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Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on January 23, 2007, by the

Oregon Department of Agriculture, Plant Division 603
Agency and Division Administrative Rules Chapter Number
Sue Gooch 635 Capitol Street NE, Salem, Oregon 97301 503-986-4583
Rules Coordinator Address Telephone

to become effective upon filing. Rulemaking Notice was published in the January 1, 2007, Oregon Bulletin.**

RULE CAPTION

Housekeeping changes to Plant Division rules: correct spelling, italicization, update distributions, weed list, and dates.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 603-052-0114, 603-052-0115, 603-052-0120, 603-052-0129, 603-052-0150, 603-052-0360, 603-052-0450,
603-052-1200, 603-052-1221.

REPEAL:

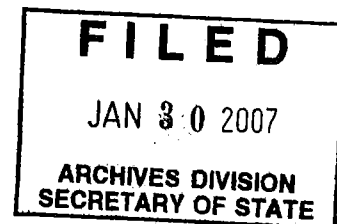
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 561.190

Other Auth.:

Stats. Implemented: ORS



RULE SUMMARY

Proposed changes would: add Jackson County in the list of counties under quarantine for Dutch Elm disease (602-052-0114), correct spelling and italicize *Rhagoletis mendax* in blueberry maggot quarantine (603-052-0115), exempt tissue culture plantlets from oak wilt quarantine (603-052-0120), correct italicization in phytophagous snail quarantine (603-052-0129), update references to most recent Pest Management Guides in the cherry fruit fly control areas (603-052-0150), clarify that landowners are responsible for cull onion disposal in the Malheur County onion maggot control area (603-052-0360), correct, italicization in the cherry bark tortix quarantine (603-052-0450), reconcile noxious weed quarantine with state noxious weed list by adding Jubata grass and deleting short-fringed knapweed and wild proso millet (603-052-1200), and corrects italicization in glassy-winged sharpshooter quarantine (603-052-1221).

Lisa Chapillon-Hanson Lisa Chapillon-Hanson 1/30/07
Authorized Signer Printed name Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday. ARC 930-2005

Quarantine Against Dutch Elm Disease and Elm Yellows Phytoplasma

603-052-0114

Quarantine; Dutch Elm Disease and Elm Yellows Phytoplasma

(1) Establishing a Quarantine. A quarantine is established against the fungus *Ophiostoma novo-ulmi*, currently the fungus that causes Dutch elm disease in North America and related species *O. ulmi* and elm yellows (*elm phloem necrosis*) phytoplasma.

(2) Areas under Quarantine:

(a) In Oregon, the counties of: Benton, Clackamas, Jackson, Lane, Linn, Malheur, Marion, Multnomah, Polk, Union, Washington and Yamhill

(b) All states and districts of the United States except Alaska, Arizona, Florida, Hawaii, Louisiana, New Mexico and Utah.

(3) Commodities Covered. All trees, plants, cuttings, scions, leaves, bark, roots, or other parts, except seed, of all species of elm (*Ulmus spp.*) and of the related genera *Zelkova* and *Planera*, including wood products manufactured from bark-bearing parts thereof. Tissue culture plantlets in sealed, sterile containers are exempt from this regulation.

(4) Restrictions:

(a) Commodities Prohibited from Quarantine Areas. All commodities described in section (3) of this rule originating or grown within or shipped from any state or district described in subsection (2)(b) of this rule, except as provided in subsection (b) of this section, are prohibited entry into the State of Oregon whether moved direct from said areas or diverted or reconsigned from any such areas. All tools or equipment utilized in the pruning or disposal of infected commodities are also prohibited entry into the State of Oregon unless they are decontaminated by an approved method therefore;

(b) Commodities Admitted Under Origin Certificate. Commodities described in section (3) of this rule may be permitted entry into the State of Oregon if each lot or shipment is accompanied by a certificate issued by an official state agency of the state of origin certifying the kind and amount of commodities covered by the certificate, that all such commodities are a product of the state from which shipped or of another state within which neither Dutch Elm Disease nor Elm Yellows phytoplasma is known to occur, that such commodities are free from the described disease, and setting forth in either case the name of the state where produced;

(c) Commodities Restricted Within Quarantine Areas. With exception of commercially produced nursery stock, commodities described in section (3) of this rule situated within the counties described in subsection (2)(a) of this rule, are prohibited movement within or outside said areas except for the transportation of such commodities to locations authorized by the Department for the burning, burial, or other approved method of disposal thereof. All tools or equipment utilized in the pruning or disposal of infected commodities are also prohibited movement within or outside said areas unless they are decontaminated by an approved method therefore.

