

# NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

## NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

### TITLE 3. AGRICULTURE

#### CHAPTER 4. DEPARTMENT OF AGRICULTURE PLANT SERVICES DIVISION

##### PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 9 A.A.R. 4864, November 14, 2003

**2. Sections Affected**

**Rulemaking Action**

R3-4-219	Amend
R3-4-220	Amend
R3-4-226	Amend
R3-4-230	Repeal

**3. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 3-107(A)(1)

Implementing statutes: A.R.S. §§ 3-201.01 and 3-202

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Sherry D. Blatner, Rules Analyst  
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**5. An explanation of the rules, including the agency's reasons for initiating the rules:**

This rulemaking updates the rules to the current rulewriting standards of the Office of the Secretary of State. Outdated references to the Commission of Agriculture and Horticulture are eliminated. Content is consolidated for greater clarity and where possible the substructure of the rules is standardized for consistency throughout the Article.

R3-4-219 contains an amended list of pests. The subsection on regulated commodities now includes the genera *Fortunella* and certain appliances. Conditions for commodity admission into Arizona have been rewritten and placed in subsection (D), "Restrictions." Subsection (E) is created to advise persons of an exemption from required treatment of commodities. Appendix A is deleted and the current acceptable treatments are included in subsection (F).

R3-4-220 contains an amended list of pests, separated into categories for viral diseases and arthropods. The subsection on commodities regulated now includes the genera *Eremocitrus* and *Microcitrus*. Conditions for commodity and appliance admission into Arizona have been rewritten and placed in subsection (D), "Restrictions." The subsection for treatments has been deleted and the current Department protocol is listed within subsection (D).

R3-4-226 contains an amended list of pests. The area under quarantine is now consolidated into one listing, the entire state of Alabama is included, and is not separated by pest. The regulated commodity list is amended and consolidated into one list, regardless of pest. A new subsection (D), "Restrictions," replaces four previous subsections dealing with conditions of admission. Subsection (E), "Exemptions," is created to advise persons of the situations in which treatment may not be necessary. Subsection (F) is created to advise persons of currently acceptable commodity treatment, previously detailed in the various subsections dealing with conditions of admission.

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R3-4-230 is repealed and the exemption provided for the Improved Meyer lemon plant and the restriction on the Meyer lemon plant is relocated to R3-4-220(D).

The Department committed to update these rules in the 1998 and 2003 five-year review reports presented by the Plant Services Division to the Governor's Regulatory Review Council.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

R3-4-219(E)(2) is amended to remove the requirement that a plant regulatory official of the state of origin attest that regulated commodity from a quarantine area is free of exotic fruit flies belonging to the family *Tephritidae*.

R3-4-219(E)(3) is added to allow shipment of regulated commodity that is commercially packaged into the state of Arizona from a quarantine area if it will be redistributed out-of-state.

R3-4-226(F) is expanded to include additional treatments for scale insect pest.

**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to training staff and educating the regulated community on the amendments.

B. *Political Subdivision.*

Other than the Department, no political subdivision is affected by this rulemaking.

C. *Businesses Directly Affected by the Rulemaking.*

Out-of-state growers, shippers, and plant regulatory officials seeking to ship a regulated commodity from an area under quarantine will need to conform to the new regulations. Arizona receiving nurseries will need to become familiar with the revised lists of pests, areas under quarantine, regulated commodities, and restriction conditions.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Sherry D. Blatner, Rules Analyst  
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**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

An oral proceeding is not scheduled for this proposed rulemaking. To request an oral proceeding or to submit comments, please contact the rules analyst listed in item #4 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except legal holidays. If a request for an oral proceeding is not made, the public record in this rule-making will close at 5:00 p.m. on March 22, 2004.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 3. AGRICULTURE**  
**CHAPTER 4. DEPARTMENT OF AGRICULTURE**  
**PLANT SERVICES DIVISION**  
**ARTICLE 2. QUARANTINE**

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Section

- R3-4-219. Citrus Fruit Surface Pest
- R3-4-220. Citrus Nursery Stock Pests
- R3-4-226. Scale insect pest
- R3-4-230. ~~Tristeza or Quick Decline of Citrus~~ Repealed

