Agency Name: Clemson University - State Crop Pest Commission

Statutory Authority: 46-9-40 and 46-9-50

Document Number: 4490

Proposed in State Register Volume and Issue: 38/10

House Committee: Agriculture, Natural Resources and Environmental Affairs Committee

Senate Committee: Agriculture and Natural Resources Committee

120 Day Review Expiration Date for Automatic Approval: 05/13/2015

Final in State Register Volume and Issue: 39/6

Status: Final

Subject: Plant Pests

History: 4490

By Date Action Description Jt. Res. No. Expiration Date

- 10/24/2014 Proposed Reg Published in SR

- 01/13/2015 Received by Lt. Gov & Speaker 05/13/2015

H 01/13/2015 Referred to Committee

S 01/13/2015 Referred to Committee

- 05/13/2015 Approved by: Expiration Date

- 06/26/2015 Effective Date unless otherwise

provided for in the Regulation

Document No. 4490

**CLEMSON UNIVERSITY**

**STATE CROP PEST COMMISSION**

CHAPTER 27

Statutory Authority: 1976 Code Sections 46-9-40 and 46-9-50

27-50. Regulated Areas

27-55.9. Infested Areas

27-70. Regulated Areas

27-75.7. Addition/deletion of lands from Regulation in South Carolina

27-75.9. Regulated Areas

27-135. Designation of Plant Pests

27-137. Designation of Asian Citrus psyllid as plant pest and quarantine

27-140. [Regulations Promulgated]

27-141. Pests

**Synopsis:**

The proposed amendments will update the language to define plant pests in South Carolina, it will define the process for annual evaluation of plant pests and quarantine areas in South Carolina, as well as establishing an official listing of plant pests and quarantine areas on the Clemson University website.

**Instructions:**

Replace Regulation 27-50 as listed below.

Replace Regulation 27-55.9 as listed below.

Replace Regulation 27-70 as listed below

Replace Regulation 27-75.7 as listed below.

Replace Regulation 27-75.9 as listed below.

Correct heading from Article 10 to reflect “Designation of Plant Pests” rather than “Seed Irish Potatoes.”

Replace Regulation 27-135 as listed below.

Add Article 10a “Asian Citrus Psyllid”.

Add Article 10b “Seed Irish Potato”.

Replace Regulation 27-140 as listed below.

Replace Regulation 27-141 as listed below.

**Text:**

ARTICLE 5

WITCHWEED QUARANTINE

27-50. Regulated Areas.

The official listing of quarantined areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

ARTICLE 5A

TROPICAL SODA APPLE QUARANTINE

27-55.9. Infested Areas.

The official listing of quarantined areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

ARTICLE 6

SWEET POTATO WEEVIL QUARANTINE

27-70. Regulated Areas.

The official listing of regulated areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

ARTICLE 6B

PLUM POX VIRUS QUARANTINE

27-75.7. Addition/deletion of lands from Regulation in South Carolina.

The official listing of regulated areas in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

27-75.9. Regulated Areas.

Any infested area in the United States as designated by USDA APHIS PPQ on their webpage: http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/planthealth/sa\_domestic\_pests\_and\_diseases/sa\_pests\_and\_diseases/!ut/p/a1/vVFNc4IwEP0tPfTIZI18HvGjikrbqeNUuGQ2gJIWA5Lo1H9fZLy1or00l8y-ffvx9pGYrEks8Si2qEUpsTjHsc1mL1PaGwANJpPxAILnp8WrM59RCK2GEHUQ5tZ99cOJPzWdBQCYLoVgNJiOHC8ECOxb9e8kJnEidaVzEmGVC8WSUupMalYIXmN9egSFrDzUbFMmB9VGVYFNPs-w0HkLpOUuU1okrGo-xVCmLBUqQ5VdCn7A57FVIlISeZmVcIujwVNwDZNzaniuRw2OPddzkJr91L7IhCvPh7tk3jh0S-i6ZEvo2CFqlnSujhjbZPlH1bM73Bcf-33sNx6eXfvSZP2fJjbzaR0Ow20jC3VuCLkpybq7V5v\_Ba52q9XO7Z-MzzcX-lZxXPgP38Lra8A!/?1dmy&urile=wcm%3apath%3a%2Faphis\_content\_library%2Fsa\_our\_focus%2Fsa\_plant\_health%2Fsa\_domestic\_pests\_and\_diseases%2Fsa\_pests\_and\_diseases%2Fsa\_plant\_disease%2Fsa\_plum\_pox%2Fct\_plum\_pox

ARTICLE 10

DESIGNATION OF PLANT PESTS

27-135. Designation of Plant Pests.

1. The Commission hereby delegates to the Director the authority to determine and implement appropriate measures to eradicate, control, or slow the spread of plant pests in South Carolina. This authority extends to a decision that a plant pest has become so widespread that the initiation or continuation of control measures would be ineffective.

2. An advisory committee made up of at least 5 members will meet at least annually to review and make recommendations on the official listing of plant pests in SC. The committee members will be: the State Plant Regulatory Official for South Carolina (or designee), the USDA State Plant Health Director for South Carolina (or designee), a Clemson University Cooperative Extension Service Representative, and at least 2 at large representatives from other stakeholder agencies, such as the SC Department of Natural Resources, the SC Forestry Commission, or the SC Department of Agriculture. At large members shall be nominated and voted on by the advisory committee at its annual meeting. Additional at large members may be nominated and voted in at the annual advisory committee meeting. At large members from stakeholder agencies shall each serve a three-year term.