Stat. Auth.: ORS 561.190, 561.510 - 561.600 & 570.305

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 1088(11-76), f. 3-22-76, ef. 4-1-76; AD 24-1977, f. 10-25-77, ef. 11-15-77 ; AD 3-1995, f. & cert. ef. 4-5-95; DOA 3-2005, f. & cert. ef. 2-14-05

Blueberry Maggot Quarantine

603-052-0115

Quarantine; Blueberry Maggot

- (1) Establishing Quarantine. A quarantine is established against blueberry maggot (*Rhagoletis mendax*).
- (2) Area under Quarantine. All states, districts, and territories of the United States east of and including the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. All states of the United States west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas are not included therein.
- (3) Commodities Covered. All fresh fruit of blueberry and blueberry plants (except when free from soil and growing media; clumps of soil or growing media larger than 1/2 inch diameter will be cause for rejection).
- (4) All commodities covered are prohibited entry into Oregon from the area under quarantine with the exception of items listed in (5) below.
- (5) Exceptions:
 - (a) No restrictions are placed by this quarantine upon the entry into the State of Oregon of fruits which upon arrival are frozen solid and which are held under refrigeration to assure their solid frozen state;
 - (b) Fruits affected by this quarantine, which have been held in cold storage for a continuous period of at least 40 days during which period the temperature in said cold storage area has been maintained at 32° F or less, may be admitted into the State of Oregon providing that the lot or shipment of the same is accompanied by an official certificate, issued by an agency of the state of origin authorized to do so, evidencing compliance with the requirements of this subsection.
- (6) Disposition of Commodities in Violation of Quarantine. All commodities described in section (3) of this rule inspected by the Department and determined to be in violation of this quarantine and not permitted entry pursuant to section (5) of this rule, shall be immediately returned by the person receiving the same to the point of origin or, at his option and without expense or indemnity paid by the Department, destroyed by such person.

Stat. Auth.: ORS 561.190, ORS 561.510 - ORS 561.600 & ORS 570.305 - ORS 570.325

Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415

Hist.: AD 1033(20-74), f. 6-26-74, ef. 7-25-74; AD 10-1997, f. & cert. ef. 7-2-97

Quarantine Against Oak Wilt Disease

603-052-0120

Quarantine; Oak Wilt Disease

(1) Establishing a Quarantine. A quarantine is established against Oak Wilt Disease (*Ceratocystis fagacearum*).

(2) Area Under Quarantine. All states and districts of the United States.

(3) Commodities Covered. All rooted trees, seedling plants, cuttings, scions, bark, leaf mold, roots, or other unpeeled parts, except seed, of all species of oak (*Quercus* spp.), chestnut (*Castanea* spp.), chinquapin (*Castanopsis* spp.), and tanbark oak (*Lithocarpus densiflora*). Tissue culture plantlets in sealed, sterile containers are exempt from this quarantine.

(4) Restrictions:

(a) Commodities Prohibited from Quarantine Areas: All commodities described in section (3) of this rule originating or grown within or shipped from any state or district described in section (2) of this rule, except as provided in subsection (b) of this section, are prohibited entry into the State of Oregon whether moved directly from said areas or diverted or reconsigned from any such area;

(b) Commodities Admitted Under Origin Certificate: Commodities described in section (3) of this rule may be permitted entry into Oregon provided each lot or shipment is accompanied by a certificate issued by an official agency of the state of origin certifying that all commodities covered by the certificate are a product of the state from which shipped or of another state, neither of which is known to have oak wilt disease occur; certifying that such commodities are free from the described disease; and setting forth in either case the name of the state where produced and the kind and amount of commodities covered by the certificate.

Stat. Auth.: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415

Stats. Implemented: ORS 561.190, ORS 561.510 - ORS 561.600, ORS 570.305, ORS 570.405 & ORS 570.410 - ORS 570.415

Hist.: AD 1087(10-76), f. 3-22-76, ef. 4-1-76

Quarantine Against Exotic Phytophagous Snails

603-052-0129

Quarantine; Against Exotic Phytophagous Snails

(1) Establishing Quarantine. A quarantine is established against exotic phytophagous snails that are members of the Phylum Mollusca of the Class Gastropoda characterized by a calcareous shell covering the visceral hump. This quarantine applies to exotic phytophagous snails in any stage of development, and includes, but is not limited to: brown garden snail (*Helix aspersa* Muller), white garden snail (*Theba pisana* Muller), milk snail (*Otala lactea* Muller), giant African snail (*Achatina spp.*), giant South American snail (*Megalobulimus oblongus* Muller), and all other exotic phytophagous snails (hereafter, "exotic phytophagous snails"). These snails are very important garden and agricultural pests causing severe damage to leaves and fruits of many plants.

