



Florida Department of Agriculture & Consumer Services
BOB CRAWFORD, Commissioner
The Capitol - Tallahassee, FL 34399-0800

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July 7, 1999

MEMORANDUM

TO: Members of the Florida Citrus Canker
Technical Advisory Task Force (FCCTATF)

FROM: Richard Gaskalla, ^{RG} Director
Division of Plant Industry
Florida Department of Agriculture and Consumer Services (FDACS)

SUBJECT: Summary Minutes of the FCCTATF - June 22, 1999

Please find enclosed the above subject meeting minutes for your information and review. Please note that the location, date, and time of the next FCCTATF is:

Friday, July 16, 1999, 9:30 AM, Room #1, at the University of Florida, Institute of Food and Agricultural Sciences, Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred.

Should you find any errors or omissions in the minutes or have any questions or comments, please contact my office. Thank you for your assistance.

RG/bsm

xc: Craig Meyer
Richard Gunnels
Sandy Roberts
Alternate Members
Interested Parties

Enclosure: FCCTATF Minutes

Summary
FLORIDA CITRUS CANCKER TECHNICAL ADVISORY TASK FORCE (FCCTATF) MEETING

July 16, 1999 - 9:30 AM
Citrus Research and Education Center
Ben Hill Griffin, Jr. Citrus Hall
Lake Alfred, Florida

Members Present

Mr. John Barben (HCCGA)
Dr. Harold Browning (UF/IFAS)
Mr. Gregory Carlton (FCM)
Mr. Hugh English (FCPC-Duda)
Mr. Richard Gaskalla (FDACS/DPI)
Dr. Tim Gottwald (USDA/ARS)
Mr. George Hamner (FCM)
Mr. Tom Jerkins (Dole Citrus)

Mr. Craig Meyer (FDACS)-Executive
Committee
Mr. Chuck Reed (Citrus Nurserymen's
Association)
Mr. Mike Shannon (USDA)-Executive
Committee
Mr. Norman Todd (Florida Citrus
Production Managers Association)

Others Present

Mr. Kenneth Bailey (FDACS/DPI)
Ms. Rosemarie Alfaro (FDACS/DPI)
Ms. Lisa Backman (FCM)
Mr. Joseph Ball (FGFSA)
Mr. Michael Barnes (Galileo Group,
Incorporated)
Mr. Brian Bolay (FDACS/DPI)
Mr. Wendell Bowman (FDACS/DPI)
Mr. Mike Carlton (FCM)
Ms. Yvonne DeMarino (USDA/APHIS/PPQ)
Dr. Wayne Dixon (FDACS/DPI)
Ms. Lisa Dunson (HCCGA)
Mr. Raphord Farrington (Ben Hill
Griffin, Incorporated)
Mr. Danny Finch (Pokey's Citrus
Nursery)
Dr. Jim Graham (UF/IFAS)
Mr. Strick Gresham (HESCO)
Dr. James T. Griffiths (Citrus
Growers, Associates)
Mr. John Hadman (USDA/APHIS/PPQ)
Dr. Chan Hannon (Retired Consultant)
Mr. Leon Hebb (FDACS/DPI)
Mr. Paul Hornby (USDA/APHIS/PPQ)

Mr. Michael Irely (United States
Sugar Corporation)
Mr. George Johnson (FDACS/DPI)
Mr. Joe Kane (FDACS/DPI)
Mr. Richard Kinney (FCP)
Mr. Andy Laurent (FDACS/DF&V)
Ms. Laurene Levy (USDA)
Mr. Sam Mahon (Pokey's Citrus
Nursery)
Mr. Jim McKee (FDACS/DPI)
Mr. Eugene Mixon (Gene's Citrus
Ranch, Incorporated)
Mr. Jack Nietzke (FDACS/DPI)
Ms. Barbara Oxford (PRVCGA)
Mrs. Connie Riherd (FDACS/DPI)
Mr. Tim Riley ((USDA/ARS)
Mr. Sergis Ruffo Roberto (USDA/ARS)
Mrs. Florence Roberts (FDACS/DPI)
Ms. Vivian Rudd (FDACS/DPI)
Dr. Tim Schubert (FDACS/DPI)
Mr. Ray Seitler (FDACS/DPI)
Mr. Jim Stalnaker (FDACS/DF&V)
Dr. Xiaolan Sun (FDACS/DPI)
Mr. Terrill Symons (FDACS/DPI)

EXECUTIVE COMMITTEE OPENING REMARKS

Mike Shannon advised that since our last FCCTATF meeting, there was a joint meeting of the Science and Regulatory Issues Working Groups on regulatory issues where they discussed a number of key issues involving the movement of regulated fruit and the citrus tree cutting distance. The program is coming together and the Statewide survey program is being developed. The information program is moving ahead. There is a Citizen's Committee meeting next week to

address citizen's concerns and foster cooperation. The development of a program data base so that we can have the effective program we need to have is proceeding as well as is the acquisition of vehicles in large numbers to get the infrastructure ready.

CITRUS CANKER ERADICATION PROGRAM (CCEP) STATUS REPORT

Richard Gaskalla said he would like to give a program status report by program area and then he would ask the various program directors present to fill in anything he may have left out.

Dade and Broward Counties

Recruitment of Surveyors

Richard Gaskalla reported that we are still in the hiring, gear-up modes down there. We are making some progress in staffing up in Broward County, but it is not going nearly as fast as we would like and it is just a matter of finding qualified people. We have about 50 on the payroll, and have another 20-25 perspective applicants in the process of being hired, which is okay but we would like to have more than that and we have sent some recruiters down from the Department to see if they can determine why we are not getting more applicants; the best we can tell is that presently unemployment is low and the labor market is difficult as most of you in business probably already know. Our initial rate of pay in that area for starting surveyors is \$8.13 an hour which normally has been sufficient to attract people, but we are probably going to look at that and adjust that a little bit to get some qualified people on the payroll and with that we are going to try to come up with a comprehensive pay plan for the CCEP Statewide to attract the right people in all areas.

