

The Texas Department of Agriculture (the department) adopts on an emergency basis an amendment to 19.161 in order to expand the quarantined area for the Diaprepes root weevil, *Diaprepes abbreviatus* (L). Diaprepes adults were recently trapped at a grove located at the northwest corner of the intersection of Owassa Road and Jackson Road in McAllen, Hidalgo County, Texas. Five larvae and one adult were collected by Dr. Mamoudou Setamou and voucher specimens were held at the Texas A&M University-Kingsville Citrus Center, in Weslaco, Texas. The amended section is adopted on an emergency basis to reduce further spread of the Diaprepes root weevil and facilitate its suppression. The citrus grove located in Hidalgo County, McAllen, Texas, at the northwest corner of the intersection of Owassa Road and North Jackson Road and the area within approximately 300 yards surrounding the grove in all directions will be quarantined.

The department believes that it is necessary to take this immediate action to prevent the spread of the Diaprepes root weevil into the nearby citrus groves and nurseries and in other citrus groves and nursery growing areas of Texas, and that the adoption of this amended section on an emergency basis is both necessary and appropriate. There is an imminent peril to the citrus and nursery industries because without this emergency amendment and treatment of the infestation, other states will most likely quarantine Texas. As a result, Texas could lose important export markets and would require regulatory treatments to export nursery stock, resulting in increased production costs to the nursery stock producers. In addition, citrus producers will be faced with the added control cost and the losses caused by this pest. The amended section prevents artificial spread of the quarantined pest and enhances chances for successful pest suppression. Amended 19.161 expands the quarantined area in correspondence with the detection of the Diaprepes root weevils outside the current quarantined area. The department may propose adoption of this rule amendment on a permanent basis in a separate submission.

The amendment is adopted on an emergency basis under the Texas Agriculture Code, 71.004, which provides the Texas Department of Agriculture with the authority to establish emergency quarantines; 71.007 which authorizes the department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for specific treatment of a grove or orchard or infested or infected plants, plant products, or substances; and the Texas Government Code, 2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

19.161. Quarantined Areas.

The quarantined areas are:

(1) Within Texas:

(A) the citrus grove located in Hidalgo County, Texas, at the northwest corner of the intersection of Owassa Road and North Jackson Road, McAllen, Texas, and the area within approximately 300 yards surrounding the grove in all directions; the citrus grove located in Hidalgo County, McAllen, Texas, 0.20 miles West of the intersection of Hobbs Drive and North 2nd Street and the area within approximately 300 yards surrounding the grove in all directions; the property located at 9601 North 10th Street, Unit 1-11, Hidalgo County, McAllen, Texas and the surrounding area within approximately 300 yards in all directions, including the citrus grove, comprised of approximately 20 acres, located south of the Timberhill Mobile Park; the property located at 3539 Plaza del Lagos, Hidalgo County, Edinburg, Texas and the surrounding area within approximately 300 yards in all directions; the two adjoining citrus groves located south of

the intersection of the Calle Conejo and Chachalaca Drive in Cameron County, Bayview, Texas, and the area within approximately 300 yards surrounding the grove in all directions; the property located at 6027 Glen Cove Street, Houston, Harris County, Texas, and the surrounding area within approximately 300 yards in all directions; Russ Pitman Park, Bellaire, Harris County, Texas and the surrounding area within approximately 300 yards in all directions; the property located at 9401 North 10th Street, Hidalgo County, McAllen, Texas and the surrounding area within approximately 300 yards in all directions; and the citrus grove located in Hidalgo County, McAllen, Texas, 0.38 miles West of the intersection of Hobbs Drive and North 2nd Street and the area within approximately 300 yards surrounding the grove in all directions; and

(B) (No change.)

(C) **A** [The] map of [the] quarantined areas in Cameron and Hidalgo counties may be obtained from the Valley Regional Office, 900-B, East Expressway, San Juan, Texas 78589, and a map of quarantined areas in [for] Harris County may be obtained from the Gulf Coastal Regional Office, 5425 Polk Avenue, Houston, Texas 77023.

(2) (No change.)

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Filed with the Office of the Secretary of State on May 29, 2014.

Dolores Alvarado Hibbs
General Counsel
Texas Department of Agriculture*n