

Quarantine for the Formosan subterranean termite, *Coptotermes formosanus* Shiraki

The Texas Department of Agriculture (the department) adopts on an emergency basis an amendment to <*>19.181, concerning a quarantine for the Formosan subterranean termite, *Coptotermes formosanus* Shiraki. The amendment adds Hays County to the list of subterranean termite-infested counties in Texas. Texas A & M University recently informed the department that a subterranean termite infestation was detected in Hays county. The addition of Hays County increases the list of the Texas counties quarantined for the subterranean termites to 31. The amended section is adopted on an emergency basis to slow the spread of this termite into termite-free areas of Texas.

The department believes that it is necessary to take this immediate action to reduce the spread of the Formosan subterranean termite into termite-free areas of Texas, and that adoption of this amended section on an emergency basis is both necessary and appropriate. There is an imminent peril to homeowners, pecan trees in backyards, and possibly pecan orchards and other commercial fruit trees. The amended section does not alter the natural spread of this termite but requires termite-free movement of the quarantined articles, which may include fumigation of railroad ties, the primary pathway of the termite spread. Amended <*>19.181 adds Hays County to the list of the Formosan subterranean termite-infested counties in Texas. The department may propose adoption of this rule amendment on a permanent basis in a separate submission.

The amendment to <*>19.181 is proposed under the Texas Agriculture Code (the Code) <*>71.002, which provides the department with the authority to quarantine an area if it determines that a dangerous insect pest or plant disease not widely distributed in this state exists within an area of the state; the Code, <*> 71.003, which provides the department with the authority to declare an area pest-free and quarantine surrounding areas if it determines that an insect pest or plant disease of general distribution in this state does not exist in an area; and the Code, <*>71.007, which authorizes the department to adopt rules as necessary to protect agricultural and horticultural interests, including rules to provide for a specific treatment of quarantined articles; and the Texas Government Code, <*>2001.034, which provides for the adoption of administrative rules on an emergency basis, without notice and comment.

<*>19.181. Quarantined Areas.

The quarantined areas are:

(1) - (9) (No change.)

(10) Texas counties: Anderson, Angelina, Aransas, Bexar, Brazoria, Brazos, Cameron, Chambers, Collin, Comal, Colorado, Dallas, Denton, Fort Bend, Galveston, Gregg, Harris, <etb>Hays,<et> Henderson, Hidalgo, Jefferson, Johnson, Liberty, Nacogdoches, Nueces, Orange, Polk, Rockwall, Smith, Tarrant, and Travis.

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