Chipping of Dooryard Trees at Curbside

In South Florida, as Craig Meyer mentioned at the last meeting, we are getting away from chipping the dooryard trees at curbside due to the nuisance factor and because of some preliminary scientific evidence that it may not be the best thing to do. We are working with Asplundh, the contractor, to bring in some alternate equipment; basically large trailers and a grappling system where they can pick up the trees that are cut and put them in the vehicles and carry them to the landfills; of course, the vehicles will be tarped and all decontamination requirements will be in place. That transition will likely take several months because that type of equipment will have to be built; however, the contractor has agreed to do that. They will be going outside of the program and start working in as that equipment becomes available. That is an issue before the Citizen's Committee that we will be reporting on within a couple of weeks. Richard mentioned that he had some copies of the first meeting of the Citizen's Committee minutes for distribution to any interested parties. Richard said when they go back to the next Citizen's Committee meeting, they want to be responsive to each one of the issues identified in the first meeting. It may not necessarily be the complete answer that they want, but we want them to know that we have heard it, researched it and we have resolved it and if we do that, it will help us down there with overall cooperation.

Continuance of New Finds of Positive Trees

Richard Gaskalla remarked that we continue to find positive trees in South Florida and are working with Asplundh to keep from building up a backlog again. We have made the transition to cutting exposed trees out to 125 feet. By doing that, of course, it has increased the work load and we are sensitive to that and are bringing additional equipment in, if necessary, to meet that demand.

Jim McKee advised that late yesterday, by field diagnosis, they found a new section in Broward County - two miles south of the northern most area, the Coral Springs area. A sample has been sent to Gainesville for confirmation so now there are five sections outside the current quarantine area in Broward.

Manatee County

Richard Gaskalla reported that in Palmetto, there were some positive finds within the quarantine area; one in a residential area that required removal of one positive tree and six exposed trees. There was a positive find in one of the Grimes grove properties and a positive find in Manatee Fruit Company - both of those groves had been previous positive properties. The positive trees have all been removed.

Collier and Hendry Counties

Richard stated that in Immokalee, we are still in a hiring mode trying to get staff up to the level that we projected as far as action in that particular program area. All the control work in Siboney and the Seminole Tribe's grove has been completed. We let a contract to remove all the grapefruit in the Minton grove as well as the Murcotts that fell within 125 feet of positive grapefruit trees. The projection was that all these trees will be pushed by the end of this week and the burning will begin shortly there after.

Jack Nietzsche agreed and advised that he talked with the contractor last night; however, he said that they had not pushed the Murcotts because they were asked not to and Jack said he needed to check on the status of that this morning.

Craig Meyer said that if they are within 125 feet, push them.

Summerland Grove (Consolidated Citrus Holding)

Richard Gaskalla reported there were two positive finds in two grapefruit blocks, G1 and G3; the positive trees and immediate adjacent trees were destroyed by burning in place by the CCEP. Discussions were held with Consolidated Citrus about removing approximately 45 trees; they have agreed to do that and remove exposed trees well beyond 125 feet. They also requested independent private laboratory diagnosis beyond the current canker protocol and we are in the process of doing that. Control action is proceeding on removing the exposed trees while that is occurring.

Jack Nietzsche reported that the Consolidated people responded very quickly. We found the first suspect tree on the 25th of June and by the next Friday, there had been 45 trees identified and those trees were destroyed in place before 5:00 PM Friday evening. They requested then that we continue to destroy two trees around each positive location which is in progress. They made a policy to go out 450 feet and if that 450 feet was reasonably close to a natural

barrier, they would go beyond that. They brought their own loaders in and we negotiated a price with them to destroy it and they are working from the outside in.

Question: Is there any idea how the canker got on the inside of the trees and weren't showing on the outside?

Jack Nietzke responded that he didn't think there had been any conclusion on that.

More discussion ensued as to how the infection may have gotten into this grove. The company is doing some investigative work relative to this find.

Shade Dade/Broward Program

Craig Meyer said there were only two things that he wanted to touch on. Again, we are focusing a lot of attention on the Citizen's Committee - communicating with the citizens. He has been working with Mike Shannon and the people in Washington and working with the bureaucrats in Tallahassee to try and get everybody on the same page so we can pick up again with our "Shade Dade/Broward" program. Most of the phone calls that we receive, the number one request that we get outside of, "Why are you taking my trees?" is "Where is my money?" As you are all aware, the legislature did not choose to support this program; they ran out of money before they got to this particular line, but if we can use some of the Federal money we plan to re-enact this program for another year and take another hit at it with the legislature next spring.

Pending Crop Insurance

Craig Meyer advised that he and Mike had talked earlier this week and there was a meeting Wednesday in Washington. Senator Graham came to him with the delegation and one of the issues that we raised to Senator Graham and we will be moving around for your associations on this issue as it comes down, is there was a determination at a lower level in the USDA relative to crop insurance that they will only pay for infected trees which is tantamount to not having any crop insurance so they are trying to get that issue resolved. As that opens up, we will be working with the associations and alert them that we need their help in Washington because we want them to know when they do the crop insurance program, it has to be for both the infected and exposed trees.

Communication to the Industry

Richard Gaskalla mentioned that one of the issues at the last FCCTATF meeting was better notification/communication regarding current incidences in the program. Connie Riherd put together an electronic mail notification list and implemented that. Richard said just to get some feedback, if you are not on that list and you would like to be, the sign-in sheet is going around, please make a notation on there with your e-mail address and facsimile number and we will add you to that list.