**ARTICLE 2. QUARANTINE**

**R3-4-219. Citrus Fruit Surface Pest**

**A. Definitions**

- 1. “Certificate” means a document signed by an agent of the Department of Agriculture from the state of origin attesting to a pest treatment or absence of a pest.
- 2. “Commodities” means fruit of all varieties and species of the genera citrus, poneirus, and all hybrids, including appliances used in citrus groves or other areas in picking, packing or handling fruit which are capable of spreading the pests or diseases as defined in R3-4-102.
- 3. “Department of Agriculture” means an agent of the state of origin from which commodities, as defined in subsection (D), are shipped into Arizona.
- 4. “Director” means the Director of the Arizona Department of Agriculture.
- 5. “Inspector” means an inspector of the Arizona Department of Agriculture.
- 6. “Pests” means:
  - a. California Red Scale, *Aonidiella auranti*
  - b. Chaff scale, *Parlatoria pergandii*
  - e. Citrus Canker, *Xanthomonas campestris var. citri*
  - d. Citrus Rust Mite, *Phyllocoptruta oleivora*
  - e. Comstock Mealybug, *Pseudococcus comstockii*
  - f. Florida Red Scale, *Chrysomphalus aonidum*
  - g. Fullers Rose Weevil, *Pantomorus cervinos*
  - h. Glover scale, *Lepidosaphes gloverii*
  - i. Purple scale, *Lepidosaphes beckii*
  - j. Yellow scale, *Aonidiella citrina*
- 7. “Stamp” means a label or printed legend placed on cartons by the Department of Agriculture which identifies the contents as having been treated in a manner to prevent the transmission of pests into Arizona.

“Pest” means all life stages of the following:

- Aonidiella auranti*, California Red Scale;
- Aonidiella citrina*, Yellow scale;
- Asynonychus godmani*, Fuller rose beetle;
- Chrysomphalus aonidum*, Florida red scale;
- Cornuaspis beckii*, Purple scale;
- Lepidosaphes gloverii*, Glover scale;
- Maconellicoccus hirsutus*, Pink hibiscus mealybug;
- Parlatoria pergandii*, Chaff scale;
- Phyllocoptruta oleivora*, Citrus rust mite; or
- Pseudococcus comstocki*, Comstock mealybug.

**B. Quarantined areas.** All areas outside the state of Arizona and all areas within the state of Arizona declared infested by the Director. Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.

**C. Conditions for admission into Arizona.**

- 1. ~~Fruit which originates outside the state shall not be allowed entry until it has been treated by 1 of the methods listed in Appendix A of this Section and meets the following conditions:~~

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- a. Except for tangerines and lemons, the condition of fruit shall be free of stems, leaves, and plant parts. Tangerines and lemons may be admitted with stems which do not exceed 1/2 inch in length with no leaves attached.
  - b. A certificate shall accompany each shipment confirming that the treatment was done under state supervision and specifying the variety and quantity of fruit treated, the place, date, and method of treatment.
  - c. Before delivery to the retail sale outlet, every carton of treated fruit shall be identified by a stamp which states “~~PROCESSED IN ACCORDANCE WITH ARIZONA REQUIREMENTS~~”.
2. The Director may issue a permit exempting shipments of fruit from treatment, which permits shall include the following:
- a. Certification that the quarantined area or commodity involved is free of scale pests.
  - b. Certification that reports:
    - i. Origin of the fruit in each shipment.
    - ii. Fruit has been cleaned, packed, and handled in a commercial packing house in the usual manner of preparing fruit for interstate commerce and complies with the requirements of Appendix A of this Section.
    - iii. Name of consignee and consignor.
    - iv. Statement of quantity of fruit.
    - v. Date of shipment.
3. Noncommercial quantities consisting of 20 pounds or less of fruit, originating from an area free of internal fruit pests, may be inspected by an inspector for surface pests. If found free of surface pests, it shall be admitted without meeting the requirements of subsection (F).

**C. Regulated commodities and appliances.**

- 1. Commodities. The fresh fruit of all species, varieties, and hybrids of the genera *Citrus*, *Fortunella*, and *Poncirus*.
- 2. Appliances. An appliance used in a citrus grove, citrus nursery, or other area to pick, pack, or handle a regulated commodity listed in subsection (C)(1).

**D. Conditions for movement of fruit originating within Arizona.**

- 1. Commodities found to be infested with any of the pests covered in subsection (A)(5) shall be held under quarantine at the place found or moved to a designated area for treatment as prescribed by the Director.
- 2. Quarantined fruit shall be released by the Director only under 1 of these conditions:
  - a. The shipment is immediately removed from the state under the supervision of an inspector, or
  - b. The shipment receives treatment immediately to kill the pests involved under the supervision of an inspector in accordance with treatments listed in Appendix A of this Section.

**D. Restrictions.**

- 1. A regulated commodity or appliance listed in subsection (C) shall be free of stems, leaves, and plant parts.
- 2. A person shall not ship into Arizona a regulated commodity or appliance from an area under quarantine unless each shipment is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that the regulated commodity or appliance was treated by a method listed in subsection (F), under the official's supervision.

**E. Citrus canker exclusion.** No treatment is recognized effective for citrus canker bacterial infection. All shipments from canker-infected areas or found to be infested with citrus canker shall immediately be shipped out of Arizona or destroyed at owner's expense.

