be kept in secure greenhouse facility for budwood cutting and distribution to citrus nurseries.
 - (f) The Foundation block site must meet the requirements described in Rule 40-4-26-.07.
 - (g) Foundation trees must be the source for all scion trees.
 - (h) The trees in a foundation block must be established using one or more of the following:
 1. Parent tree clones or shoot-tip grafts that have undergone treatment for diseases in a clean stock program;
 2. Budwood imported directly from one or more of the following citrus clean stock program facilities:

- (i) California Citrus Clonal Protection Program.
 - (ii) Bureau of Citrus Budwood Registration of the Florida Department of Agriculture and Consumer Services.
 - (iii) USDA-ARS National Clonal Germplasm Repository for Citrus, or
 - (iv) Texas Citrus Budwood Certification Program.
- (i) Budwood used to establish a foundation block must originate from trees that exhibit desirable horticultural true-to-type characteristics for the specified varieties using criteria established by one of the agencies listed in paragraph (1) above.
 - (j) Each tree planted in a foundation block must be assigned a unique source tree identification number consisting of block abbreviation, variety abbreviation, block number, row number, and tree number. A sign, stake, tag, or other permanent and waterproof marker must be used to associate each tree with its unique number.
 - (k) Any tree not exhibiting desirable horticultural characteristics for the specified variety must be immediately removed from use as a budwood source.

(4) Maintaining Foundation Block Status

- (a) Trees in a foundation block must be tested by a certified laboratory to verify that foundation block trees continue to be free of diseases listed in Rule 40-4-26-.03.
- (b) Records must be maintained as required by the Commissioner.
- (c) At a minimum, the following measures must be taken to prevent disease contamination from internal or external sources.
 - 1. If one or more foundation block trees become infected with a disease listed in Rule 40-4-26-.03, or a vector of such disease, the affected tree(s) must be removed immediately.
 - 2. Tools and equipment used to cut or prune foundation block trees must be used only in the foundation block and must be disinfected before use on any other tree, unless:
 - (i) It is impractical to restrict equipment use only to the foundation block; and
 - (ii) Such equipment has been treated with an antimicrobial pesticide labeled to control citrus graft transmitted pathogens and/or in accordance with guidelines prescribed by the Department.
 - 3. Irrigation of the foundation block must be performed in such a manner as to minimize the risk of transmission of diseases through the irrigation system.
 - 4. A foundation block must be completely contained in a Certified Citrus Nursery in accordance with the requirements described in Rule 40-4-26-.07.

(5) Labeling and Handling of Budwood Produced in Foundation Block

- (a) At the time of sale, each budwood piece or bundle of certified budwood must be labeled to identify the variety of the budwood, number of buds, and source tree identification number, and safeguarded from exposure to the plant pests and diseases listed in Rule 40-4-26-.03.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.10. Recordkeeping Requirements

- (1) Records of certified budwood purchases must be maintained by a Certified Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:
 - (a) Name of the budwood producer/seller;
 - (b) Physical address of the budwood producer/seller;
 - (c) Telephone number of the budwood producer/seller;
 - (d) Date of each purchase; and
 - (e) Variety name and number of buds purchased, per source tree, including identification number of each source tree.
- (2) Records of Certified Citrus Nursery stock sales or distribution must be maintained by a Certified Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:
 - (a) Date of sale or distribution;
 - (b) Name, address, and (if applicable) Live Plant License number of receiver; and
 - (c) Number of trees sold or distributed, per variety name and budwood source tree identification number.
- (3) Records of certified budwood sales or distribution must be maintained by a Certified Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:
 - (a) Origin of budwood sold, by source tree lot number;
 - (b) Number of buds sold daily, summarized by month; and
 - (c) Records of each sale, including:
 1. Name, address and Live Plant License number of buyer, if applicable;
 2. Number of buds of each variety sold to each buyer;
 3. Source tree lot number for each variety; and
 4. Date of sale.
- (4) Records of scion block trees must be maintained by a Certified Citrus Nursery for a minimum of four (4) years and made available for inspection by the Department upon request. These records must include:
 - (a) A map of trees showing block and row numbers as well as locations of each variety;
 - (b) Results of tests conducted by a certified laboratory verifying that all scion or increase block trees are free of the diseases listed in Rule 40-4-26-.03; and

- (c) Records of budwood sources used to establish scion trees along with certificates and/or test results obtained to verify that the budwood was free of diseases listed in Rule 40-4-26-.03.
- (5) Records of increase block trees must be maintained by a Certified Citrus Nursery for a minimum of four years and made available for inspection by the Department upon request. These records must include:
 - (a) A map of increase trees showing block and row numbers and locations of each variety;
 - (b) Results of tests conducted by a certified laboratory on the increase trees for citrus greening and tristeza;
 - (c) Records identifying the budwood and rootstock sources used to establish increase trees;
 - (d) The month and year of initial budding of each increase tree by tree identification number and variety;
 - (e) The number of buds taken per month from each lot of each variety of increase tree; and
 - (f) Records of disposition of increase trees.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.11. Experimental Citrus Propagation Requirements

- (1) Citrus nursery stock propagated for experimental use:
 - (a) Must be inspected and tested at least once prior to 12 months post-budding and every 12 months thereafter for citrus tristeza and citrus greening or any other pest of regulatory concern;
 - 1. The Department will collect samples for testing according to the sampling plan in "Survey Protocol in Exclusionary Facilities for the Interstate Movement of Citrus and Other Rutaceous Plants for Planting from Areas Quarantined for Citrus Greening, Asian Citrus Psyllid, and Citrus Canker" developed by the CPHST Plant Epidemiology and Risk Analysis Laboratory of the Plant Protection and Quarantine branch of USDA-APHIS. This sampling plan is available at www.aphis.usda.gov/plant_health/plant_pest_info/citrus/downloads/cns-sample-protocol-interstate-movement-supplement-document.pdf.
 - 2. The cost of the laboratory analysis of the samples will be borne by the owner of the Certified Citrus Nursery or research entity.
 - (b) Must not be offered for sale; and
 - (c) May not be commingled with Certified Citrus Nursery stock intended for sale or any other citrus nursery stock.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.12. Scientific Permits