(2) Areas Under Quarantine. The entire states of Arizona, California, Hawaii, New Mexico, Texas, Utah, Washington, and any other state or territory where exotic phytophagous snails are established.

(3) Covered Commodities. Exotic phytophagous snails in any stage of development. Grass sod and all plants with roots in soil and any other plant material or articles capable of transporting exotic phytophagous snails into Oregon are hereby declared to be hosts or possible carriers of the pests herein quarantined and are prohibited entry into this state directly, indirectly, diverted, or reconsigned unless there is compliance with section (4) of this rule.

(4) Conditions:

(a) Covered commodities from regulated areas may be permitted entry into Oregon only when such commodities are accompanied by a certificate of quarantine compliance issued by an authorized official from the state of origin which certifies that it has been determined by official inspection immediately prior to shipment that such covered commodities were found to be free of all life stages of exotic phytophagous snails or that such commodities originate from an area determined by official inspection to be free of exotic phytophagous snails. The original certification document shall be forwarded to the Oregon State Department of Agriculture, Plant Division, 635 Capitol St. NE, Salem, Oregon 97310, immediately by First Class mail or fax (503) 986-4786. Each lot or shipment of the covered commodities shall be accompanied by a copy of the above described certification document. The Oregon receiver to whom the commodities are shipped shall notify the department immediately upon receipt of such commodities and shall hold the same until they are released by the department.

(b) Cut greens, cut flowers and soil-free plants including bare root plants, plant crowns, roots for propagation, bulbs, corms, tubers, and rhizomes of plants washed free of adherent soil are excepted from the quarantine, if such plant materials are found upon inspection not to be infested with exotic phytophagous snails or are found not to bear soil accumulations sufficient to carry or obscure any life stage of exotic phytophagous snails.

(c) Certified and noncertified covered commodities shall not be shipped together in the same transporting vehicle, and any such mixing of certified and noncertified covered commodities shall nullify certification and result in the rejection of the entire shipment of covered commodities. Upon inspection and determination by the Oregon State Department of Agriculture that the transporting vehicle or any properly certified covered commodities are infested with any life stage of exotic phytophagous snails, such shipment shall be found in violation of this quarantine.

(5) Heliculture Prohibited. Raising, maintaining, selling, shipping and/or holding live exotic phytophagous snails within the State of Oregon is prohibited.

(6) Disposition of Commodities in Violation of the Quarantine. All covered commodities described in

section (3) of this rule found to be in violation of this quarantine shall be returned immediately to point of origin by the Oregon receiver, or at the receivers option be destroyed under the supervision of the department, without expense to or indemnity paid by the department.

(7) Exceptions. Upon request, and upon investigation and finding that unusual circumstances exist justifying such action, the department may issue a permit allowing entry into this state of covered commodities without meeting the requirements of subsection (4)(a) of this rule. However, all conditions specified in the permit shall be met before such permit will be recognized.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 14-1983, f. 11-15-83, ef. 12-1-83; AD 12-1997, f. & cert. ef 7-31-97; DOA 8-1999, f. & cert. ef. 5-14-99; DOA 1-2006, f. & cert. ef. 1-13-06

Cherry Fruit Fly Control Areas in Hood River, Lane, Linn, Marion, Polk, Umatilla, Union, and Wasco Counties

603-052-0150

Control Areas and Procedures

(1) As authorized by ORS 570.405 to 570.435, a control area is established in each of the following counties for the protection of the cherry industry in that area through the eradication or control of the cherry fruit fly:

- (a) Hood River County;
- (b) Lane County;
- (c) Linn County;
- (d) Marion County;
- (e) Polk County;
- (f) Umatilla County;
- (g) Union County;
- (h) Yamhill County; and
- (i) The portion of Wasco county, north of Warm Springs Reservation.

(2) Approved IPM practices, including spray formulations, are those recommended by the Oregon State Extension Service as described for specific control areas in the following extension documents:

- (a) For Hood River and Wasco counties: Pest Management Guide for Tree Fruits in the Mid-Columbia Area. EM 8203, Oregon State University Extension Service.
- (b) For Lane, Linn, Marion, Polk and Yamhill counties: Pest Management Guide for the Willamette Valley, EM 8329, Oregon State University Extension Service.
- (c) For Umatilla and Union counties Cherry Fruit Fly Pest Management for control areas in Umatilla and Union counties. EM 8587, Oregon State University Extension Service.