**E. Exemption.** The Director may issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (F) if the regulated commodity:

- 1. Originates from an area that a plant regulatory official of the state of origin certifies as pest-free;
- 2. Is shipped to an Arizona juicing facility located outside of Yuma County; or
- 3. Is commercially packaged and is shipped to an Arizona business that will redistribute the regulated commodity out-of-state.

**F. Treatment methods.** Required treatment for covered pests on fruit or appliances are listed in Appendix A of this Section.

- 1. Hydrogen cyanide fumigation. The regulated commodity shall be treated for one hour at the following rate:

<u>Pulp Temperature</u>	<u>Rate per 100 cu. ft.</u>
60° F to 85° F	25 cc HCN gas
- 2. Methyl bromide fumigation (Q label). The regulated commodity shall be treated for two hours at one of the following rates:

<u>Pulp Temperature</u>	<u>Rate per 1000 cu. ft.</u>
60° F to 79° F	3 lbs.
80° F or higher	2 1/2 lbs.
- 3. Irradiation. The regulated commodity shall be treated at a rate approved by the Director.
- 4. Steam treatment. The regulated appliance shall be cleaned to remove all fruit, leaves, stems, and other debris and then steam-treated.
- 5. Any other treatment approved by the Director.

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- G.** ~~Violations. Commodities shipped into or moved within Arizona in violation of this rule shall, at the option of the Department of Agriculture, immediately be shipped out of the state, returned to the state of origin, or destroyed in accordance with A.R.S. § 3-210. Disposition of regulated commodity or appliance not in compliance. A regulated commodity or appliance shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.~~

**Appendix A**

- A.** ~~General requirements for fumigation of fruit, using either cyanide or methyl bromide.~~
- ~~1. Cartons shall be vented to allow adequate circulation of the fumigant and air.~~
  - ~~2. Cartons shall be arranged on pallets or in trucks with slatted bottoms to allow adequate fumigant and air circulation.~~
  - ~~3. A fan of sufficient power to circulate the entire air volume in the chamber every 5 minutes shall be used during the fumigation.~~
  - ~~4. Tarps used shall be gas tight and free of holes. Vans used shall be rendered gas tight by taping all openings around doors, drains and vents.~~
  - ~~5. Fruit shall be free of surface moisture to avoid damage to fruit.~~
  - ~~6. Temperatures required relate to the core fruit temperature.~~
- B.** ~~Fruit or appliances shall be fumigated with cyanide at atmospheric pressure in a gas tight fumigation chamber of approved design for a period of 1 hour under the following conditions:~~
- |                             |                                 |
|-----------------------------|---------------------------------|
| <del>Pulp Temperature</del> | <del>Rate per 100 cu. ft.</del> |
| <del>60° F. to 85° F.</del> | <del>25cc HCN gas</del>         |
- ~~Circulation must be maintained during the entire fumigation period.~~
- C.** ~~Special requirements for methyl bromide fumigation. Fruit or appliances shall be fumigated at atmospheric pressure in a gas tight chamber of approved design using methyl bromide gas for a period of 2 hours under the following conditions:~~
- |  |                                  |
|--|----------------------------------|
| <del>Pulp Temperature</del>              | <del>Rate per 1000 cu. ft.</del> |
| <del>No less than 60° F. to 79° F.</del> | <del>3 lbs.</del>                |
| <del>80° F. or above</del>               | <del>2 1/2 pounds</del>          |
- D.** ~~Oil dip for scale pests. The fruit shall be completely submersed for a period of not less than 5 minutes in a 3% concentration of an oil emulsion. The stock emulsion shall contain no less than 80% oil by volume of an oil that tests no less than 70 viscosity S.S. and no less than 90 unsulfonated residue. The apparatus used in this treatment shall be equipped with an agitator that will ensure a dipping medium of uniform consistency throughout. The temperature of the dipping emulsion shall be maintained at or above 50° F. during treatment. The dipping emulsion shall be prepared fresh daily or more often if the tank becomes fouled with debris. Used emulsion shall be disposed of as per label. The tank shall be thoroughly cleaned daily or more often if it becomes fouled with debris. If water used has a high mineral content, appropriate softener shall be added to the emulsion.~~

**R3-4-220. Citrus Nursery Stock Pests**

- A.** ~~Jurisdiction. The entry of commodities covered into the state of Arizona shall be governed by the following rule.~~
- B.** ~~Pests Covered:~~
- ~~1. Citrus bud mite *Eriophyes sheldoni*, Ewing.~~
  - ~~2. Citrus red mite *Panonychus citri*, McGregor.~~
  - ~~3. Citrus Rust mite *Phyllocoptura oleivora*, Ashm.~~
  - ~~4. Comstock Mealybug *Pseudococcus comstocki*, Kuwana.~~
  - ~~5. Quick Decline, Tristeza disease.~~