SCIENCE ISSUES WORKING GROUP (SIWG) REPORT

Tom Jerkins said that probably most of the comments he had from the growers' side would also be coming from the Regulatory/SIWGs that they discussed at their joint meeting. George Hamner will be reporting on the substance on that. A couple of the issues that came up from the science group were to

review (for the third time) the movement of nursery stock from quarantine areas to canker-free zones and the recommendations they had written; to look at the non-porous harvesting material issue and to make recommendations as to whether they should be mandatory or recommended and thirdly, to look at the hedging and topping issue as to whether it should be mandatory or recommended and to write it into the guidelines chart to control canker and lastly, was the newer issue which had to do with the replanting of trees into a quarantine area which was referred to the SIWG and they are working on that but have no opinion yet.

REGULATORY ISSUES WORKING GROUP REPORT

George Hamner stated that Tom Jerkins alluded to this, previously. The scientific and regulatory groups met jointly in a meeting that considered several areas. George referred to the minutes generated at that joint meeting of June 30 (copy attached for information). George reported on each item they discussed and their resultant recommendations to the FCCTATF:

Movement of Citrus Nursery Stock from Quarantine Areas

George Hamner advised that this issue dealt with Chuck Reed's request on the citrus nursery quarantine areas and a lot of it had to do with clarifying what was intended and/or reconfirming some decisions, first of which was not permitting citrus nursery stock movement from quarantine areas, even if the nursery is under 30-day inspection cycle. (The SIWG confirmed adamantly this was their position) and we continue that position.

Chuck asked for clarification of the *length of the quarantine period* question because it seems to be up in the air. The SIWG says it is up in the air because it might need to be longer so there is no defined quarantine period. It will be determined by risk assessment.

Movement of Citrus Nursery Stock from Quarantine Areas to Non-Citrus Producing States

The SWIG agreed that this was acceptable as long as they were free from canker and the proper safeguards were in place. The Regulatory Issues Working Group deferred action until the USDA responds regarding compatibility with federal regulations because right now it is not allowed in the USDA. If the USDA changes its mind, George said he doesn't think they would have any problem with that.

Mike Shannon advised that this is being worked on, but something is going to change. They are currently working on that.

Comment: Back in the mid 1980s, this type of movement was allowed.

Richard Gaskalla asked the question, on the international movement, if the receiving countries are willing to take citrus from a quarantine area, is that just dependent on the country's entry requirements?

Mike Shannon agreed that this is correct and it would be recognized as legal.

George Hamner mentioned that there was one other issue regarding citrus nursery blocks (i.e., citrus nursery blocks that are owned by the same individual, one of which is in a quarantine area and one which is outside a quarantine area.) Chuck wanted clarification that the whole nursery would not be under quarantine; but only the nursery block that was in the quarantine area and both groups concurred that this was correct.

Replanting in Quarantine Areas and Planting in Positive Groves

This was again discussed - right now replanting is not allowed! This has been referred to the SIWG to come up with some data to see if that can be changed.

Nonporous Ladders/Picking Tubs

George Hamner reported that the next item they discussed was the use of nonporous ladders/picking tubs. Frankly there is a lot of evidence that makes this a good idea. Both the Regulatory and SWIG agrees, however, they don't feel they can regulate away canker, so the group is not going to recommend that it be mandatory but they highly recommend that they try to use nonporous ladders/picking tubs such as aluminum ladders, plastic tubs, bins, etc.

Hedging/Topping in Quarantine Areas

George Hamner advised that Dr. Timmer gave a good summary of this issue. It is obvious that in the newest find, hedging has had some spread effect, but the fact of the matter is that it does cut off foliage that would create a higher risk if it was not cut down the road for swiping off of equipment that moves through the grove, but he feels that some type of hedging/topping is a positive thing. He also, feels in his report that an inspection of the grove should take place prior to topping/hedging. Consideration, under the regulatory group, was whether to make that topping/hedging inspection mandatory and they did not, so the current recommendation is to stay with the present policy and circulate Dr. Timmer's report the best we can and live within the guidelines. In quarantine areas, in positive groves, there is a lot of decontamination that goes on that is mandatory, so we probably don't have to have a mandatory inspection.

Fruit Movement from Citrus Canker Quarantine Areas to Citrus Producing States
George Hamner reported that there had been considerable discussion and we have been basing it on supporting sound science and the Regulatory Issues Working Group will continue to pursue citrus fruit movement from citrus quarantine areas to all citrus-producing states, as previously stated, and not limit it only to movement in Florida.

Distance Factors for Citrus Canker Exposed Tree Removal

George Hamner advised that the scientific body feels very strongly about the radius of 1900 feet from a positive canker infested tree. They feel in the Broward County area as they start north and south, if they find something in that area, they should go out 1900 feet to safeguard movement and then work on the interior of 125 feet and work out from the center and that is basically what the risk assessment of the situation down there stated. Inasmuch as the 1900 feet is proven in storm action, it was felt by the committee that we mandate all citrus trees up to 1900 feet of a citrus canker positive tree be removed based on risk assessment, both commercially and dooryard since there were two sections of this that we dealt with. That is the recommendation of

this committee. There has been a lot of discussion about that and George said before he continued, he thinks that there are some people who would like them to clarify the wording here to make sure this is the ruling we want.

Other Issues

George Hamner said there were other issues that came up, just basically critiquing our decontamination charts which are continually in circulation as well as ideas for changes. Richard Kinney recommended that we create benchmarks to measure the citrus canker eradication program's success. George said that this now concludes his report and called for motions.

