

Summary of the Rule Development Workshop

5B-58.001

Citrus Canker

A rule development workshop was held on July 24, 2001, to receive public comment on the proposed amendments to Rule 5B-58.001, Citrus Canker. The workshop was held at the Main Branch of the Broward County Library, 100 South Andrews Avenue, Fort Lauderdale, Florida beginning at 10:00 am and ending at 1:30 pm.

The workshop opened with introduction of the Florida Department of Agriculture and Consumer Services (FDACS) / Division of Plant Industry Director, Richard Gaskalla and Assistant Director, Connie Riherd, the workshop moderators.

Ms. Riherd provided an overview of the proposed rule amendments, which included the following:

- Change in the definition of the term “exposed” to be identical with the definition of exposed to infection in the statute.
- New definition which states “citrus trees harboring the citrus canker bacteria due to their proximity to infected citrus trees” shall mean citrus trees located within 1,900 feet of an infected citrus tree.
- Amend rule text wherein “exposed” currently appears to reflect definitional change to exposed to infection.’
- A revision to the section of the rule concerning Immediate Final Orders (IFO) regarding clarification of the delivery mechanism and supporting information on

the locations of the proximate infected tree, distance between infected and exposed citrus trees, and diagnostic report on the infected tree.

Upon completing the summary of the rule revisions, Mr. Gaskalla pointed out that there were at least thirty-four parties that have completed speaker cards, therefore speakers should keep their comments to five minutes or less due to time constraints. The audience was reminded of the importance of everyone being courteous and respectful of all present.

A full transcript of the workshop has been prepared and is available at a cost of \$9.50 per hardcopy and \$5.00 per electronic copy. Copies may be obtained by contacting Mr. Gaskalla, Director, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100.

A summary of the substantive comments/issues raised at the workshop by parties offering comments are as follows:

- Concern over the manner in which the workshop was advertised and the time and location of the workshop. Several comments indicated that the 10:00 am time on a weekday was not acceptable because it precluded attendance of those parties that had commitments during the day (i.e. work, etc.). Further statements were made that the location was not convenient to those parties outside of Broward County. It was also stated that the workshop was not well publicized.
- Department Response: Public notices of the time, date, and location of the workshop were published on July 21st in the *Palm Beach Post* and *Miami Herald* newspapers. The notice appeared in the *Sun Sentinel* on July 22nd. Contacts

were also made with local government officials. The location in downtown Fort Lauderdale in Broward County is central to the citrus canker quarantine area in South Florida, and the time of 10:00 am considered reasonable for a public workshop. It was also stated that written comments would be accepted from those parties who were unable to attend if received by August 3, 2001. Written comments are considered to have equal weight as oral remarks.

- Comments on removing citrus trees within 1,900 feet of a citrus tree with visible symptoms of citrus canker: Many of the commenters indicated that it was not necessary to remove citrus trees that were within 1,900 feet of a citrus tree with visible symptoms of citrus canker. The reasons expressed included the opinion that citrus canker is not a serious problem in citrus, there are available controls for the disease and that the research supporting 1,900 feet is not conclusive.
- Department Response: The policies and procedures of the Citrus Canker Eradication Program (CCEP), including citrus canker infected and exposed tree removal, have been very carefully and deliberately developed based on recommendations from plant pathologists with direct knowledge and experience in citrus canker research. The available literature on citrus canker clearly supports the fact that the disease is detrimental to citrus. The canker lesions cause premature leaf and fruit drop and young stem die back as well as other negative impacts. The disease is particularly problematic on highly susceptible varieties including key lime, grapefruit and Hamlin orange. Florida's environmental conditions, the presence of the citrus leaf miner and the abundance of susceptible citrus hosts provide one of the highest impact areas for citrus canker in the world.

The available research literature is definitive on the means whereby citrus canker can spread via weather events and artificial movement. These factors have been clearly identified, addressed in the proposed rule, and addressed in the citrus canker eradication program procedural development. Research to date has not provided any alternatives including chemical controls that will effectively eliminate or control citrus canker under Florida conditions. The epidemiology of citrus canker under Florida environmental conditions has been studied extensively by Dr. Timothy Gottwald, beginning in 1990, with the study of disease spread in a commercial grove in Highlands County.

Dr. Gottwald, in cooperation with other plant pathologists from the University of Florida, United States Department of Agriculture (USDA), and FDACS, conducted a comprehensive study of citrus canker spread in Dade and Broward Counties in 1998-99. The results of the research indicated that citrus canker if not eradicated will spread substantial distances in an urban environment. Through Dr. Gottwald et. al. research, it was determined that a distance of 1,900 feet would capture all citrus canker spread from a focal point of infection a high percentage of the time. Although the full study has not been published, it has been reviewed and endorsed by several plant pathologists with expertise in plant disease epidemiology. Based on the quality of the research and concurrence with its findings by other practicing plant pathologists with experience with citrus canker, the Department has concluded that a exposed tree removal radius of 1,900 feet is well justified and necessary to stop the spread of citrus canker and achieve eradication of the disease in both commercial and residential areas.

- Comments on the notification process for infected and exposed tree removal:

Several commenters expressed concern over the notification process for property access for survey, diagnosis, and tree removal. The primary concern involved the delivery process for Immediate Final Orders and information on the location of exposed properties in relation to known infected properties.

- Department Response: In response to the above concerns, the Department plans to incorporate the following changes to the proposed rule. Immediate Final Order delivery will include certified mail delivery and will have as attachments, the physical location of the infected tree which has necessitated destruction of the property owner's tree(s), the diagnostic report which resulted in the determination that the infected tree is infected with citrus canker and the distance between the infected citrus tree and the property owners citrus tree(s). The Department in cooperation with the USDA, has taken steps to improve the interaction of the CCEP field staff in contacting property owners for property access. The Department is using both internal and external training resources for staff in the area of sensitivity, customer service, and ongoing technical issues.

Disposition of the Rule:

To further clarify citrus canker eradication processes, action has been taken to withdraw the rule and make some substantive changes, including the above changes in the IFO delivery process and removal of the risk assessment process. A revised rule has been noticed for rule development and a workshop scheduled for September 13, 2001 at 1:00 pm at the Main Branch of the Broward County Public Library, 100

South Andrews Avenue, Fort Lauderdale, Florida. In addition, workshops are scheduled for Palm Beach County on October 10, 2001, 10:00 AM – 1:00 PM in the Mounts Auditorium; 531 N Military Trail, West Palm Beach; and in Dade County October 10, 2001, 6:00 PM – 9:00 PM at the Kovens Conference Center; Fall Bayview Room, 2nd floor; 3000 NE 151 Street, Miami Florida. Further information may be obtained by contacting the Office of the Director, FDACS/DPI, Post Office Box 147100, Gainesville, Florida 32614-7100.