**A.** Definitions.

1. "Pest" means any of the following viral diseases or arthropods:
  - a. Viral diseases:
    - Cachexia (CVd-II),
    - Citrus Exocortis Virus (CEVd),
    - Citrus Psorosis Virus (CPsV),
    - Citrus Tristeza Virus (CTV), or
    - Vein Enation, also known as Woody Gall, or
  - b. Arthropods. All life stages of:
    - Aceria sheldoni*, Citrus bud mite;
    - Aleurothrixus floccosus*, Woolly whitefly;
    - Aonidiella aurantii*, California red scale;
    - Aonidiella citrina*, Yellow scale;
    - Chrysomphalus aonidum*, Florida red scale;
    - Dialeurodes citri*, Citrus whitefly;
    - Dialeurodes citrifolii*, Cloudy-winged whitefly;
    - Maconellicoccus hirsutus*, Pink hibiscus mealybug;
    - Phyllocoptura oleivora*, Citrus rust mite;

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*Pseudococcus comstocki*, Comstock mealybug; or  
*Pulvinaria psidii*, Green shield scale.

~~C.~~ Area Under Quarantine. The quarantined area shall include all areas outside of the state of Arizona and any area found infested within the state of Arizona.

~~B.~~ Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.

~~D.C.~~ Commodities Covered. Regulated commodities and appliances.

1. All varieties and species of the genera *Citrus*, *Fortunella*, *Poncirus*, and all hybrids thereof, either among the same genera or with other genera, the tree, plants, and parts thereof, including seeds, leaves, buds, scions, cuttings, seedlings, and rootstock, and any other plant when found infested with any pest set forth in subsection (B) of this rule. Commodities. A plant or plant part, except seed or attached green fruit, of all species, varieties, or hybrids of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Poncirus*, and *Microcitrus*.
2. ~~Any materials, appliances or vehicles used in citrus groves or any other area, in the picking, packing, or handling of citrus nursery stock, which by reason of exposure or contact would constitute a risk of spreading the insect pests as set forth in subsection (B) of this rule.~~ Appliances. An appliance used in a citrus grove, citrus nursery, or other area to handle citrus nursery stock listed in subsection (C)(1).
3. Soil from citrus groves or nurseries.

~~E.~~ Conditions for Admission:

1. ~~Citrus nursery stock shall be admitted to the state only under permit issued by the Director of the Commission of Agriculture and Horticulture pursuant to this rule. The original permit shall accompany each and every shipment and applicable certification tags shall be attached to the commodities covered. Each shipment shall be subject to further inspection for insect pests and diseases and to the following requirements:~~
  - a. ~~Each shipment of nursery stock or, in the case of buds, budwood, scions, and cuttings, the parent trees shall be certified by an Inspector of the state of origin, or by the U.S. Department of Agriculture, that it has been indexed and found free of Tristeza and other pathogens specified in the permit. In the event such certification cannot be obtained, the nursery stock shall be consigned, after prior arrangements, to the Citrus Experimental Station of the University of Arizona for immediate indexing and testing for Tristeza and other pathogens.~~
  - b. ~~The certificate referred to in subsection (E) of this rule shall state that the nursery stock was grown on property which had been inspected at least once during the 12 months prior to the date of shipment. In addition, the certificate shall state that none of the pests listed by the Director of the Commission of Agriculture and Horticulture in the application for permit were found on the premises where the nursery stock was grown, or on any property within 1 mile of those premises. If 1 or more of the insect or mite pests listed are known to exist in the designated area of those premises, the nursery stock shall be given the appropriate treatment set forth in subsection (F) of this rule. The treatment given the nursery stock shall be listed on the certificate issued by the Inspector of the state of origin.~~
  - e. ~~The certificate referred to in subsection (E)(1) of this rule shall state that the nursery stock was stored or held in an area where none of the pests listed in the application for permit are known to occur. The nursery stock shall have been inspected within 2 weeks prior to shipment by an Inspector of the state of origin and found free of dangerous insect pests and plant diseases.~~
2. ~~Citrus Appliances.~~ Any commodity listed in subsection (D)(2) of this rule shall be admitted to the state of Arizona only after it has been given 1 of the treatments specified in subsection (F) of this rule and if it is accompanied by a Certificate of Treatment signed by a plant quarantine official of the state or area of origin.
3. ~~Intrastate Movement of Citrus Nursery Stock.~~ Citrus nursery stock, including citrus trees, plants, buds and scions, which is infested or infected with any pest named in subsection (B) of this rule, shall be moved from 1 designated area to another within the state of Arizona only after it has been inspected by an Inspector and if it is accompanied by a Certificate of Inspection signed by an Inspector of the Commission.