ACTION ITEMS

Nonporous Ladders/Picking Tubs

MOTION ONE: A motion was made and seconded that the FCCTATF accept the SWIG and Regulatory Issues Working Group's recommendation that the use of nonporous ladders, picking tubs, etc. in quarantine areas not be mandatory, but be recommended. (Passed unanimously.)

Citrus Nursery Blocks That are Owned by the Same Individual, One of Which is in a Quarantine Area and One Which is Outside a Quarantine Area

NOTE: Motion (MOTION TWO) was made and seconded that the FCCTATF accept the SWIG and Regulatory Issues Working Group's recommendation that citrus nursery blocks outside of citrus canker quarantine areas which are under the same ownership or management as nurseries within quarantine areas will not be subject to citrus canker regulations.

Discussion ensued.

Richard Gaskalla said he understands the motion; however, he asked what if you have a new quarantine area established and the nursery block is put under quarantine and that nursery block has moved stock between that block and another block that is outside of the quarantine area freely, would you not want to at least consider something for that other block?

George Hamner commented, regulatory or not, that would be the first place he would start surveying.

Richard Gaskalla commented that it may just mean that you would put that other block under accelerated survey.

MOTION TWO: Was amended to read Citrus nursery blocks outside of citrus canker quarantine areas which are under the same ownership or management as nurseries within quarantine areas will not be subject to citrus canker "quarantine" regulations. (The word "quarantine" was added before regulations for clarification.) (Passed unanimously.)

Hedging/Topping in Quarantine Areas

MOTION THREE: A motion was made, and seconded, that the FCCTATF accept the SWIG and Regulatory Issues Working Group's recommendation that hedging/topping in quarantine areas not be prohibited, but recommends prior inspections. (Passed unanimously.)

Fruit Movement from Quarantine Areas

George Hamner advised that the Regulatory Issues Working Group recommended that we continue to pursue fruit movement from citrus canker quarantine areas to all citrus producing states as previously stated and not limit it to movement only within Florida.

Discussion followed.

Richard Gaskalla asked, for future reference, do we want to go ahead and put this back into the court of the USDA as far as moving it forward through the Federal hearing process?

George Hamner replied that originally the instructions were to petition the USDA so that is the thing to do to start this process.

Richard Kinney remarked that he had the benefit of attending the meeting in California where this was offered to their California counterparts out there and the science at that point looked good with Tim Schubert, Steve Poe, et al. having done the work. Nothing has changed in the science and it is still very justified; however, the white paper that is going to be submitted as justification for this is going to be the basis on rule change. It is going to be moved forward in this process and it will need to be very clear and precise and we need to be very comfortable with it. The California people did raise some issues and Tim Schubert went back and addressed those and we need to, point by point, address California's issues. We are waiting for that document to go to Secretary Glickman (or whoever it needs to go to) higher up in this process to get this moving down the line - there are people who are going to be affected by this.

Richard Gaskalla responded that Tim Schubert took copious notes at the meeting in California and he has captured all those points in a memo and, basically, issued a response. But, the issue paper as it was written is the same. We will attach that memorandum to it and advise that these were the points that were raised and tell them what we think.

The Federal rule hearing, publishing process, and time requirement was discussed.

Mike Shannon advised that the object of the meeting in California was to get some passive agreement about those people who were going to raise objections to the rule for their own purposes so there would not be any controversy because if we do have a rule with controversy, they pull the rule back. Mike said he may not be able to argue with the lawyers for briefer comment period, but there may be some other interest groups that might be able to influence how long that comment period will be.

MOTION FOUR: A motion was made and seconded that we continue to pursue fruit movement from citrus canker quarantine areas to all citrus producing states by submitting this to the USDA, along with the supporting white paper for publication as a Federal rule and that we continue to support it as long as it is not restricted solely to Florida. (Passed unanimously.)

Jim Griffith commented that they will live to regret it, if fruit from quarantine areas is allowed to be shipped to California and Arizona. He said he can't imagine they have enough volume of fruit to justify that kind of action.

Richard Gaskalla commented before we leave this issue, if there are packing houses now that are affected, is there room for some middle ground that we might get into an interim rule (i.e., that fruit could be moved from outside the quarantine area into a quarantine area to be packed?) Right now you can't do that and Richard says he can't see the sense in that. Currently, you can't take fruit from a non-quarantined area and move it into a quarantined area for packing for distribution to citrus-producing states.

George Hamner commented that the whole premise on all of this has been based on scientific data.

Richard Kinney remarked that the only thing that the fruit would be exposed to would be surface bacteria.

Comment: It is a commingling issue.

Connie Riherd advised that in packing houses that are outside of the quarantine area, they keep the fruit from quarantine areas and non-quarantine areas segregated and we could do the same thing with packing houses inside of the quarantine area.

Richard Gaskalla said he wished to bring up another point and this may currently be allowed but he said it probably is not. If there is a gift fruit operation in a quarantine area, can they sell fruit out the door with a limited permit on it?

George Hamner answered that a gift fruit shipper, under current law, could not do this.

Richard Gaskalla said in the last program when the whole State was quarantined, roadside vendors could sell out the door, but the premise was they were selling it to somebody that was going to put that fruit into their car and drive north.

Comment: That was when the whole State was quarantined, but to get from the fresh fruit place to out-of-state, you have to go through some non-quarantine citrus.

Question: Citrus fruit from a grove outside of the quarantine area coming into the packing houses in the quarantine area, would that grove be surveyed?

George Hamner said this has been an issue from day one with a couple of packing houses and he feels, from a standpoint, some one needs to back it up with risk assessment that would say that this is very low risk and then bring it to the Regulatory Issues Working Group so that they can deal with it. Until then, you are asking us in regulatory to make somewhat scientific decisions that, although common sense in your mind and my mind might sound very easy, they need to be backed up. George thinks this is the way this should be addressed.