Publications: Publications referenced are available from the agency.

Stat. Auth.: ORS 570

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 603, f. & ef. 10-31-58; AD 974(7-72), f. 7-27-72, ef. 8-15-72; AD 1073(19-75), f. & ef. 12-5-75; AD 11-1977, f. 5-10-77, ef. 5-20-77; DOA 4-2005, f. & cert. ef. 2-14-05; DOA 1-2006, f. & cert. ef. 1-13-06

Onion Maggot Control Area in Malheur County

603-052-0360

Control Area: Onion Maggot -- Malheur County

(1) A control area is established within the boundaries of Malheur County for the protection of the onion industry by the eradication or control of the insect pest known as the onion maggot. This control area order is based on IPM principles first recognized and used by Malheur County growers in 1957.

(2) The following methods of eradication and control are declared to be the proper methods used in this control area order:

(a) All cull or waste onions in Malheur County shall be disposed of by a method approved by this control order prior to March 15 each year; for onions sorted after that date, the resulting cull and waste onions shall be disposed of within one week after such sorting;

(b) Disposal of cull or waste onions shall be accomplished only as set forth below:

(A) Disposal by covering in a dump site approved by the Oregon Department of Environmental Quality (DEQ). Culls and onion debris shall be dumped and covered by at least 12 inches of onion-free soil by March 15 each year;

(B) Disposal by animal feeding. Culls and onion debris shall be completely removed from feeding areas by March 15 and buried under 12 inches of onion-free soil. Onions tramped into the soil so they cannot be removed shall be plowed to a depth of 12 inches;

(C) Disposal by chopping or shredding. Chopped or shredded onion debris that is incapable of sprouting may be returned to the field at a tonnage rate no higher than the DEQ-approved rate of 80 tons per acre and plowed to a depth where no onion parts are exposed on the surface;

(D) Composting. All onion debris shall be incorporated into the compost bed and completely covered by 12 inches of onion-free soil;

(E) Disposal of residue in onion producing fields. Commercial onion fields where sort out bulbs are left at harvest shall be disked to destroy the bulbs and shall be plowed to a depth of at least 12 inches by March 15 each year. Seed bulbs shall be disposed of in the same manner following the last harvest. The owner of the field is ultimately responsible for compliance with this rule;

(F) If inclement weather prevents plowing, the culls will be treated with an EPA-labeled insecticide currently listed in the 2005 PNW Insect Control Handbook at prescribed intervals until proper disposal occurs.

Publications: Publications referenced are available from the agency.

Stat. Auth.: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Stats. Implemented: ORS 561.190, 561.510 - 561.600, 570.305, 570.405 & 570.410 - 570.415

Hist.: AD 590, f. 9-10-58, ef. 9-28-58; AD 784(8-64), f. 4-29-64, ef. 5-15-64; AD 4-1995, f. & cert. ef. 4-5-95; DOA 3-1999, f. & cert. ef. 1-29-99; DOA 1-2006, f. & cert. ef. 1-13-06

Cherry Bark Tortrix Quarantine

603-052-0450

Quarantine; Cherry Bark Tortrix

- (1) Establishing a Quarantine. A quarantine is established against the pest known as cherry bark tortrix, *Enarmonia formosana* (Scopoli).
- (2) Areas Under Quarantine. The entire state of Washington, the province of British Columbia, and any other state, territory or province where the presence of an established population of cherry bark tortrix is confirmed and effective eradication procedures have not been implemented, as determined by the Director of the Oregon Department of Agriculture. In Oregon, Multnomah and Clackamas counties.
- (3) Commodities Covered. The cherry bark tortrix, *Enarmonia formosana* (Scopoli); host plants of the cherry bark tortrix, including all species of the genera, *Crataegus*, *Cydonia*, *Malus*, *Prunus*, *Pyracantha*, *Pyrus* and *Sorbus*; and unseasoned firewood derived from trees of these host plant genera. Uninfested nursery stock plants of these genera that are less than two inches in diameter are exempted from the quarantine.
- (4) Restrictions. Regulated commodities shall not be shipped or moved directly or indirectly from the regulated areas into the state of Oregon unless accompanied by a permit or certificate issued by a state or federal agriculture official from the regulated area and based upon the following conditions:
 - (a) The regulated plants have been grown in a screened greenhouse or screenhouse adequate to exclude the adults of cherry bark tortrix; or
 - (b) Such regulated plants have been treated in accordance with a fumigation schedule approved in writing by the Director of the Oregon Department of Agriculture; or
 - (c) Each dormant, defoliated, regulated host plant shall be inspected by an authorized agricultural official of the regulated state or province for the presence of cherry bark tortrix and found free of any evidence of infestation by that pest;
 - (d) Portions of states or provinces listed in the area under quarantine may have counties that are not infested with cherry bark tortrix. Shipments of covered commodities may be accepted from these noninfested counties if annual surveys are made in such counties and the results of such surveys are negative for cherry bark tortrix. A list of counties so approved will be maintained by the Oregon Department of Agriculture. Agricultural officials of a quarantined state or province may recommend a noninfested county be placed on the approved county list by writing for such approval and giving the following information: areas surveyed, how the survey was carried out, personnel involved and, if the county was previously infested, date of last infestation. If heavy infestations occur in neighboring counties, approval may be denied. To be maintained on the approved list, each county must be reapproved every twelve (12) months. Shipments of and covered commodities from noninfested counties will only be allowed entry into Oregon if the uninfested county has been placed on the approved list prior to the arrival of the shipment in Oregon.
- (5) Persons shipping regulated commodities into the state of Oregon must comply with Oregon's notification requirement for imported tree and shrub nursery stock, OAR 603-054-0027.
- (6) The person to whom the regulated commodities are shipped shall hold the articles until they are inspected and released by a duly appointed inspector of the state of Oregon.