~~D.~~ Restrictions.

1. A person is prohibited from shipping a Meyer lemon plant or plant part, except fruit, into Arizona. An exception is allowed for the selection Improved Meyer lemon plant, plant part, or fruit, which may be shipped into Arizona in compliance with this Section.
2. A person shall not ship into Arizona a regulated commodity from an area under quarantine unless each shipment is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that:
  - a. The regulated commodity originates from a source tree that was tested at a state of origin approved laboratory and was found free from every virus listed in subsection (A)(1)(a).
  - b. A bud, cutting, or scion from an untested or disease-infested source tree was not used for the propagation of the regulated commodity, and
  - c. The regulated commodity is free from every arthropod listed in subsection (A)(1)(b) in accordance with a method approved by the Director.
3. A person shipping a regulated commodity into Arizona shall attach a single tag or label to each plant or plant part that is intended for resale by an Arizona receiver, providing the following information separately for each scion variety grafted to a single rootstock:

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- a. Name and address of the nursery that propagated the plant.
- b. Scion variety name.
- c. Scion variety registration number, and
- d. Rootstock variety name.

**F. Treatments:**

1. ~~Vacuum Cyanide Fumigation for Whiteflies, Mealybugs, or Mites. Citrus nursery stock shall be fumigated using a dosage of 1 ounce of sodium cyanide, or its equivalent, per 100 cubic feet of chamber space, at 27-inch mercurial vacuum. Fumigation shall cover a period of not less than 1 hour after the fumigator has been properly charged and the chamber has reached a 27-inch mercurial vacuum.~~
2. ~~Methyl Bromide Fumigation for Mealybugs or Mites:~~
  - a. ~~Pretreatment. Nursery stock shall be in good, healthy condition, turgid, and under as little shock as possible. When atmospheric temperature is below 80° Fahrenheit during the day, nursery stock shall be preheated for a period of 2 hours at 80° Fahrenheit.~~
  - b. ~~Treatment:~~
    - i. ~~Dosage. 2 1/2 pounds methyl bromide per 1,000 cubic feet of chamber space.~~
    - ii. ~~Exposure. Two hours.~~
    - iii. ~~Temperature. At least 80° Fahrenheit.~~
    - iv. ~~Humidity. 75% or over.~~
    - v. ~~Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. Load shall not exceed 400-500 trees per 1,000 cubic feet.~~
    - vi. ~~Circulation and Chamber. Chamber shall be gastight, of the design approved by federal or state authority, and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.~~
  - e. ~~Post treatment. Fumigated stock shall be kept away from sunlight and wind for 48 hours.~~
3. ~~Oil Dip—Citrus Nursery Stock for Mites:~~
  - a. ~~Dip all nursery stock and citrus trees, using either 1 3/4% light-medium emulsive oil, or 2% light-medium emulsion, plus 1/4 pound actual chlorobenzilate per 100 gallons water. The apparatus used in the application of this treatment shall be constructed to permit complete submersion of all aboveground portions of the plants and shall be equipped with an agitator that will ensure a dipping medium of uniform consistency throughout.~~
  - b. ~~The water temperature in the dipping tank shall not be allowed to drop below 50° Fahrenheit or rise above 100° Fahrenheit during the time of treatment. The dipping tank shall be completely drained and cleaned. A new batch of fresh ingredients shall be prepared and used at least daily, or more often if the ingredients become fouled with debris.~~
4. ~~Methyl Bromide Fumigation—Citrus Nursery Stock for Mites:~~
  - a. ~~Pretreatment. The nursery stock shall be in good healthy condition, turgid, and under as little shock as possible. When the atmospheric temperature is below 80° Fahrenheit during the day, the nursery stock shall be preheated for a period of 2 hours at 80° Fahrenheit.~~
  - b. ~~Treatment:~~
    - i. ~~Dosage. 1 3/4 pounds of methyl bromide per 1,000 cubic feet of chamber space.~~
    - ii. ~~Exposure. Two hours.~~
    - iii. ~~Temperature. At least 80° Fahrenheit.~~
    - iv. ~~Humidity. 75% or over.~~
    - v. ~~Load Factor. Load chamber to permit free circulation of fumigant. Citrus trees shall not be double-tiered. The load shall not exceed 400-500 trees per 1,000 cubic feet.~~
    - vi. ~~Circulation and Chamber. The chamber shall be gastight, of the design approved and equipped with a fan or other circulating device. Circulation shall be maintained during the entire fumigation period.~~
  - e. ~~Post treatment. Keep the fumigated stock from sunlight and wind for 48 hours.~~
5. ~~Chlorpyrifos Treatment for Mealybugs or Mites. Chlorpyrifos in a 4 pounds per gallon 4E formulation, registered for such use in an emulsion of narrow range spray oil, petroleum oil NR-415 emulsive:~~
  - a. ~~Dip. Totally submerge the plant material for 2 minutes, remove for 1 minute, and submerge again for 1 minute in an agitated mixture; then remove the plant material and let dry.~~
  - b. ~~Spray/Drench. Spray thoroughly the trunk, branches, leaf buds, and top and bottom surfaces of foliage to the point of run-off. The dip or spray/ drench mixture shall be continuously agitated throughout the treatment procedure.~~