Gene Mixon commented, I can't see why this type fruit movement is not allowed. We have tried to comply with all the rules and regulations from the very beginning. It is really a financial hardship on us; not only from the fresh fruit standpoint, but also from a cannery standpoint. If I ship it out of State, I have eliminations. I have specialty fruit that I cannot even move; I have to throw them away because there are no processors that I know of that are handling specialty fruit - temples, tangerines, and red grapefruit on occasion that we have to juice. Fortunately, we are able to use some in our juice but not nearly the volume that we have. In 1984-85, we worked very closely with Doyle Conner and his staff on this problem and came up with the enclosed, containerized package where all the fruit is treated and placed in an enclosed container and it went all over the State of Florida.

Richard Kinney commented that they find themselves in the same situation on the commercial side of the business (The grower/gift fruit shipper does a little commercial business, but mostly gift fruit). If you established a quarantine, for example in Polk County, and you included half a dozen packing houses, is there biological justification for bringing the fruit outside of the quarantine area into those packing houses and moving it out and not subjecting the rest of the industry to the spread of disease or even California? Richard said he is not a scientist. Richard says we need to move on this very quickly and ask if this can be an interim step, because if the biology suggests that we can do that safely, we need to act very quickly.

Craig Meyer advised that the comments are duly noted and he agrees that we need the science group to address this issue very quickly.

George Hamner commented that the current Federal law says that you cannot move citrus from a citrus quarantine area, packing house or not, into a citrus producing state - that means Florida. But what they are asking is (what he is hearing) is that we should try to figure out a way to either circumvent that Federal rule, which George thinks has been the problem all along, or figure out a way to allow fruit from outside a quarantine area which is not regulated into a quarantined packing house that could be allowed into the State. Does that need Federal regulation? That is the first question. George said his point is that this is a little bit like Chuck Reed's nursery stock. We can want and we can wish but the rule says there is no fruit movement into a citrus producing state from a quarantine area and what you are asking the Regulatory Issues Working Group to do is to figure how what "fudge" factor is allowable and we will put our heads together as long as the Feds don't object to this.

Mike Shannon advised that the proposal that we are putting forward has the science behind the answer to that question, so we will get your comments in from California, the same ones that they made when we were out there and will continue to make them and we will have to decide what the rule ought to say based on the science and the comments received.

Joe Ball asked if we should get the rules published in the Federal Register by August 1 for movement of citrus fruit from a quarantine area to citrus-producing states, 60 days is October 1, 90 days is November 1 - that is really pushing it late. He is wondering if it would be worthwhile for this group to take a position on when this will be published in the Federal Register. He knows it has been discussed for some time but there is a real time table on this thing that concerns him. You have made the motion and passed it unanimously to pursue the issue. He is wondering if they should put some teeth behind it and put a time table on it.

Mike Shannon advised that it will be placed on "top of the heap" but there are a lot of other issues on "top of the heap." There are a lot of issues and a lot of other people that all want their issues to be placed there also. That is what is going to have to occur. Is there any rush?

Comment: November 1, 1999, is, assuming after the 90-day comment period, we would have a rule that could be implemented fairly quickly because the gift fruit shipping season starts in early November; commercial fruit starts moving a lot earlier than that.

Richard Gaskalla commented that from his experience in dealing with issues like this is that it will take a minimum of one year, so we better look for an interim rule. On issues like this that involve those citrus producing states with strong lobbying power, and the number of comments that come in with a proposal like this will be measured in the hundreds. They have to look at each one of those and respond accordingly.

Question: Is there an interim position you could take to move this thing forward?

Richard Gaskalla said he thinks a general rule with some things that we could sell to provide some immediate relief that is not controversial to the other citrus producing states is where we need to go and that is dealing with the issue of fruit moving outside of the quarantine area into a quarantine area and allowing gift fruit shippers in the quarantine areas to sell "limited permit" fruit out the door. Those two things are not going to be a problem to the other citrus producing states. They will be less of a problem.

Mike Shannon said the way to do this is to ask for an interim rule, because that in effect, takes the approach that we are not only doing this just for movement in Florida but for everywhere, in other words, we are saying if the State has a citrus canker program, this movement could occur, whether it is California, Arizona, etc. It would be taking care of Florida's problem.

George Hamner said that the good news is that this is something the USDA will have to deal with. He doesn't know if that would work for him personally.

His concern has to do with international. George said he doesn't know if it is a big deal there. Right now you are dealing with a small amount of fruit and the fact is how far are we going to bounce to risk some of our exports for one operation? George says it is not that he doesn't believe that the gift fruit shipper doesn't have a good issue, but he thinks they have to be careful about what they are doing. He believes there certainly should be some areas there, but he believes that those are something that the State and Feds have to work out amongst themselves.

Richard Gaskalla mentioned that if you let that fruit to be sold by a gift fruit shipper with a limited permit, then you are still in compliance.

Distance Factors for Citrus Canker Exposed Tree Removal

George Hamner reported that after a large and lengthy discussion, it boiled down to mandating that all citrus trees up to 1900 feet of a citrus canker positive tree be removed based on risk assessment. In a nutshell, this is just simply changing the rule of up to 125 feet to up to 1900 feet. There has been a question as to whether or not we should have left in the 125 feet wording.

NOTE: Motion (MOTION FIVE) was made and seconded that the FCCTATF accept the SWIG and Regulatory Issues Working Group's recommendation mandating that all citrus trees up to 1900 feet of a citrus canker positive tree be removed based on risk assessment.

Discussion ensued.

George Hamner said during their discussion, there was some concern about removing the wording that referred to the 125 feet because that has currently cleared court strength and possibly changing the wording to something that would remove all citrus trees; initially it was a radius of 125 feet and up to 1900 feet, based on risk assessment.

