

RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE

CHAPTER 40-4  
ENTOMOLOGY AND PLANT INDUSTRY

SUBJECT 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 these Rules 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 program; and

(2) outlining established protocols for movement of citrus into the state of Georgia. The requirements for program participation are established in these Rules.

It is intended that there shall be no propagation of citrus nursery stock except as provided in these Rules, 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 these Rules.

**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 Rules.
- (4) “Georgia Citrus nursery” means a nursery in compliance with the requirements of these Rules.
- (5) “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.
- (6) “Clone” means an asexually reproduced cultivar; a group of genetically uniform plants that have been propagated vegetatively from a single original plant.
- (7) “Commissioner” means the Commissioner of Agriculture, any employee of the Georgia Department of Agriculture, or other person authorized to act on the Department’s behalf.
- (8) “Department” means the Georgia Department of Agriculture.
- (9) “Distribute” means to supply, sell, deliver, lease, provide, or otherwise transfer possession or ownership of a regulated or quarantined article.
- (10) “Exclusion structure” means a structure that conforms to or exceeds the structural requirements of the USDA-APHIS-PPQ “Interstate Movement of Citrus Nursery Stock From Areas Quarantined For Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid” last revised on March 18, 2018.

- (11) “Foundation block” means a functional unit, regulated by the Department, consisting of one or more citrus trees that meet the foundation block tree requirements in these Rules.
- (12) “Foundation Tree” means a citrus tree that is used to provide a source of budwood to nurserymen, primarily for establishing scion and increase trees.
- (13) “Graft-Transmissible Pathogens” means disease agents spread by vegetative propagation including, but not limited to, budding, grafting, air-layering, and cuttings.
- (14) “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.
- (15) “Increase block” means a functional unit, 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 these Rules.
- (16) “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-.06.
- (17) “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.
- (18) “Micropropagated” means the use of a plant part to initiate the tissue culture process.
- (19) “Moved”, “movement”, or “move” means shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.
- (20) “Non-rebuttable presumption” means a presumption that cannot be challenged with evidence.
- (21) “Nursery” means any commercial location where nursery stock is grown, propagated, stored, maintained, or sold or any location from which nursery stock is distributed.
- (22) “Person” means any association, company, corporation, firm, individual, joint stock company, partnership, society, or any other legal entity.
- (23) “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.
- (24) “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.
- (25) “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 quarantined in these Rules.
- (26) “Regulated article” means any citrus plant grown for the purpose of sale or distribution.
- (27) “Rootstock” means a plant or plant part produced for use as the recipient understock in budding or grafting.
- (28) “Scion tree” means a citrus tree grown from budwood taken from a registered foundation tree, maintained in a scion tree block in a facility of a Georgia Citrus Nursery, and

registered with the Department as a source of budwood. Scion trees shall meet all the requirements for foundation or source trees.

- (29) “Source tree” means a citrus tree that has met all requirements in these Rules for use as a source of budwood or propagative material, i.e., a scion tree, increase tree, or foundation tree.
- (30) “State” means the District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.
- (31) “Test” means standardized laboratory, biological greenhouse, or field plot tests for certain graft-transmissible pathogens before trees are eligible for registration as source trees.
- (32) “Tested Budwood” means budwood that does not originate from a foundation block, scion block or increase block but is eligible for use if the nursery is under a compliance agreement with the Department.
- (33) “USDA-APHIS-PPQ” means United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine.

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

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

The following arthropods 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) Pathogens:
  - (a) Citrus greening (or huanglongbing; *Candidatus Liberibacter asiaticus*)
  - (b) Citrus Canker (*Xanthomonas axonopodis*)
  - (c) Sweet Orange Scab (*Elsinöe australis*)
  - (d) Citrus Black Spot (*Guignardia citricarpa*)
- (3) Any other plant pest determined by the Commissioner to be a threat to the citrus industry of this state. In accordance with O.C.G.A. § 2-7-20, the Commissioner will declare such pests to be a public nuisance. The names of these pests will be conspicuously posted on the Department of Agriculture's website at: <http://agr.georgia.gov/>.

**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 Rules.

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

#### **40-4-26-.05. 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 an exclusion structure as defined in these Rules.
    3. The citrus plants are produced in a facility under a citrus certification compliance program with either the relevant state plant regulatory organization or USDA-APHIS-PPQ;
    4. Scion trees or mother trees have been tested at least every three (3) years for the graph transmissible pathogens listed in these Rules and on the Department of Agriculture's website at <http://agr.georgia.gov/>. Rootstock seed source trees must be tested for Citrus greening (or huanglongbing; *Candidatus Liberibacter asiaticus*), Citrus Leaf Blotch Virus (CLBV), and Citrus Psorosis Virus (CPsV) at least every six (6) years;
    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 approved exclusion structure to Georgia.
  - (b) The Commissioner may request additional information to determine whether a nursery is in compliance with the requirements of these Rules.
  - (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. Citrus plants will be released in accordance with the requirements of these Rules.