Stats. Implemented: ORS 561.190, 561.510 - 561.600 & 570.305

Hist: AD 6-1996, f. & cert. ef. 6-10-96; DOA 7-2005, f. & cert. ef. 2-15-05

603-052-1200

Quarantine; Noxious Weeds

(1) Establishing Quarantine. A quarantine is established against the noxious weeds listed herein. Noxious weeds have become so thoroughly established and are spreading so rapidly that they have been declared a menace to the public welfare. ORS 570.505.

(2) Areas Under Quarantine. The entire state of Oregon and all other States of the United States and all foreign countries.

(3) Covered Plants. For purposes of this rule the term "plants" applies to whole plants, plant parts, and seeds. This rule applies to all "A" and "B" designated noxious weeds listed herein, except as provided in subsections (c) and (d). Plants on the Federal Noxious Weed List (7 C.F.R. 360.200) are also covered by this rule, with the exception of Japanese blood grass, *Imperata cylindrica*, var. Red Baron and Chinese water spinach, *Ipomoea aquatica*.

(a) "A" designated weeds. Weeds of known economic importance which occur in the state in small enough infestations to make eradication/containment possible; or which are not known to occur, but their presence in neighboring states makes future occurrence in Oregon seem imminent.

(A) African rue -- *Peganum harmala*;

(B) Camelthorn -- *Alhagi pseudalhagi*;

(C) Coltsfoot -- *Tussilago farfara*;

(D) Cordgrasses:

(i) Common -- *Spartina anglica*;

(ii) Dense-flowered -- *Spartina densiflora*;

(iii) Saltmeadow -- *Spartina patens*;

(iv) Smooth -- *Spartina alterniflora*.

(E) European water chestnut -- *Trapa natans*;

(F) Giant hogweed -- *Heracleum mantegazzianum*;

(G) Goatgrasses:

(i) Barbed -- *Aegilops triuncialis*;

(ii) Ovate -- *Aegilops ovata*.

(H) Hawkweeds:

(i) King-devil -- *Hieracium piloselloides*;

(ii) Meadow -- *Hieracium pratense*;

(iii) Mouse-ear -- *Hieracium pilosella*;

- (iv) Orange -- *Hieracium aurantiacum*;
- (v) Yellow -- *Hieracium floribundum*.
- (I) Hydrilla -- *Hydrilla verticillata*;
- (J) Kudzu -- *Pueraria lobata*;
- (K) Matgrass -- *Nardus stricta*;
- (L) Paterson's curse -- *Echium plantagineum*;
- (M) Purple nutsedge -- *Cyperus rotundus*;
- (N) Silverleaf nightshade -- *Solanum elaeagnifolium*;
- (O) Skeletonleaf bursage -- *Ambrosia tomentosa*;
- (P) Squarrose knapweed -- *Centaurea virgata*;
- (Q) Starthistles:
 - (i) Iberian -- *Centaurea iberica*;
 - (ii) Purple -- *Centaurea calcitrapa*.
- (R) Syrian bean-caper -- *Zygophyllum fabago*;
- (S) Texas blueweed -- *Helianthus ciliaris*;
- (T) Thistles:
 - (i) Plumeless -- *Carduus acanthoides*;
 - (ii) Smooth distaff -- *Carthamus baeticus*;
 - (iii) Woolly distaff -- *Carthamus lanatus*.
- (U) Yellow floating heart -- *Nymphoides peltata*.
- (b) "B" designated weeds. Weeds of economic importance which are regionally abundant, but which may have limited distribution in some counties.
 - (A) Austrian peaweed (Swainsonpea) -- *Sphaerophysa salsula*;
 - (B) Bearded creeper (common crupina) -- *Crupina vulgaris*;
 - (C) Biddy-biddy -- *Acaena novae-zelandiae*;
 - (D) Brooms:
 - (i) French -- *Genista monspessulana*;
 - (ii) Portuguese -- *Cytisus striatus*;