Richard Gaskalla said more of the thinking on that was that if a grower has a resistant variety like a Valencia and has one positive tree in a corner, he may not need to take out 125 feet. In fact, there are incidences in Manatee County where much less than 125 feet were taken in resistant varieties and there has not been any more disease there.

George Hamner said that he is not sure we are not arguing about the semantics in wording here and he is not sure if the motion as it exists - the current rule up to 125 feet and it simply says, unless deemed necessary to go to 1900 feet - up to 1900 feet by risk assessment, is what he has been hearing and if that clarifies the position for everybody better.

Richard Gaskalla said they talked about that, they did that with risk assessment by program areas where there are different standards and different benchmarks.

George Hamner stated that the motion was left fairly wide open for that reason - it did encompass dooryard and commercial. George said he would have to ask

those people in regulatory whether or not they feel as Tom Jerkins feels that the 125 feet needs to be written in because they may be concerned about the legal side in continuing the application of the 125 feet.

Comment: The only way I would say to put that in there is to make it absolutely mandatory that you take everything within 125 feet and then based upon risk assessment, do 1900 feet; but if you say, based on risk assessment, we can go to 125 feet and then you can go to 1900 feet.

George Hamner said he really thinks the question, based on the discussion, needs to be posed to Richard Gaskalla, Connie Rihard, Jack Nietzke, Leon Hebb, and other regulatory people as to whether or not this poses any confusion in your minds as to what you should or should not do or Mike Shannon, if it is not clear for Federal purposes. Is this an unclear statement? Is there any thing clarifying what needs to be done?

Richard Gaskalla said probably what the Department needs to do is circle up on this recommendation and determine what our response is.

George Hamner said he believes that was what Tom Jerkins indicated to him when he talked to him about it as to potentially leaving in some wording that referred to the old 125 feet simply so that in the rule making, anybody looking at it historically saw it was up to 125 feet unless deemed necessary by risk assessment to go further to 1900 feet.

More discussion.

Jim Griffiths commented that what they are really voting on is a risk assessment recommendation to go in 1900 feet on the margins but otherwise to stay at 125 feet. Jim says he thinks that's what that motion means.

Gregory Carlton said "No," the intent of the motion he made at the joint regulatory and science group's meeting is that anywhere in the citrus industry that they have citrus canker, the State has the ability to go to 1900 feet based on their evaluation of the situation no matter where it is, but it is up to them through risk assessment if they want to make it mandatory that they go to 125 feet on everything they find, they are given the ability to do that.

Jim Griffiths remarked if that is what they are voting on, then they need some opinion from DPI as to what it is that they are probably going to be doing. He thinks they need to know that. The scientific data and what DPI does don't necessarily agree always.

Jack Nietzke advised that they are surveying some groves that the rows are a half mile long. From his observations, they are seeing quite a lot of movement of citrus canker - subsequent infections through hedging, harvesting and other means of mechanical and personnel movement. If you only limit it to the 1900 feet, you can't take that whole row out and that is what needs to be done. If you want to be pro-active to get rid of that canker, you need to take care of the area of infection or at least the exposed trees. (Jack further elaborated on the size of the rows in groves, etc.)

George Hamner said they based their recommendation on the scientific paper, which was very conservative, the average distance comes down to 1900 feet. There may be some strong feeling that they should go further than that but right now that is the document that they feel comfortable with and "can hang their hat on" day in and day out.

Craig Meyer said to summarize the current position in light of this motion to try to clarify the air once again, is anytime up through today that we have removed any trees outside of 125 feet, it has been with the cooperation, sometimes not particularly forthcoming, but the eventual cooperation of the owner. We are not taking out 450 feet from an infected tree based on anything other than self-preservation and cooperation from the grove owner, because the current law in this State is that we have the ability to take out any citrus tree that we deem is a hazard resulting from citrus canker. We just have to be prepared under current law to pay for any trees that are outside of the 125 feet radius unless we have the cooperation of the grove owner who consents to do this, and signs the covenant not to sue. The case law in this State is that we do not have to reimburse up to 125 feet but the statutory law says that we have the authority to take out any citrus tree in Florida that the Commissioner deems is at risk to harbor citrus canker. So, we do have the authority to go beyond 1900 feet but beyond 125 feet, case law, we either have to have your cooperation or we have to pay you. The scientific paper with the 1900 feet data will eventually be tested in court and as to how much farther beyond 125 feet can we take out without having to pay compensation to the owners if the owners are resistant. This is true even in today's environment. So to get back to the motion, as Craig understands it, it means based on risk assessment, citrus trees will be removed up to 1900 feet from an infected tree. Craig says these are the same words except that he put the phrase "based on risk assessment" first. Craig says he doesn't think that violates the 125 feet standard and he can assure everyone that once this program is over, we will be in court finding out if there is a supportable in-court position beyond 125 feet. Craig said we have been interpreting the minutes and speaking for DPI, currently in Dade and Broward Counties, we are going to go 125 feet unless based on risk assessment, we decide to go farther. In the grove areas, 125 feet is our minimum standard currently, and certainly, the Murcotts are included as we discussed earlier today but in most cases, the owners for their own self-preservation, are working with us to go beyond 125 feet - at least in the first pass. As we have seen in Manatee County, subsequent passes of 125 feet may not be necessary dependent upon risk assessment, type of variety, etc.

Question: The question was asked if a situation should occur whereby someone did not agree with a risk assessment that said that they would go 1900 feet across the block. Is there anything in the process that there could be a hearing before they went in and started pushing the 1900 feet crossways, is there anything the grower could do (i.e., a stop order until it was dealt with?)