- (d) 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 these Rules.
- (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 a USDA-APHIS-PPQ certified facility provided the budwood was produced inside an exclusion structure as defined in these Rules.
  - (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) Seeds must originate from a state certified seed source tree.

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

**40-4-26-.06. Growing Citrus Nursery Stock in Georgia**

- (1) Georgia Citrus Nursery Stock Program Participation
  - (a) It shall be unlawful to propagate or plant citrus nursery stock that is not produced in accordance with these Rules. Participation in the Georgia Citrus Nursery Stock 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 Georgia Citrus Nursery Application;
    - 2. Pay of applicable fees; and
    - 3. Comply with all conditions that apply to the Georgia Citrus Nursery Stock Program contained in these Rules.
  - (c) Application Process and Fees
    - 1. Applications for a Georgia Citrus Nursery can be obtained from the Department's website at: [www.agr.georgia.gov/nursery.aspx](http://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 these Rules. The cost of this inspection will be listed on the application form
  4. An annual fee of \$500 will be required for facilities with a total enclosed pest exclusion 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. The Georgia Citrus Nursery status will be canceled if payment of the renewal fee is 60 or more days late. In such case, the facility must re-apply to be a Georgia Citrus Nursery.
- (d) Georgia Citrus Nursery Program Participation Required
1. Propagators of citrus nursery stock must hold a current Live Plant License.
    - (i) Citrus nursery stock is required to be grown in a pest exclusion structure 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 Georgia Citrus Nursery certificate shall be kept on display at the Georgia Citrus Nursery in a location where it is readily visible to the public.
- (e) Facility Structural Requirements
1. All citrus plants must be produced inside an exclusion structure as defined in these Rules.
  2. To qualify as an exclusion structure, 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 “Interstate Movement of Citrus Nursery Stock From Areas Quarantined For Citrus Canker, Citrus Greening, and/or Asian Citrus Psyllid”, including resistance to wind-blown rain.
      - b. Mesh size for any screening used in walls, doors, vent covers, or other parts of a structure 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. At minimum, all entrance doors to the facility must have working locks. The facility must be secured (locked) when employees are not present.
  - d. 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.
  - e. 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.
  - f. 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 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) Before an exclusion structure is modified in a way that affects the walls, screening, doors, or insect-exclusionary ventilation, the nursery must enter into a compliance agreement with the Department that outlines safeguarding conditions to maintain the facility as insect free.
  - (ii) 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.
  - (iii) 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 released from Stop-Sale Notice and Hold Order by the Department until a risk evaluation has been completed.
- 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 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 currently meet the structural requirements of this Rule will be given, upon written request by the owner to the Department, six (6) months from the date of the adoption of this Rule to make the structural modifications necessary to fully comply with this Rule.

(f) 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 Stop Sale Notice and Hold Order.
2. Citrus nursery stock grown or distributed in Georgia after January 1, 2020 must be produced in a Georgia Citrus Nursery under the provisions of these Rules.
3. All planting, growing, and budding of rootstock or other propagative material, including seeds, shall be in an approved pest exclusion structure.
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 may be propagated directly from certified budwood taken from scion trees or increase trees; or
  - (ii) Citrus nursery stock may be propagated directly from tested, non-certified citrus budwood: Nurseries producing citrus plants using tested, non-certified budwood must enter into a compliance agreement with the Department.
  - (iii) After January 1, 2023, non-certified citrus budwood may no longer be used to propagate commercial citrus nursery stock
  - (iii) Citrus nursery stock and propagative material must remain within the approved structure at all times or if moved outside of the pest exclusion structure, protected and covered with material designed to prevent exposure to citrus pests and diseases at all times during transit

(g) 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 Georgia 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
2. Scion trees must be held exclusively in an approved pest exclusion structure designated for scion trees.
  - (i) At no time shall any uncertified citrus nursery stock be inside the approved pest exclusion structure.