~~Treatment emulsion is prepared by adding 4.7 milliliters of Chlorpyrifos 4E to 19 milliliters of 415-oil in 1 gallon of water. For larger quantities, 16 ounces of Chlorpyrifos 4E is added to 64 ounces of 415-oil in 100 gallons of water.~~

**G. Disposition of Violations.** Commodities covered by this rule which are shipped into the state of Arizona or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed. This disposition shall be under the direction of the Director of the Commission of Agriculture and Horticulture and supervision of an Inspector of the Commission.

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E. Disposition of regulated commodity or appliance not in compliance. A regulated commodity or appliance shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

**R3-4-226. Scale insect pest**

**A. Pests covered:** All scale insects belonging to the family Diaspididae. Definitions.

“Pest” means all life stages of the following:

*Aonidiella aurantii*, California red scale;

*Aonidiella citrine*, Yellow scale;

*Chrysomphalus aonidum*, Florida red scale; or

*Pulvinaria psidi*, Green shield scale.

**B. Area under quarantine:** The entire state of Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, and Texas, and the Commonwealth of Puerto Rico.

1. The areas under quarantine for California Red Scale, *Aonidiella aurantii* (Maskell) and Yellow Scale, *Aonidiella citrine* (Coquillett), are the entire commonwealth of Puerto Rico, the states of California, Florida, Georgia, Texas, and the counties of Dallas and Escambia in Alabama.

2. The areas under quarantine for Florida Red Scale, *Chrysomphalus aonidum* (Linnaeus), and Green Shield Scale, *Pulvinaria psidii* (Maskell), are the entire commonwealth of Puerto Rico, the states of Arkansas, Florida, Georgia, Hawaii, Louisiana, Mississippi, Texas, and the counties of Mobile, Macon, Lee, and Montgomery in Alabama.

**C. Commodities covered:** The covered commodities are the plants and plant parts, fruit, except seed, of those genera or species listed below which are hosts of the scale insect pests listed:

1. For California Red and Yellow Scales, the primary host plant is *Euonymus spp.*; the secondary host plants are *Rosa spp.* (rose), *Ilex spp.* (holly), *Camellia spp.*, *Cycas* (Sago Palm), and *Ligustrum japonicum* (Waxleaf Privet), and all species of the genera *Citrus*, *Fortunella*, *Poncirus* and all hybrids thereof.

2. For Florida Red Scale and Green Shield Scale, the host plants are *Chrysalidocarpus spp.* (Areca Palm), *Dracaena spp.*, and *Ficus spp.* (Weeping Fig; Fig).

Regulated commodities. Plants and all plant parts, except seed, of the genera listed below:

*Camellia spp.*

*Chrysalidocarpus spp.*

*Citrus spp.*

*Cycas spp.*

*Dracaena spp.*

*Eremocitrus spp.*

*Euonymus spp.*

*Ficus spp.*

*Fortunella spp.*

*Ilex spp.*

*Ligustrum spp.*

*Microcitrus spp.*

*Poncirus spp.*, and

*Rosa spp.*

**D. ~~Conditions for admission for California Red and Yellow Scale: The covered commodities listed in R3-4-226(C)(1) are prohibited entry into Arizona from the area under quarantine in R3-4-226(B), unless they meet 1 of the following conditions:~~**

1. ~~Bare-root roses: The shipment shall consist only of roses in a completely defoliated condition, free of California Red or Yellow Scale.~~

2. ~~Miniature roses: Shipment shall be free of California Red or Yellow Scale.~~

3. ~~Small lots of host plants, except Euonymus: The shipment shall consist only of 25 or fewer secondary host plants which are for private use and not for sale. All plants shall be free of scale insects.~~

4. ~~Cut holly: The shipment shall consist only of holly cuttings for decorative purposes brought in between October 25 and January 1 and shall be found free of scale.~~

5. ~~Host plants (except Euonymus) from scale free area: The shipment shall be accompanied by a permit issued by the Arizona State Entomologist. The Arizona State Entomologist shall issue a permit to a shipping nursery if the following conditions are met:~~

a. ~~An authorized agricultural official at origin annually files with the Arizona State Entomologist a report, based on extensive and continuous surveys, which defines an area of not less than 180 square miles where pests covered in R3-4-226(A) are not known to exist; and~~

b. ~~All host plants shipped from the nursery shall be grown from seed or cuttings within the area or shall be grown within the area for a minimum of 2 years.~~

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6. All other: The shipment shall be accompanied by a certificate issued by an authorized agricultural official stating the name and address of the shipper and consignee, the number and species of the plants to be shipped, the date issued, and that the commodity has been treated or inspected within 5 days of shipment in the appropriate manner listed below.