Shipment or transport of quarantined pathogens, diseases, or insects, in all lifeforms or stages, to Georgia is prohibited unless for the purpose of diagnostic testing or scientific purposes, provided:

- (1) The testing facility possesses a certificate or permit issued by USDA-APHIS-PPQ for the purposes of receiving and testing for citrus pests; or
- (2) The testing facility possesses a permit issued by the Commissioner for the purposes of receiving and testing for citrus pests.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.13. Stop-Sale Notice and Hold Order

A Stop Sale Notice and Hold Order will be issued for the following reasons:

- (1) Compromise or breach of structure;
- (2) Knowingly propagating citrus plants that do not meet the requirements of this Chapter;
- (3) Any citrus plant moved into Georgia in violation of Rule 40-4-26-.06;
- (4) Any citrus plant missing the labeling as required by Rule 40-4-26-.07;
- (5) Misrepresenting citrus nursery stock as being progeny of registered source trees;
- (6) Misrepresenting the type of source tree from which citrus nursery stock was produced as certified trees;
- (7) Failing to maintain budwood, scions, or citrus nursery stock and the records thereof in a manner that allows for verification or substantiation of the correct parentage of citrus nursery stock or source trees;
- (8) Any citrus nursery stock found infected with plant pests listed in Rule 40-4-26-.03 or exposed to plant pests listed in Rule 40-4-26-.03 to such a degree that infestation is likely even if no visible symptoms are present. The presence of citrus pests or diseases in close proximity to a citrus nursery will not result in an automatic quarantine of the nursery provided that the citrus nursery stock is in compliance with the other requirements of this Chapter; and
- (9) Any budwood source tree found infected with plant pests listed in Rule 40-4-26-.03 to such a degree that infestation is likely even if no visible symptoms are present.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.14. Release of Stop-Sale Notice and Hold Order

- (1) Compromise or breach of structure

- (a) Citrus plants will be released from a Stop Sale and Hold Order once conditions causing the Stop-Sale Notice and Hold Order have been corrected and any pathogen threat has been found not to present a risk after evaluation by Department personnel.
 - (b) The Commissioner may consult with recognized experts in other agencies or states as deemed necessary.
 - (c) Risk evaluation will be based on:
 - 1. Deficiencies existing prior to correction within the past two years;
 - 2. Number of past actions taken by the Department within the past two years;
 - 3. Type of pathogen or vector of concern;
 - 4. Identification of pathogen or vector;
 - 5. Test results;
 - 6. Presence or absence of pathogens, vectors, and hosts in the geographic area of nursery site at such distances or levels that spread of these pathogens or vectors into the nursery is either likely or not;
 - 7. Degree of infestation or population numbers of vectors;
 - 8. Chemical application records supporting appropriate use of pesticides;
 - 9. Destruction or treatment of infested material;
 - 10. Interviews with employees or customers familiar with operational procedures; and
 - 11. The implementation of a catastrophic weather plan.
- (2) Citrus plants at wholesale, retail, or other location in the state may be released from a Stop-Sale Notice and Hold Order if the owner:
- (a) Provides documentation that the plants were propagated or moved into Georgia in compliance with this Chapter; or
 - (b) In compliance with all applicable federal citrus regulations, moves the plants out of Georgia; or
 - (c) Destroys the plants.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.15. Unlawful Acts

The following are violations of this Chapter:

- (1) The movement of any organism listed in 40-4-26-.03 into Georgia without authorization from the Commissioner and USDA-APHIS-PPQ;
- (2) Shipment or distribution of citrus plants, budwood, or rootstock into Georgia unless in compliance with a Master Permit issued by the Commissioner;
- (3) Propagating citrus plants that do not meet the requirements of this Chapter;

- (4) Providing false information in an attempt to obtain a Certificate for Citrus Nursery Stock Certification;
- (5) Failure to keep records of citrus plants, budwood, and/or rootstock as required by this Chapter;
- (6) Using any certificate in any manner except for the purpose for which it was issued;
- (7) The obstruction of the Commissioner in the performance of his duties;
- (8) Falsifying, failing to maintain, or failing to provide records, application information, or other documentation required by this Chapter;
- (9) Selling, offering for sale, or distributing citrus budwood that is falsely alleged to be certified, from a foundation block, or from a certified increase block;
- (10) Making false claims that citrus trees originated from certified budwood, designated foundation block, or certified increase block with the intention to sell, offer for sale, or distribute the citrus trees;
- (11) Moving, planting, or distributing any citrus plant under a Stop-Sale Notice and Hold Order;
- (12) Using citrus budwood that is not certified to propagate Certified Citrus Nursery trees except as provided in Rule 40-4-26-.07;
- (13) Failing to maintain or provide, upon request, records for inspection; and
- (14) Failing to comply with any order issued or rule adopted by the Department under this Chapter.

Authority O.C.G.A. Secs. 2-7-1 et. seq.

40-4-26-.16. Enforcement and Penalties

- (1) Any person violating any provision of this Chapter shall be guilty of a misdemeanor.
- (2) Any foundation block status, citrus increase block certification, budwood certification, citrus nursery stock certification, or Live Plant License may be revoked or suspended by the Department for any violation of this Chapter.

Authority O.C.G.A. Secs. 2-7-1 et. seq.