- (ii) 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 scion tree label must include the name of the selection, the source tree identification number, and the month and year of budding.
    - (ii) 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.
  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 36 months for the pathogens listed in these Rules or any other pest of regulatory concern. 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.
- (h) 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 Georgia 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 citrus nursery stock from certified budwood 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) 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 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. At any time, during the 60-month period, the nursery owner may make a request to the Department to convert increase trees to scion trees.
- (i) The request must be accompanied by laboratory test results received within the past twelve (12) months for the graph transmissible pathogens listed in these Rules and on the Department of Agriculture's website, <http://agr.georgia.gov/>.
- (ii) The trees must be moved to the exclusion structure described above within five (5) days of receiving approval.
6. Citrus trees propagated from increase trees, except trees that have been converted to scion trees as described above, must not serve as a future source of certified budwood.
7. Inspection
- (i) Increase trees must be inspected and tested at least once prior to 12 months post-budding and at intervals not to exceed 36 months for the graph transmissible pathogens is these Rules and on the Department of Agriculture's website at <http://agr.georgia.gov/> or any other pest of regulatory concern. The Department will collect samples for testing according to the sampling plan. The cost of the laboratory analysis of 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.
- 8. Upon discontinuing use of an increase tree, the increase tree must be removed from the increase block and may be sold, planted, or destroyed.
- (i) Rootstock
  - 1. All planting, growing, and budding of rootstock or other propagative material, including seeds, must be in an approved pest exclusion structure as defined in these Rules.
  - 2. Seed Source trees must originate from a certified clean stock program.
  - 3. 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.
  - 4. 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 in these Rules; and
    - (ii) The source tree must have been maintained continuously in a Georgia Citrus Nursery.
  - 5. 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.
- (j) 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”.
- (k) Plant Identification and Labeling

1. Each citrus plant sold or distributed within Georgia must have attached to it, or to the container in which it 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 plant as having been produced in an approved facility are provided, the absence of a tag or label required by this Rule creates a non-rebuttable presumption that the plant 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.
- (l) Inspections
1. The Department will inspect Georgia 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 Georgia Citrus Nursery Stock Program and citrus plant propagation or production.

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

**40-4-26-.07. 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 these Rules; 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 Georgia Citrus Nursery as described in these Rules.
- (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 these Rules.
- (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,
    - (iv) Bureau of Citrus Budwood Registration of the Florida Department of Agriculture and Consumer Services,
    - (v) USDA-ARS National Clonal Germplasm Repository for Citrus, or
    - (vi) 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 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 these Rules.

(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 these Rules, 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 Georgia Citrus Nursery in accordance with the requirements described in these Rules.

(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 these Rules.

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

**40-4-26-.08. Recordkeeping Requirements**

(1) Records of certified budwood purchases must be maintained by a Georgia 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 citrus nursery stock sales or distribution must be maintained by a Georgia 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 the 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 Georgia 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 the 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 Georgia 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 these Rules; 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 these Rules.
- (5) Records of increase block trees must be maintained by a Georgia 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 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-.09. Citrus Propagation for Variety Development**

- (1) All citrus breeding for variety development must be conducted and plants maintained in an exclusion structure as described in these Rules.
- (2) No citrus variety may be released in Georgia that has not gone through a citrus clean stock program recognized by USDA-APHIS-PPQ.

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

**40-4-26-.10. 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; and
- (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-.11. 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 these Rules;
- (3) Any citrus plant moved into Georgia in violation of these Rules;
  - (a) 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.

- (b) The owner must determine final disposition and communicate intent to the Commissioner within ten (10) days of the issuance of the Stop-Sale Notice and Hold Order.
- (c) Any plants held for more than ten (10) days without the owner's final disposition plans will be deemed forfeited to the Commissioner for final handling.
- (4) Any citrus plant missing the labeling as required by these Rules;
- (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 these Rules or exposed to plant pests listed in these Rules to such a degree that infestation is likely even if no visible symptoms are present.
- (9) Any budwood source tree found infected with plant pests listed in these Rules 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-.12. 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 (2) years;
    - 2. Number of actions taken by the Department within the past two (2) years;
    - 3. 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;
    - 4. Chemical application records supporting appropriate use of pesticides;
    - 5. Destruction or treatment of infested material; and
    - 6. Other information the Commissioner may deem relevant to the incident;

- (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 these Rules; 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-.13. Unlawful Acts**

The following are violations of these Rules:

- (1) The movement of any organism listed in these Rules into Georgia without authorization from the Commissioner and USDA-APHIS-PPQ;
- (2) 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 these Rules;
- (4) Providing false information in an attempt to obtain a Certificate for a Georgia Citrus Nursery;
- (5) Failure to keep records of citrus plants, budwood, and/or rootstock as required by these Rules;
- (6) The obstruction of the Commissioner in the performance of his duties;
- (7) Falsifying, failing to maintain, or failing to provide records, application information, or other documentation required by these Rules;
- (8) 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;
- (9) 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;
- (10) Moving, planting, or distributing any citrus plant under a Stop-Sale Notice and Hold Order;
- (11) Using citrus budwood that is not certified to propagate citrus trees except as provided in these Rules;
- (12) Failing to maintain or provide, upon request, records for inspection; and
- (13) Failing to comply with any order issued or rule adopted by the Department under these Rules.

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

**40-4-26-.14. Enforcement and Penalties**

- (1) Any person violating any provision of these Rules 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 these Rules.

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