**D.** Restrictions. A person shall not ship into Arizona a regulated commodity from an area under quarantine unless each shipment is accompanied by an original certificate issued by a plant regulatory official of the state or commonwealth of origin attesting that the commodity was treated as prescribed in subsection (F).

**E.** Exemptions.

1. A bare root rose free of all soil and foliage is exempt from treatment if a regulatory official of the state or commonwealth of origin visually inspected the commodity and found it free from the pest.
2. A miniature rose is exempt from treatment if a regulatory official of the state or commonwealth of origin visually inspected the commodity and found it free from the pest.
3. The Director may issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment if a plant regulatory official of the state or commonwealth of origin attests that the area is pest-free based on a detection survey.

**E.** Conditions for admission for Euonymus: Euonymus shall be treated by 1 of the following methods:

1. Methyl Bromide Fumigation: Fumigation at atmospheric pressure in a gas-tight enclosure of approved design using methyl bromide gas registered for such use, for a period of 2 hours with at least 75% humidity under the following conditions:

a. Gas-tight tarpaulin used to cover and enclose commodity.

Fumigated	Rate per 1,000 cu. ft.
Temperature	
60° – 69°F	3 1/2 pounds of gas
70° – 85°F	3 pounds of gas

b. Fumigation Chamber.

Fumigated	Rate per 1,000 cu. ft.
Temperature	
60° – 69°F	3 pounds of gas
70° – 85°F	2 1/2 pounds of gas

e. All chambers and tarpaulin enclosures shall be equipped with a circulation fan and the fan shall be operated for a period of 20 minutes following complete introduction of the gas.

2. Sodium Cyanide 99%  
Chamber fumigation: 25cc HCN gas per 100 cu. ft. for 1 hour at not less than 18.3°C (60°F) or more than 29.4C (85.3°F). See label for method of generating HCN gas from sodium cyanide. Circulation shall be maintained during entire fumigation period.

**F.** Conditions for admission for secondary hosts. All hosts except Euonymus shall be allowed entry if 1 of the following criteria is met:

1. Treatment by 1 of the fumigation methods is listed in R3-4-226(E) Cycas and Camellia shall not be fumigated.
2. Plants are inspected and no California Red or Yellow scale is found.

**G.** Conditions for admission by Special Permit: A compliance agreement shall be initiated between individual nurseries and the Commission. This agreement shall permit covered commodities to be shipped into Arizona from a nursery located in the quarantined area with the following restrictions:

1. The nursery shall be inspected annually by an agricultural inspector of the state of origin. If the nursery is found apparently free of live California Red Scale, California Yellow Scale, Florida Red Scale and Green Shield Scale, a certificate attesting to that fact shall be issued and signed by that inspector.
2. All host plants covered in R3-4-226(C)(1) and (2) shall be treated upon arrival at the permitted nursery using the Chlorpyrifos + oil method listed in R3-4-226(G)(6).
3. Euonymus shall be treated again, no more than 15 days prior to shipment into Arizona, using 1 of the fumigation techniques listed in R3-4-226(E).
4. All plants except Euonymus shall be treated again, no more than 15 days prior to shipment into Arizona, using the Chlorpyrifos + oil technique listed in R3-4-226(G)(6).
5. If live scale is found at destination in Arizona, the shipment shall be rejected and the nursery's permit shall be revoked.
6. Chlorpyrifos in a 4 lb. per gallon (4E) formulation registered for such use in an emulsion of narrow range spray oil (Petroleum oil, NR-415, emulsive, EPA No. 464-448-AA).
  - a. 4.7 ml of Chlorpyrifos 4E plus 19 ml of narrow range 415 oil per gallon of water or
  - b. 16 fluid ounces of Chlorpyrifos 4E plus 64 ounces of narrow range 415 oil per 100 gallons of water.
  - e. Methods of application:

