

The Texas Department of Agriculture (the department) adopts on an emergency basis amendments to 19.51 which establish a new quarantined area for a dangerous quarantined disease, date palm lethal decline. The new quarantined area, located in Houston, Harris County, Texas, contains a newly detected infestation of date palm lethal decline. The department believes that establishment of this emergency quarantine area on a temporary basis is both necessary and appropriate in order to effectively contain, combat, and eradicate this infestation of date palm lethal decline; thereby protecting the palm nursery industry, landscapers, homeowners and others who have Canary Island date palm, *Phoenix canariensis*; silver date palm, *Phoenix sylvestris*; queen palm, *Syagrus romanzoffiana*; cabbage palm or sabal palm, *Sabal palmetto*; and date palm, *Phoenix dactylifera* in Texas and other states.

These amendments are temporarily adopted on an emergency basis because samples taken from date palms at one location in Houston, Harris County, Texas, have been diagnosed by the Texas A&M AgriLife Extension Plant Disease Diagnostic Laboratory, College Station, Texas, using polymerase chain reaction (PCR) followed by restriction digest analysis to be infected with phytoplasma 16SrIV-D, the causal agent of date palm lethal decline.

The emergency amendments to 19.51 establish a new quarantined area, with a 2-mile radius and a concentric core area with a 1-mile radius centered around an infected palm tree. The emergency amendments make quarantined articles in the quarantined areas subject to requirements necessary to prevent the artificial spread of the quarantined pest and provide for its management and eradication, thus protecting the state's important palm tree nursery industry, landscape industry and residential areas.

The amendments to 19.51 are adopted on an emergency basis under the Texas Agriculture Code (the Code) 71.001, which requires the department to establish a quarantine against any dangerous insect pest or plant disease that exists in any area outside the state but that is new to and not widely distributed in this state; 71.002, which provides the department with the authority to quarantine an area if it determines that a dangerous insect pest or plant disease not widely distributed in this state exists within an area of the state; 71.003, which provides the department with the authority to declare an area pest-free and quarantine surrounding areas if it determines that an insect pest or plant disease of general distribution in this state does not exist in an area; 71.004, which authorizes the department to establish emergency quarantines; 71.005, which requires the department to prevent the movement of quarantined articles from a quarantined area into an unquarantined area, except under adequate safeguards; 71.007, which authorizes the department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for a specific treatment of quarantined articles; and the Texas Government Code 2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

19.51 Quarantined Areas

The quarantined areas are as follows:

(1) (No change.).

(2) The area within two miles of palm trees infected with the date palm lethal decline disease located at the following site in Kleberg County of Texas [.(A)] Latitude 27.52701 N and longitude 97.88132 W.

(3) The area within two miles of the following site in Harris County, Texas:

(A) Latitude 29.8760426 N and longitude 95.46677657 W;

(B) Detailed information on the areas described in paragraphs (2) and (3) of this subsection [subparagraph (A) of this paragraph] may be obtained from Environmental and Biosecurity Programs, Agriculture and Consumer Protection Division [Regulatory Programs Division], Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711; and (4) [(3)] The State of Florida.

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be a valid exercise of agency's legal authority.

Filed with the Office of the Secretary of State on September 2, 2014.

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