Richard Gaskalla answered that previously if the grower didn't agree with the risk assessment, then the technical advisory committee would address that. Richard said he didn't know if that was what they would do in this program. A risk assessment is a recommendation to the Department and nine times out of

ten, we would go with the risk assessment because it is well justified, but we are not obligated here to do so.

Connie Riherd advised if a grower disagrees, and the Department wanted to go forward, they have to issue an immediate final order and there are appeal rights involved in that.

Yvonne DeMarino asked, then you originally want to reword this motion to include 125 feet, if you don't put the 125 feet wording in, are you going to have a mandatory removal in Broward and Dade Counties? But, you are not going to have a 125 feet mandatory anywhere else.

Richard Gaskalla answered that this is possible, dependent on risk assessment.

Yvonne DeMarino said she personally feels 125 feet should be across the board.

George Hamner remarked that the 125 feet in the old rule that we were talking about, as he understood the discussion, was still up to 125 feet. All of this was based on risk assessment and all that this says is up to 1900 feet and it does not say up to 125 feet and then again up to 1900 feet.

Leon Hebb said he just had to make a statement. There is no 125 feet in any canker rule. That has been the policy originally produced by liability and destruction. The control action to be taken is determined by risk assessment. If we wanted to go ten miles, we could do that. If you put the 1900 feet in there, you are really just setting a limit. There is nothing in the rule that states a limit, minimum or maximum. The control is determined and recommended to the Department by risk assessment and that is free to fluctuate depending on the knowledge we have and the conditions where the disease is.

Craig Meyer remarked again, as he said before, the Commissioner has the authority to remove citrus trees that he deems are at risk of either harboring disease or being capable of harboring disease if they are in an area where citrus canker is present. This has been in and out of court. You have read that in the statutes. In exercising that authority, Commissioners in the past and the Department have been sued and the results of those law suits were that the courts held a tree that was infected or within 125 feet of an infected tree was the same as being an infected tree (i.e., it had no value and, therefore, the Department has no responsibility to compensate the owners for those trees.)

George Hamner told Leon, that from his own standpoint, he was confused because everybody has talked so much about up to 125 feet and he thought he was shown that in writing once. Was that portion of what he had been shown internal policy?

Richard Gaskalla said it has been in and out of our rules. Right now it is not because we are using the risk assessment.

Craig Meyer said this is a tricky concept, because as Richard said, it has been in our rules over the years. It's not widely understood.

George Hamner feels it may make a difference as to whether or not we want to change the rule to do this and that was not made clear to him at their last meeting. What we are trying to do with this is support the regulatory side to allow this "zone" of removal of trees to be taken out, whatever ensues after that occurs, based on court fights or not. We are saying that you need to be able to go out this far because that is where we are showing potential movement averaged out per Dr. Gottwald's papers with tropical storms and weather patterns. We are trying to "move the needle."

Comment: What I'm hearing is we don't need to move the needle - the needle is wherever it wants to be. All we are doing is trying to mitigate the State's liability.

Richard Gaskalla said the point is this group is supposed to be giving the Department guidance and he believes that is what this is.

Craig Meyer said he agrees and to add to Richard's remarks, this 1900 feet is very important to us because we are going to be testing this thing. We will be sued and are going to be asked in court as to why we go to 1900 feet instead of 125 feet and the answer will be because of this group's meetings; because of Dr. Gottwald's research and research done by others, and because field experience shows that 125 feet in some cases did not work. All those will be in an argument held after the trees have been removed and people are seeking financial compensation for those trees and this will be an important part of why the Department has moved beyond the 125 feet. In practice, particularly in the grove settings, is not always effective and the most recent example is they went 450 feet.

Harold Browning stated, just following case law, then if you were upheld, ultimately that 125 feet that you are basing your balance on, could be something greater.

Craig Meyer said that we have to remember that the 125 feet came about through the early research which the lawyers in court implied it established the 125 feet. The 125 feet didn't get pulled out of the air in the middle of a court fight. It was based on the work done back in the 1960s. It has seemed to work in some parts of the State where it didn't work in others.

Question: Are we adding a tool to the Commissioner's tool box or are we just able to do it?

Richard Gaskalla answered that we are adding a tool to the program and that is what we are looking for because if we have to do everything just a square mile based on risk assessment and we can justify that, that is what we are going to do, but we would like to have some benchmark for the program to use in the risk assessment process. Richard said he would much rather it go to the court room with risk assessment documents that we have destroyed trees out to 1200 feet, for instance, based on the variety, amount of disease, how long it was there, etc. and that makes it much more "bullet proof" than just to say we went out there and destroyed out 1900 feet.

George Hamner said the whole purpose of maintaining this based on risk assessment, as Leon said before, had to do with the density of the spread, the number of trees, the varieties next to it, and how easier it could be spread. There are a lot of issues here that we can't see to encompass and group on an A.B.C.D.E.F.G. rule and that is why we leave it with risk assessment. George said this is the first he had heard about it not being a rule and that, in fact, this might hurt us and we have been talking about this for awhile and he wished it had been made clear to him in the beginning. This is our recommendation on guidance.

Question: Should we put in there "but not limited to 1900?"

Connie Riherd pointed out that the minutes of this meeting will reflect their intent not to limit it to the 1900 feet.

Comment: From what I have heard here, one of the important things is that you are sending the message that 125 feet isn't enough and it gives you some protection with compensation. You still have the authority to take out every tree in the State if it needs to be done. The important thing is it gives you the tool and the message to everybody that we need to go further than what we have been doing.

Craig Meyer said he agreed with that and he thinks it is helpful and supportive to the program to have this in place. In addition to which, it was hard and fast that the law of the 125 feet was it and this was the recommendation of the legislature, but the legislature has said over the years that the Commissioner had to make these determinations and over the years the 125 feet was in and out of the rules, depending upon which version you look at. It is a confusing issue, but Craig thinks this is an important motion.

