TEXAS DEPARTMENT OF AGRICULTURE

TODD STAPLES
COMMISSIONER

August 28, 2009

Docket No. APHIS-2009-0023
Regulatory Analysis and Development, PPD
APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD 20737-1238

Dear Sir or Madam:

The Texas Department of Agriculture (TDA) offers the following comment to the proposed rule (Docket Number APHIS-2009-0023) concerning interstate movement of regulated fruit from quarantined areas, which was published in the Federal Register on June 30, 2009.

Under the proposed rule, potentially-canker-infected citrus fruit grown in Florida could be shipped into Texas if treated with approved disinfectants and packed in a commercial packinghouse that operates under a compliance agreement. APHIS based its proposal on a pest risk assessment, which concluded that asymptomatic and symptomatic fruit handled as prescribed above is not an epidemiologically "significant" pathway for introduction of citrus canker. In reviewing the science used as the basis for the proposed change, TDA convened discussions with plant pathologists at Texas A&M University, Texas Citrus Mutual and industry and state counterparts from Arizona and California. All agreed in our strong concern over any action that will increase the risk of spreading this devastating disease outside Florida.

While we cannot refute the claim made in the supplementary information of the proposed rule that fruit treated as outlined is not a "significant" risk, I am not willing to chance an entire Texas industry on <u>any</u> level of known or unknown risk with a disease of this highly destructive nature. Risk significance should be considered relative to specific geographic regions and the destruction potential of risk mitigation failures. TDA is concerned that if there is even an infinitesimal chance the fruit could spread canker, the rule should remain unchanged and citrus fruit from Florida should not be allowed to enter Texas. If introduced in Texas, canker could cause significant loss of citrus trees not only during eradication of the disease, but the loss could be severe if the eradication fails and the disease takes a foothold in the state like it has in Florida.

Alternatively, if APHIS must adopt the proposed rule, TDA requests that fruit destined for Texas originate only from those groves somehow certified as having been free of citrus canker for more than a year. This could be accomplished by employing a survey regime similar to the one used when only a portion of the State of Florida was quarantined. Under this scenario I urge you to not allow even fruit from these certified groves to be shipped from Florida to the 8-county Texas citrus zone.

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Furthermore, adoption of the proposed rule would likely increase introduction of illegal Florida citrus nursery plants into Texas simply because the general public may conclude it is safe to transport citrus nursery plants as well. Of course, such plants pose the highest threat of introduction of citrus canker and citrus greening. I appreciate APHIS' assistance in mitigating the risk posed by this important pathway and request additional resources from USDA for these efforts.

If APHIS must adopt the proposed rule, then TDA suggests APHIS also initiate a robust educational campaign, perhaps jointly with Florida's Division of Plant Industry, to discourage tourists from transporting citrus nursery plants into Texas.

I absolutely support thorough scientific risk analysis and its role in driving regulatory actions. Further, I appreciate APHIS taking into consideration TDA's comment on the proposed rule.

Sincerely yours,

Todd Staples

Todd Staples

DD/SN/mm