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- i. Dip: Totally submerge plant material for 2 minutes. Remove for 1 minute, and submerge again for 1 minute in an agitated mixture, then remove and let dry, or
    - ii. Spray: Spray thoroughly the trunk, branches, leaf buds, and all surfaces of all foliage to the point of run-off. The dip or spray-drench mixture shall be continuously agitated throughout the treatment procedure.
  - H.** ~~Conditions for admission for Florida Red and Green Shield Scale: the covered commodities listed in subsection (C)(2) are prohibited entry into Arizona from the area under quarantine listed in subsection (B)(2), unless they meet 1 of the following criteria:~~
    - 1. ~~Cuttings: The shipment shall consist only of unrooted cuttings for propagation which are inspected by an inspector of the Commission and found free of Florida Red Scale and Green Shield Scale. The shipment shall not contain more than 8 cubic feet of cuttings.~~
    - 2. ~~Small lots: The shipment shall consist of only 25 or fewer host plants which are for private use, not for sale, and which are inspected by an inspector of the Commission and are found free of scale insects.~~
    - 3. ~~Certificate of Inspection or Permit: The shipment shall be accompanied by a certificate issued by an authorized agricultural official of the shipping state or district, affirming that:~~
      - a. ~~Either the shipment has been inspected not more than 5 working days prior to shipment and no Florida Red Scale or Green Shield Scale was found; or~~
      - b. ~~The shipping nursery shall obtain a permit:~~
        - i. ~~Criteria for permit: All covered commodities shall originate from a nursery which has been inspected and found free of Florida Red Scale and Green Shield Scale on an annual basis by an authorized agricultural official. In the case that any covered pests are found in that nursery, the Department of Agriculture of the state of origin shall certify that the plants have been treated in accordance with the permit which has been issued by the Arizona State Entomologist.~~
        - ii. ~~Criteria for suspension or revocation of permit: If permitted nursery is found to be infested with live Florida Red Scale or live Green Shield Scale, permit shall be suspended until such time that the State Entomologist determines that the nursery qualifies for recertification.~~
- F.** Treatment. A foliar application of a narrow range oil and one of the following chemicals, applied at label rates:
  - 1. Acephate.
  - 2. Buprofezin.
  - 3. Imidacloprid.
  - 4. Pyriproxyfen, or
  - 5. Thiamethoxam.
- I.** ~~Disposition of violations: Any quarantined commodity found in violation of this rule or found to be infested with any of the scale insects listed in this rule shall immediately be sent out of state or destroyed at the option and expense of the owner or the owner's responsible agent and under the direction of the Arizona State Entomologist or his representative.~~
- G.** Disposition of regulated commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.
- R3-4-230. Tristeza or Quick Decline of Citrus Repealed**
- A.** ~~Notice of quarantine: It has been determined that Tristeza or Quick Decline of Citrus is a dangerous pest of citrus and many other plants and is not of common distribution in the state of Arizona; that this pest is a serious threat to the citrus industry and ornamental horticulture of the state of Arizona. In order to prevent the introduction of this serious pest into the state of Arizona, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulation.~~
  - B.** ~~Pests: A Virus Disease of Citrus, Tristeza or Quick Decline, or any strain of this disease.~~
  - C.** ~~Area under quarantine: The entire state of Arizona.~~
  - D.** ~~Commodities covered: Meyer lemon shall mean the variety of citrus called Meyer lemon and also known as Chinese lemon or Oriental lemon and shall include the trees, seedlings, budded trees, buds or grafts or Meyer lemon grown on any rootstock but shall not include the fruit of the Meyer lemon.~~
  - E.** ~~Restrictions:~~
    - ~~Meyer lemon, Chinese or Oriental lemon: It shall be unlawful for any person, firm, corporation, company or society to grow, allow to grow, propagate, bud, graft, to sell, give away, transport or allow to be sold, given away or transported, any trees, plants or propagative parts of the variety of citrus known as Meyer lemon, within the quarantined area except that, when the University of Arizona Agricultural Experiment Station shall have tested and approved a strain of Meyer lemon which is free of Tristeza, or Quick Decline Disease, such strain may be propagated, grown and sold under special permit from the State Entomologist of Arizona.~~
  - F.** ~~Disposition of violations:~~
    - 1. ~~Meyer lemon: Any plant or tree of the Meyer lemon propagated, planted, started, transported or sold in violation of this quarantine regulation shall immediately be placed under quarantine by the State Entomologist of Arizona or his inspectors and shall be removed from the quarantined zone or destroyed at the option and expense of the owner or owners.~~

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2. ~~Destruction of diseased trees: Any citrus trees or plants which shall be found by indexing or testing to be infected with the Tristeza, or Quick Decline Disease, shall immediately be removed and destroyed under the supervision of the State Entomologist or his inspectors. Upon determination that the tree or plant is infected with Tristeza, or Quick Decline Disease, the State Entomologist shall advise the owner or owners in writing that said tree is infected with the disease and that it shall be removed and destroyed under the supervision of an inspector of the Commission. If after 7 days the owner or owners shall not have removed and destroyed the tree or plant, the State Entomologist or his inspector shall remove and destroy said plant.~~
- G.** General rules: See "General Rules and Regulations, Article 1".