Richard Kinney commented that the science indicates that we should support the recommendation to take out exposed trees up to 1900 feet and the statute indicates the Commissioner has the authority to do greater than that if needed. Having said that, though, if it is only 10 feet or 20 feet or 30 feet and risk assessment says that is all that is necessary because of variety, etc. and the science supports that.

Craig Meyer said he is not going to make an absolute statement, but the general experience he has had is that the majority of the time that they take out less than 125 feet, it is a subsequent pass - it's not the first time you are going through the grove. Generally speaking, currently in commercial groves, they have gone at least 125 feet on the first pass and with the cooperation of the owners, well beyond that, and we will continue to do so.

Comment: Since the Commissioner has the authority really to do anything he wants, it seems we could coordinate this with his authority and mandate that all citrus trees up to 1900 feet or more of a citrus canker positive tree may be removed based on risk assessment.

George Hamner said he would have to defer it to Richard and the others. Part of the reason they didn't do that had to do with the fact that, for better or worse, when you are moving the needle, whether everyone agrees with it or not,

there is a study that says this is 1900 feet as the average so it is a stronger position. George said he was not sure if adding "and or more" would not be adding fuel to a fire inasmuch as this is intended to be a recommendation to them and he doesn't think that would be necessary.

Richard Gaskalla said the only comment he would make about going beyond 1900 feet, right now the only time we would go beyond 1900 feet is if the property owner decided to do that and signed a release. If we ever come to a situation and he hopes we don't, where we would have to mandate beyond 1,900 feet, then it's going to come back before this committee before we do that.

MOTION FIVE:	Was <u>amended</u> to read: Based on risk assessment, all citrus trees up to 1,900 feet of a citrus canker positive tree may be removed. (Passed unanimously.)
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George Hamner advised that at their joint meeting, they also discussed whether or not they should do something formally on a back-up risk assessment in Dade and Broward Counties and George said he didn't know if that is necessary or not. Wayne Dixon had reviewed the Citrus Canker Risk Assessment Group's recommendations for a policy in those counties.

NOTE: Craig Meyer remarked that it is covered in the amended motion (Motion Five.)

Federal Research Monies (\$700,000) Allocation - Panel of Scientists

Laurene Levy reported that the panel had now been organized. Members are: Dr. Harold Browning (UF/IFAS/CREC); Dr. Wayne Dixon (FDACS/DPI); Dr. Steve Garnsey (USDA/ARS); Mr. Mike Ivey (United States Sugar Company); Mr. Paul Hornby (USDA/APHIS); Mr. Mike Hornyak (USDA/APHIS); Dr. Steve Poe (USDA/APHIS); Dr. Arnold Tschanz (USDA/APHIS); and myself. Dr. Laurence Levy (USDA/APHIS, Coordinator of the Panel). Laurene reported that they tried to balance the panel so that they would have representation from all groups. The panel met on July 7 and at the time were evaluating seven proposals that came to them; one of them was delivered to them the morning of the meeting. They range from survival, spread, control, diagnostic tests, genetic engineering, and two proposals on remote sensing. The Galileo proposal came to them by not usual means and they already had three in that were an inch thick which were more than they could digest at that time. There were some questions by the panel over what technology is available now, what groups are doing what and how those groups are commingled. The group decided to table those proposals for the moment so that they could go back to each group for some additional information from one group, less information from another, and a little bit clearer specifics from the Galileo Group on what was deliverable for one year so they have a little more work to do on that one. The group is an extremely cohesive group. Everyone works really good together. There was pretty good support on the grants for the scientific matters and the relevance of the issues that were developed by the SWIG and also their benefits to the CCEP - State and Federal interests in those programs. Some may be risky but the benefits may be very good and they had good discussions on that. There was a little bit of concern raised when they are dealing with technologies that are going to be contracted out or private companies as to the property rights and

as to who is going to own the technologies and what access people would have to them. They are going to have to deal a little bit with that in talking to those applicants. They are in the process now of going back to the applicants with the concerns and suggestions of the panel regarding scope and budgets of some of the projects and getting some statements from them for clarification and, basically, what they are going to do is to get into the granting phase, some of which will start next week of setting up cooperative agreements, etc., so they are moving along pretty well and they will be coming back shortly to the remote sensing groups and deal with them together so that they can evaluate them fairly and together, not necessarily in a competitive way. Also, they will start an outreach for more grants. They know of two more, one has to do with processing line and the other with control chemicals. Laurene recommended in the future if anyone is aware of grants to come in or people who are interested, the best thing to do is to ask them to contact her so that we can explain the necessary format, process, etc.

Other Issues

Connie Riherd mentioned that at the joint meeting of the SWIG and Regulatory Working Group, they, at Lisa Rath's recommendation, had developed a list of requirements for packing houses and processors receiving fruit from quarantine areas. She had a document that they developed that does that. Connie said she shared copies with them and asked for them to let her know as soon as possible if they had any comments and or changes because Lisa recommended that we send that out prior to August 1.

Richard Gaskalla mentioned that sanitation guideline charts that have been updated by the SWIG and Regulatory Issues Working Group are now available to anyone who would like them.

Note: The question was asked of Richard Gaskalla if they have a tally of all the tree destruction to date? Richard answered that he did not have those figures right available but we do have them and he would make them available to anyone who wanted them.

Meeting adjourned at 12:00 noon

Next meeting is scheduled for Friday, September 17, 1999, at 9:30 AM, at the Ben Hill Griffin Auditorium, Lake Alfred.

Submitted by Florence Roberts.

Attachment: Minutes of June 30, 1999, Joint Meeting of the SIWG and the Regulatory Issues Working Group