

RULES OF THE
GEORGIA DEPARTMENT OF AGRICULTURE
PLANT PROTECTION

CHAPTER 40-4-22
TROPICAL SODA APPLE RULES

TABLE OF CONTENTS

40-4-22-.01	Declaration of Public Nuisance
40-4-22-.02	Regulated Articles
40-4-22-.03	Regulated Property
40-4-22-.04	Prevention of Movement; Treatments
40-4-22-.05	Violations and Enforcement

40-4-22-.01 Declaration of Public Nuisance. I, Thomas T. Irvin, Commissioner of Agriculture of the State of Georgia (hereinafter referred to as "Commissioner"), do hereby declare Tropical Soda Apple (Solanum viarum Dun.) to be a public nuisance, in particular to the agricultural and horticultural interests of this State.

Authority O.C.G.A. 2-7-1 et seq., 2-7-15. **History.** Original Rule entitled "Declaration of Public Nuisance" adopted. F. Apr. 27, 1999; eff. May 17, 1999. **Amended:** F. May 5, 2000; eff. May 25, 2000.

40-4-22-.02 Regulated articles.

(1) Tropical Soda Apple (Solanum viarum Dun.) in all its life forms, including but not limited to plants, fruit, and seeds, whether alone, or accompanying other things.

(2) Livestock feeding on pastures in which Tropical Soda Apple exists.

(3) Manure from livestock feeding on pastures in which Tropical Soda Apple exists.

(4) Hay from pastures in which Tropical Soda Apple exists.

(5) Soil from pastures in which Tropical Soda Apple exists.

(6) Any other article or means of conveyance which, in the opinion of the Commissioner, is capable of transmitting Tropical Soda Apple.

Authority O.C.G.A. 2-7-1 et seq., 2-7-15. **History.** Original Rule entitled "Regulated Articles" adopted. F. Apr. 27, 1999; eff. May 17, 1999. **Amended:** F. May 5, 2000; eff. May 25, 2000.

40-4-22-.03 Regulated Property. Any location in Georgia containing plants, fruits, or seeds of Tropical Soda Apple is a regulated property.

Authority O.C.G.A. 2-7-1 et seq., 2-7-15. **History.** Original Rule entitled "Regulated Property" adopted. F. Apr. 27, 1999; eff. May 17, 1999. **Amended:** F. May 5, 2000; eff. May 25, 2000.

40-4-22-.04 Prevention of Movement; Treatments. Regulated properties and articles must be treated as described to prevent the movement of Tropical Soda Apple to areas where it does not occur.

(1) Tropical Soda Apple plants.

(a) All plants with fruit must be removed from the ground and buried or incinerated.

(b) All plants without fruit must be either:

1. Mowed once a month to a stubble height or no more than 3 inches; or

2. Treated with an herbicide approved by the Georgia Department of Agriculture (hereinafter referred to as "Department"), at the highest recommended label rate and at the shortest treatment intervals.

(2) Regulated Property. At the discretion of the Department, Georgia ~~land owners~~ landowners may enter into an agreement with the Georgia Department of Agriculture whereby Department employees will apply herbicides to control Tropical Soda Apple infestations. In such agreements, a Georgia ~~land owners~~ landowner must agree in writing to:

(a) Supply Georgia Department of Agriculture employees with herbicide in sufficient quantities for Tropical Soda Apple control on Regulated Property owned by ~~him/her/it~~ him, her, business or corporation. Only herbicides registered for use by the United States Environmental Protection Agency and/or by the Georgia Department of Agriculture for treatment of Tropical Soda Apple shall be used; and

(b) Maintain the land (Regulated Property) in such condition that will allow the Department to conduct periodic surveys and other necessary actions deemed appropriate by the Commissioner of Agriculture to control Tropical Soda Apple.

(3) Field edges and fencerows of fields containing Tropical Soda Apple plants must be surveyed monthly by property owners or their agent, and treated with approved herbicides for a distance of 10 feet on either side of the field edge or fencerow.

(4) Livestock may not be moved from a regulated property unless held in a Tropical Soda Apple free holding area for at least seven (7) days after last exposure to Tropical Soda Apple fruit.

(a) Livestock originating from states infested with Tropical Soda Apple must originate from an area certified free of Tropical Soda Apple or must have been held in an area certified free of the fruit of Tropical Soda Apple for at least seven (7) days prior to movement and must be accompanied with a certificate of verification from the originating state's Department of Agriculture.

(b) Livestock originating from livestock markets that do not meet the above requirements will be allowed to enter Georgia only under special permit and must be confined in a pre-approved location for seven (7) days prior to release or further movement.

(c) Livestock originating from an area infested with Tropical Soda Apple may enter Georgia under a special permit if the livestock is held in an approved area for at least seven (7) days prior to release.

(5) Manure may not be moved from a regulated property in Georgia unless it is composted for no less than six months and unless the compost pile is monitored monthly by the property owner or agent acting for the owner for the presence of Tropical Soda Apple.

(6) Soil may not be moved from a regulated property in Georgia unless steam sterilized.

(7) Manure and soil are prohibited from entering Georgia from States infested with Tropical Soda Apple unless the products are free from Tropical Soda Apple in all of its life forms or the products conform to the requirements specified in the applicable paragraph (5) or (6) above.

(8) Hay may not be moved from a regulated property.

(9) Any other article or means of conveyance which, in the opinion of the Commissioner, is capable of transmitting Tropical

Soda Apple will be treated as prescribed by the Commissioner on a case-by-case basis.

Authority O.C.G.A. 2-7-1 et seq., 2-7-15. **History.** Original Rule entitled "Prevention of Movement; Treatments" adopted. F. Apr. 27, 1999; eff. May 17, 1999. **Amended:** F. May 5, 2000; eff. May 25, 2000.

40-4-22-.05 Violations and Enforcement.

(1) Any person who does not treat Tropical Soda Apple on a regulated property owned or managed by them, as prescribed in these rules, may be found guilty of a misdemeanor.

(2) If an owner or manager of a regulated property does not treat Tropical Soda Apple as prescribed in these rules, or allows any regulated articles to leave his property without proper inspection, then the Department will hire Commercial Pest Control Operators to enter onto and treat Tropical Soda Apple on that property. The cost of the treatment will be billed to the owner of the regulated property and will be secured by a lien on that property.

Authority O.C.G.A. 2-7-1 et seq., 2-7-15. **History.** Original Rule entitled "Violations and Enforcement" adopted. F. Apr. 27, 1999; eff. May 17, 1999. **Amended:** F. May 5, 2000; eff. May 25, 2000.