- (iii) Scotch -- *Cytisus scoparius*;
- (iv) Spanish -- *Spartium junceum*;
- (E) Buffalobur -- *Solanum rostratum*;
- (F) Butterfly bush -- *Buddleja davidii** (*except named horticultural varieties);
- (G) Common bugloss -- *Anchusa officinalis*;
- (H) Creeping yellow cress -- *Rorippa sylvestris*;
- (I) Cutleaf teasel -- *Dipsacus laciniatus*;
- (J) Dodder -- *Cuscuta spp.** (*except northwest natives);
- (K) Dyers woad -- *Isatis tinctoria*;
- (L) English ivy -- *Hedera helix** (*except named horticultural varieties);
- (M) Eurasian watermilfoil -- *Myriophyllum spicatum*;
- (N) False brome -- *Brachypodium sylvaticum*;
- (O) Field bindweed -- *Convolvulus arvensis*;
- (P) Garlic Mustard -- *Alliaria petiolata*;
- (Q) Giant horsetail -- *Equisetum telmateia*;
- (R) Gorse -- *Ulex europaeus*;
- (S) Halogeton -- *Halogeton glomeratus*;
- (T) Himalayan blackberry -- *Rubus discolor** (R. aremeniacus & R. procerus) (*except fruit for consumption);
- (U) Houndstongue -- *Cynoglossum officinale*;
- (V) Johnsongrass -- *Sorghum halepense*;
- (W) Jointed goatgrass -- *Aegilops cylindrical*;
- (X) Jubata grass -- *Cortaderia jubata*;
- (Y) Knapweeds:
 - (i) Diffuse -- *Centaurea diffusa*;
 - (ii) Meadow -- *Centaurea pratensis* (jacea x nigra);
 - (iii) Russian -- *Acroptilon repens*;
 - (iv) Spotted -- *Centaurea maculosa* (C. stoebe).

(Z) Knotweeds:

(i) Giant -- *Polygonum sachalinense*;

(ii) Himalayan -- *Polygonum polystachyum*;

(iii) Japanese (fleece flower) -- *Polygonum cuspidatum* (*Fallopia japonica*).

(AA) Kochia -- *Kochia scoparia*;

(BB) Mediterranean sage -- *Salvia aethiopis*;

(CC) Medusahead rye -- *Taeniatherum caput-medusae*;

(DD) Old man's beard -- *Clematis vitalba*;

(EE) Perennial pepperweed -- *Lepidium latifolium*;

(FF) Poison hemlock -- *Conium maculatum*;

(GG) Policeman's helmet - *Impatiens glandulifera*;

(HH) Puncturevine -- *Tribulus terrestris*;

(II) Purple loosestrife -- *Lythrum salicaria*;

(JJ) Quackgrass -- *Agropyron repens*;

(KK) Ragweed -- *Ambrosia artemisiifolia*;

(LL) Rush skeletonweed -- *Chondrilla juncea*;

(MM) Saltcedar -- *Tamarix ramosissima*;

(NN) Small broomrape -- *Orobanche minor*;

(OO) South American waterweed (Elodea) -- *Egeria* (*Elodea*) *densa*;

(PP) Spikeweed -- *Hemizonia pungens*;

(QQ) Spiny cocklebur -- *Xanthium spinosum*;

(RR) Spurges:

(i) Leafy - *Euphorbia esula*;

(ii) Myrtle - *Euphorbia myrsinites*.

(SS) Sulfur cinquefoil -- *Potentilla recta*;

(TT) Tansy ragwort -- *Senecio jacobaea*;

(UU) Thistles:

(i) Bull -- *Cirsium vulgare*;

- (ii) Canada -- *Cirsium arvense*;
- (iii) Italian -- *Carduus pycnocephalus*;
- (iv) Musk -- *Carduus nutans*;
- (v) Scotch -- *Onopordum acanthium*;
- (vi) Slender-flowered -- *Carduus tenuiflorus*.

