ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
PLANT INDUSTRY
ADMINISTRATIVE CODE

CHAPTER 80-10-6
IMPORTED FIRE ANT QUARANTINE

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80-10-6-.01 Determination Of Problem And Establishment Of Quarantine.

(1) It has been determined that the destructive insect pest known as the black imported fire ant, Solenopsis richteri Forel and the red imported fire ant, Solenopsis invicta Buren has become established in the state of Alabama as well as in other states. It is also found and determined that this pest is extremely injurious to Alabama cultivated crops and that a quarantine against said pest would be in the best interest of horticulture and agriculture in Alabama.

(2) Due to the above determination, a quarantine against the above defined pest is hereby established.

Author: Charles H. Barnes
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80-10-6-.02 Definitions.

For the purpose of this quarantine and regulations, the following shall be construed respectively to mean:

(1) Certificate of Inspection. A document issued by the commissioner to allow the movement of regulated articles to any destination. Such certificate of inspection shall also be construed to imply complete compliance with restrictions noted in this quarantine.

(2) Commissioner. The Commissioner of the Department of Agriculture and Industries of the State of Alabama, or his authorized representatives.

(3) Compacted Soil. Soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

(4) Compliance Agreement. A written agreement between a person or concern engaged in growing, dealing in, or moving regulated articles and the Alabama Department of Agriculture and Industries, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the imported fire ant.

(5) Exemptions. Conditions described herein which provide for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

(6) Infestations. The presence of the imported fire ant or the existence of circumstances that make it reasonable to believe that the imported fire ant is present.

(7) Mechanized Soil-Moving Equipment. Mechanized equipment used to move or transport soil, e.g., draglines, bulldozers, road scrapers, and dump trucks.

(8) Permit. A document issued by the commissioner to allow the movement of noncertified regulated articles to a specified destination for particular handling, utilization, or processing, or for treatment.

(9) Person. Any individual, firm, partnership, corporation, association or other legal entity or organization.

(10) Moved, Movement, Move. Shipped, deposited for transmission in the mail, offered for shipment received for transportation, carried, otherwise transported or moved, or

allowed to be moved, by any means whatsoever, by any person, directly or indirectly.

(11) Pest. The insect known as the imported fire ant, two species, Solenopsis richteri Forel and Solenopsis invicta Buren in any stage of development.

(12) Regulated Area. Any county, parish, township, city or other civil division or part thereof in any state, country, or territory listed in this quarantine as being placed under quarantine, and such other areas as may become infested or deemed to present a hazard of spread of the imported fire ant.

(13) Soil. Soil shall be considered as that part of the upper layer of earth in which plants can grow.

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80-10-6-.03 Articles Regulated.

The following pests and articles shall be regulated by this quarantine.

(1) The black imported fire ant, Solenopsis richteri Forel, and the red imported fire ant, Solenopsis invicta Buren, in any living stage of development;

(2) Soil, compost, decomposed manure, humus, muck and peat, separately or with other things;

(3) Plants with roots with soil attached;

(4) Grass sod;

(5) Hay and straw;

(6) Used mechanized soil-moving equipment;

(7) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by the commissioner that they present a hazard of spread of imported fire ant and the person in possession thereof has been so notified.

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80-10-6-.04 Regulated Areas.

All infested areas of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Texas and all other state or additional areas within currently quarantined states hereafter found to be infested with imported fire ants are deemed regulated areas.
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80-10-6-.05 Certificates And Permit Required.

Unless exempted, a certificate or a permit must accompany the movement of regulated articles from any regulated area into or through any point outside thereof. Regulated articles originating outside of a regulated area may be moved without a certificate or permit if the point of origin is clearly indicated on the shipping document accompanying the regulated articles, provided, in the case of articles moved through a regulated area, the regulated articles are protected from infestation, while within regulated areas, to the satisfaction of the commissioner.
Author: Charles H. Barnes
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80-10-6-.06 Attachment Of Permits And Certificates.

When certificates or permits are required, they shall be securely attached to the outside of the container in which the articles are moved except where the certificate or permit is attached to the shipping document and the regulated articles are adequately described on the shipping document or on the certificate or permit, the attachment of the certificate or permit to each of the containers is not required.
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80-10-6-.07 Requirements For Obtaining A Certificate Of Inspection.

Certificates may be issued by the commissioner if the regulated articles:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated area; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with approval procedures; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

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80-10-6-.08 Issuance Of Permits.

Permits may be issued by the commissioner to allow the movement of noncertified regulated articles to locations outside the regulated areas for particular handling, utilization, processing, or for treatment in accordance with approved procedures, provided the commissioner has determined that such movement will not result in the spread of the imported fire ant.

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80-10-6-.09 Movement Of Regulated Articles Within Regulated Areas.

There are no restrictions imposed on the movement ofregulated articles within regulated areas unless the articles originate on infested properties and the commissioner has determined that a hazard of spread exists and the property owner has been so

notified. A property owner so notified may move the specified regulated articles within the regulated area only under conditions approved by the commissioner.
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80-10-6-.10 Disposition Of Certificates And Permits.

In all cases, certificates and permits shall be furnished by the carrier to the consignee at the destination of the shipment.
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80-10-6-.11 Exempted Articles.

The following articles are exempt from all regulated area certification and permit requirements if they meet applicable conditions prescribed and have not been exposed to infestation after cleaning or other handling:

(1) Potting soil, if commercially prepared, packaged, and shipped in original containers;

(2) Hay and straw, if used for packing or bedding;

(3) Used mechanized soil-moving equipment, if cleaned of all loose, noncompacted soil;

(4) Transplants, if substantially free of soil, and houseplants grown in the home and not for sale;

(5) Soil samples for processing, testing, or analysis may be moved from the regulated area only to laboratories operated under compliance agreement or only in emergencies under authorization from the commissioner;

(6) Compost, decomposed manure, humus and peat, if dehydrated, ground, pulverized, or compressed;

(7) Logs and pulpwood, provided the loading site has been properly treated as recommended;

(8) Stump wood, if free of excessive amounts of soil, provided the loading site has been treated and the stump wood is consigned to a designated plant.

Author: Charles H. Barnes
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80-10-6-.12 Waiver By Commissioner.

The commissioner, in his discretion, may waive the requirements for movement of regulated articles for experimental or scientific purposes in accordance with specified conditions.

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80-10-6-.13 Compliance Agreements.

As a condition of issuance of certificates of compliance or permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he will maintain such safeguards against the establishment and spread of infestation and subsequent movement of such articles, and the cleaning and treatment of means of conveyance and containers used in the transportation of such articles as may be required by the commissioner. United States Department of Agriculture compliance agreements may be utilized to meet the requirements of this rule.

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80-10-6-.14 Inspection And Disposal.

The commissioner, after displaying proper identification, is authorized to stop and inspect, without a warrant, any person or means of conveyancemoving into, within or from the state of Alabama upon probable cause to believe that such means of conveyance or articles are infested with the imported fire ant;

and to seize, treat, destroy, or otherwise dispose of articles found to be moving in violation of this quarantine.
Author: Charles H. Barnes
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