3. The official listing of plant pests in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

ARTICLE 10a

ASIAN CITRUS PSYLLID

27-137. Designation of Asian Citrus psyllid as plant pest and quarantine.

1. Asian citrus psyllid (ACP), Diaphorina citri Kuwayama, is hereby designated a plant pest, pursuant to Title 46, Chapter 9, Section 15, SC Code of Laws.

2. Effective immediately, a quarantine is placed on Charleston County, Beaufort County and Colleton County for ACP. Regulated articles as cited below may not be moved into or within unregulated areas of South Carolina from these counties except as outlined hereafter.

3. The following are regulated articles based on the fact that they are plants or plant parts that are hosts of ACP: All plants, budwood, cuttings, or other fresh or live plant parts, except seed and fruit, of: Aegle marmelos, Aeglopsis chevalieri, Afraegle gabonensis, A. paniculata, Atalantia monophylla, Atalantia spp., Balsamocitrus dawaei, Bergera (=Murraya) koenigii, Calodendrum capense, X Citroncirus webberi, Citropsis articulata, Citropsis gilletiana, C. schweinfurthii, Citrus madurensis (= X Citrofortunella microcarpa), Citrus spp., Clausena anisum olens, C. excavata, C. indica, C. lansium, Eremocitrus glauca, Eremocitrus hybrid, Fortunella spp., Limonia acidissima, Merrillia caloxylon, Microcitrus australasica, Microcitrus australis, M. papuana, X Microcitronella spp., Murraya spp., Naringi crenulata, Pamburus missionis, Poncirus trifoliata, Severinia buxifolia, Swinglea glutinosa, Tetradium ruticarpum, Toddalia asiatica, Triphasia trifolia, Vepris (=Toddalia) lanceolata, and Zanthoxylum fagara.

4. In order to be eligible to move interstate or intrastate from ACP quarantined areas, regulated articles must meet the following requirements:

A. Treatment. All regulated articles moving from quarantined counties must be treated with any approved treatment for ACP either listed in 7 CFR 305 or listed below in this Order1 using an Environmental Protection Agency (EPA) approved product labeled for use in nurseries. Persons applying treatments must follow the product label, its applicable directions, and all restrictions and precautions, including statements pertaining to Worker Protection Standards.

i. Regulated articles not intended for consumption must be treated with a drench containing imidacloprid as the active ingredient within 30 days prior to shipping and also be treated with a foliar spray with a product containing either acetamiprid, chlorpyrifos, or fenpropathrin as the active ingredient within 10 days prior to movement.

ii. Or, in the case of regulated articles intended for consumption or decorative use, such as fresh curry leaf (Bergera Murraya) koenigii), or mock orange (Murraya paniculata) leaves that are incorporated into leis or floral arrangements, this plant material must be treated prior to the interstate movement in accordance with APHIS treatment schedule T101 n 2 (methyl bromide fumigation treatment for external feeding insects on fresh herbs) at the times and rates specified in the treatment manual and safeguarded until movement. As an alternative to methyl bromide fumigation, regulated materials originating from an area not quarantined for CG may be irradiated in accordance with 7 CFR 305.

B. Inspection. All regulated articles that have been treated as provided above must be inspected by an inspector and found free of the ACP within 72 hours prior to shipping. Inspection of curry leaf that is treated with methyl bromide fumigation will not be required since the treatment is considered to be effective in killing all life stages of ACP that might be present.

C. Compliance Agreements. Any person engaged in the business of growing or handling regulated articles for intrastate movement shall enter into a compliance agreement with the Department of Plant Industry to facilitate the movement of regulated articles in accordance with all of the requirements of the above requirements. Such persons must agree to handle, pack, process, treat, and move regulated articles in accordance with state regulations; to use all permits and certificates in accordance with instructions; and to maintain and offer for inspection such records as may be required.

D. Cancellation. Any compliance agreement may be cancelled by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with all of the regulatory requirements.

ARTICLE 10b

SEED IRISH POTATOES

27‑140. Seed Irish Potatoes

The South Carolina State Crop Pest Commission, to protect the yield and quality of Irish Potatoes, does hereby promulgate the following regulation, declaring the pests, regulated area, restricted material, conditions governing the issuance and use of certificates for the movement of restricted material, inspections and tolerances governing certification, and penalties.

27‑141. Pests.

The official listing of Seed Irish Potato pests in SC shall be maintained and made publicly available on Clemson’s website located at: [www.clemson.edu/invasives](http://www.clemson.edu/invasives).

**Fiscal Impact Statement:**

There will be no increased cost to the State or its political subdivisions.

**Statement of Rationale:**

New plant pests may arrive at any time, necessitating the implementation of a plant pest quarantine. Likewise, new plant pests and invasive plant species may be detected at any time, or may be so designated by USDA APHIS PPQ. In either case, the South Carolina state plant pest list would need to be updated in a timely manner to reflect the current plant pest status. Posting the plant pest list and plant quarantines on the Clemson University website, would allow for immediate updates and greater ease for the public to access this information, as well as creating an official review committee providing annual review of the plant pest listing.