(VV) Toadflax:

- (i) Dalmation -- *Linaria dalmatica*;
- (ii) Yellow -- *Linaria vulgaris*.

(WW) Velvetleaf -- *Abutilon theophrasti*;

(XX) Whitetops:

- (i) Hairy -- *Lepidium pubescens*;
- (ii) Lens-podded -- *Lepidium chalepensis*;
- (iii) Whitetop (hoary cress) -- *Lepidium draba*.

(YY) Yellow flag iris - *Iris pseudacorus*;

(ZZ) Yellow nutsedge -- *Cyperus esculentus*;

(AAA) Yellow starthistle -- *Centaurea solstitialis*;

(c) Agricultural seed as defined in Oregon's Seed Law, ORS 633.511 to 633.750, is exempt from this quarantine but subject to the noxious weed seed tolerances in OAR 603-056-0205.

(d) Other commodities such as but not limited to wheat are exempt from this quarantine to the extent that they are contaminated with noxious weed seed.

(4) Prohibited and Permitted Acts.

(a) All plants covered in section (3) of this rule are prohibited entry into the State of Oregon.

(b) All plants listed in section (3) of this rule are prohibited from transport, purchase, sale or offering for sale in the State of Oregon.

(c) All plants listed in section (3) of this rule are prohibited from being propagated in the State of Oregon.

(d) All plants listed in section (3) may be collected from the wild in areas that are already infested with the specific species that is collected, provided that the plants, plant parts, or seed are not used for propagation or sale within the State of Oregon.

(5) Disposition of Plants in Violation of the Quarantine. All covered plants listed in section (3) of this rule are found to be in violation of this quarantine shall be returned immediately to point of origin by

the Oregon receiver, if from out of state, or at the owner's option be destroyed under the supervision of the department, without expense to or indemnity paid by the department.

(6) Exceptions. The director may issue a permit allowing entry into this state, propagation, or selling of plants covered by this rule, upon request, and upon investigation and finding that unusual circumstances exist justifying such action, and that the benefits of granting the permit outweigh the potential harm that may result from the requested action. The director may impose specific conditions on any permit issued hereunder, and the permit may be canceled for failure to meet the conditions therein. Any permit issued under this section shall be for a limited duration not to exceed one year.

Stat. Auth.: ORS 561.020, 561.190, 561.510 & 570.305

Stats. Implemented: ORS 561.510

Hist.: DOA 5-1999, f. & cert. ef. 4-5-99; DOA 13-2000, f. & cert. ef. 5-8-00; DOA 7-2002, f. & cert. ef. 2-1-02; DOA 26-2002, f. & cert. ef. 12-10-02; DOA 27-2004, f. & cert. ef. 12-28-04; DOA 1-2006, f. & cert. ef. 1-13-06

Quarantine; Glassy-Winged Sharpshooter

(1) Establishing a Quarantine. A quarantine is established against glassy-winged sharpshooter, *Hoalodisca coagulata*. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries from the artificial spread of glassy-winged sharpshooter. Glassy-winged sharpshooter is a vector of Pierce's disease, *Xylella fastidiosa*, in grapes and other diseases of important horticultural plants. Neither glassy-winged sharpshooter nor *X. fastidiosa* are known to be established in Oregon. Introduction of glassy-winged sharpshooter could result in serious damage to vineyards in Oregon and cause trade restrictions on many other host plants.

(2) Area under Quarantine: Mexico; the entire States of Alabama, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, and Texas; and any other state found to be infested with glassy-winged sharpshooter during the life of this quarantine. In Oregon, any property where glassy-winged sharpshooter is found.

(3) Commodities Covered: All plants referenced in Appendix A. This does not include cut flowers, cut foliage, leafless budwood, grafting wood, or dormant, leafless nursery stock except all types of propagative material of grape plants (*Vitis* spp.) (see (4)(c) below). All life stages of the glassy-winged sharpshooter, including eggs, nymphs, and adults, and *Xylella fastidiosa*.

(4) Provisions of the Quarantine: All shipments of covered commodities from areas under quarantine outside the state of Oregon are prohibited unless they meet the conditions below:

(a) Covered commodities, except grape plants (*Vitis* spp.), from non-infested counties in California (see (b) below) are exempt from provisions of this quarantine.

(b) Covered commodities originating from the area under quarantine including infested counties in California: Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, Santa Barbara, Tulare, Ventura, and any other county found to be infested with glassy-winged sharpshooter during the life of this quarantine, must meet either (A) or (B) below. NOTE: an infestation is defined as an established, reproducing population as evidenced by positive trap catches or sightings over more than one generation of the glassy-winged sharpshooter or more than one life stage of the glassy-winged sharpshooter found on plants not including regulatory interceptions on recently imported plants.

(A) Originate from nurseries under compliance agreement with the state of origin Department of Agriculture requiring adherence to specific protocols to ensure that shipped host nursery stock is free of glassy-winged sharpshooter; or

(B) Have been treated with a registered pesticide effective at killing all stages of glassy-winged sharpshooter prior to shipment as near to the time of shipping as is reasonably possible. A phytosanitary certificate or certificate of quarantine compliance must accompany the shipment with one of the following additional declarations: "All glassy-winged sharpshooter host plants in this shipment have been grown in a nursery under compliance agreement with the [fill in state] Department of Agriculture to ensure freedom from glassy-winged sharpshooter," or: "All glassy-winged sharpshooter host plants in this shipment have been treated with [fill in name and rate of pesticide] for glassy-winged sharpshooter."

(c) Grape plants (*Vitis* spp.) from the area under quarantine, including the entire state of California, must be treated for glassy-winged sharpshooter as in (4)(b)(A) or (B) above and must be tested and found free of *Xylella fastidiosa* (see procedures in (4)(c)(A) to (G) below). A phytosanitary certificate must accompany the shipment with one of the following additional declarations: "Grape plants (*Vitis* spp.) in this shipment have been treated for glassy-winged sharpshooter with [fill in name and rate of

pesticide] and a representative sample of [fill in number tested] has been tested and found free of *Xylella fastidiosa*," or "Grape plants (*Vitis* spp.) in this shipment have been grown under a compliance agreement with the [fill in state] Department of Agriculture to ensure freedom from glassy-winged sharpshooter and a representative sample of [fill in number tested] has been tested and found free of *Xylella fastidiosa*." Grape Vine Sampling and Analysis Procedure for *Xylella fastidiosa*:

- (A) Samples shall be taken from plants located in lots identified for shipment to Oregon.
- (B) Samples from up to five individual plants may be combined (bulked) for analysis purposes.
- (C) Samples shall be composed of petiole and/or midrib tissue.
- (D) Analysis of samples for *X. fastidiosa* shall be done using ELISA or PCR testing by a laboratory operated by an official state or federal regulatory agency or by an approved cooperator.
- (E) Sampling and analysis of non-dormant (green) plant material must take place within 60 days before the date of shipment of the plants into Oregon. Sampling and analysis of plants to be shipped dormant must take place prior to leaf drop, but within 60 days of leaf drop during the previous season.
- (F) Sampling and analysis of plant material shall be under the direct supervision of state or county regulatory officials.
- (G) The following table should be used for determining the number of samples required for laboratory testing of grape plants for *Xylella fastidiosa*: [Table not included. See ED. NOTE.]
- (d) Notification of regulated commodity shipment is required. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate or certificate of quarantine compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results if required in (4)(c) above, and contact phone numbers to: Nursery Program Supervisor, Plant Division, Oregon Department of Agriculture, 635 Capitol Street NE, Salem, Oregon 97301; FAX: 503/986-4786; e-mail: quarantine@oda.state.or.us. The Department may require that shipments be held until inspected and released.
- (e) Sites within Oregon where glassy-winged sharpshooter is found associated with covered commodities imported from the area under quarantine must be treated with a registered pesticide effective at killing all stages of glassy-winged sharpshooter. All imported host material received from areas under quarantine must be treated as well as all other host material in a reasonable buffer zone approved by the Oregon Department of Agriculture. Host material within the spray block may not be moved or sold until after it is treated. In cases where spray blocks include more than one owner, each owner will be responsible for spraying host material on their own property.
- (5) Violation of quarantine. Violation of this quarantine may result in a fine, if convicted, of not less than \$500 nor more than \$5,000, as provided by ORS 561.990(4). Violators may also be subject to civil penalties of up to \$10,000 as provided by Oregon Laws 1999, chapter 390, section 2; nursery license suspension or nursery license revocation. Commodities shipped in violation of this quarantine may be treated, destroyed or returned to their point of origin without expense or indemnity paid by the State.
- (6) Review of this Quarantine: The necessity for this quarantine and its effectiveness will be reviewed by the department and other interested parties in 2003. [Appendix not included. See ED. NOTE.]

[ED. NOTE: Tables and Appendices referenced are available from the agency.]

Stat. Auth.: ORS 561.190, 561.510 & 561.540

Stats. Implemented: ORS 570.305

Hist.: DOA 35-2000, f. & cert. ef. 12-15-00; DOA 1-2006, f. & cert. ef. 1-13-06