

R68. Agriculture and Food, Plant Industry.

R68-10. Quarantine Pertaining to the European Corn Borer.

R68-10-1. Authority.

- A. Promulgated under authority of 4-2-2.
- B. The fact has been determined by the Utah Commissioner of Agriculture and Food that a serious insect pest known as the European Corn Borer (*Pyrausta nubilalis*), not known to exist in the State of Utah, exists in the described infested areas, and the restricted products described are hosts or possible carriers of pests.
- C. The Commissioner, by virtue of the authority in him vested by 4-2-2, does establish a quarantine setting forth the name of the pest against which the quarantine is established, the infested area, the products regulated, and specifying conditions governing shipments and issuance of certificates under which products may be shipped.

R68-10-2. Pest.

European Corn Borer (*Pyrausta nubilalis*)

R68-10-3. Areas Under Quarantine.

All States and Districts of the United States except the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, New Mexico, Oregon, and Washington.

R68-10-4. Infested Areas.

Entire States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

R68-10-5. Commodities Covered.

Restricted Products: Corn, broomcorn, sorghums, and sudangrass plants and all parts thereof, including seed and shelled grain, and stalks, ears, sweet corn on the cob, and all other parts (except seed for planting purposes and popcorn for human consumption when free from portions of plants or fragments capable of harboring larvae of European Corn Borer); beans in the pod, beets, celery, peppers (fruits), endive, Swiss chard, and rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems), and gladiolus (except corms without stems), are hereby declared to be hosts or possible carriers of the pest herein quarantined against.

R68-10-6. Restrictions.

- A. Definitions. As used in this section, the following words and terms shall be construed respectively to mean:
 1. "Portions of plants or fragments capable of harboring larvae of European Corn Borer" - Any portion of a host plant of any shape or size which cannot be passed through a 1/2 inch square aperture, and any completely whole, round uncrushed section, portion, or piece of cob, stalk, or stem of one-inch or more in length and 3/16-inch or more in diameter.
 2. "Official Certificate" - a document, issued by a duly authorized representative of the designated State Department of Agriculture and Food evidencing compliance with the provisions of this rule and setting forth all information and facts hereinafter required.
- B. Certification is required on all shelled grain from areas under quarantine. Except as provided in paragraph E. below, each lot or shipment of shelled corn, broomcorn, sorghums and sudangrass grown in or shipped from the area under quarantine described in section 2. imported or brought into this state shall be accompanied by an official certificate evidencing compliance with one of the following conditions:
 1. Certificates on shelled grain grown in or shipped from the infested area, must either affirm that said grain has been passed through a 1/2-inch mesh screen or less and is believed to be free from stalks, cobs, stems, or portions of plants or fragments capable of harboring larvae of the European Corn Borer, and further, that the car or truck was free from stalks, cobs, stems, or such portions of plants or fragments at the time of loading; or, affirm that said grain has been fumigated by a method and in a manner prescribed by the Utah Department of Agriculture and Food, and setting forth the date of fumigation, dosage schedule, and kind of fumigant used.
 2. Certificates for shelled grain grown in and shipped from non-infested states under quarantine must be issued by the proper official of the state wherein such grain was produced, affirming that all such grain covered by said certificate is a product of said state wherein no European Corn Borer is known to exist and that its continued identity has been maintained to assure no blending or mixing with grain, plants, or portions thereof produced in or shipped from an infested area.
- C. Any lot or shipment of shelled grain arriving in this state which is not accompanied by an official certificate as hereinbefore required, or which is certified on the basis of freedom from contamination with portions of plants or fragments capable of harboring larvae of European Corn Borer as defined above and which is found to be so contaminated, shall be deemed to be in violation of this quarantine.
- D. All certificates issued in compliance with this quarantine shall also set forth the kind and quantity of the commodity constituting the lot or shipment covered thereby, the initials and number of the railway car or license number in the case of a truck, and the names and addresses of the shipper and consignee.
- E. Small lots and packages of seed may be admitted without a certificate. Individual shipments or lots of one hundred pounds or less of clean shelled grain and seed covered by this quarantine, or comprised of packages of less than ten pounds, are hereby

exempted from the certification requirements and will be admitted into this state subject to inspection and freedom from portions of plants or fragments capable of harboring European Corn Borer.

F. Stalks, ears, cobs, or other parts, fragments, or debris of corn, broomcorn, sorghums, and sudangrass may be admitted under a fumigation treatment certificate. Stalks, ears, cobs, or other parts, fragments, or debris of corn, broomcorn, sorghums, and sudangrass grown in or shipped from the area under quarantine imported as such or as packing or otherwise, will be admitted into the State of Utah only provided each lot or shipment is accompanied by an official certificate of the state of origin, affirming that all stalks, ears, cobs, or other parts, fragments, or debris of such plants accompanied thereby have been fumigated by a method and in a manner prescribed by the Commissioner, and setting forth the date and full particulars of the treatment applied; except, that stalks, ears, cobs, or other parts, fragments, or debris of said plants grown in and shipped from states under quarantine not listed in the infested area will be admitted into the State of Utah, provided each shipment or lot is accompanied by an official certificate of the state where produced, affirming that such product is a product of said state wherein no European Corn Borer is known to exist and that continued identity of the product has been maintained to assure no handling or storage in association with stalks, ears, cobs, or other parts, fragments, or debris of such plants grown in or shipped from infested areas herein described. All certificates issued in compliance with this paragraph must also set forth the kind and quantity of the commodity constituting the lot or shipment covered thereby, the initials and number of the railway car or license number in the case of a truck, and the names and addresses of the shipper and consignee.

G. Certification is required on certain vegetable and ornamental plants and plant products produced in or shipped from an infested area. Except as provided in paragraph h. below, beans in the pod, beets, celery, peppers (fruits), endive, Swiss chard, and rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems), and gladiolus (except corms without stems) produced in or shipped from the infested area will be admitted into the State of Utah, provided each lot or shipment is officially certified by a duly authorized official of the state where produced, evidencing that such plants, products, or cut flowers have been inspected or that the greenhouse or growing grounds where same were produced were inspected and no European Corn Borer was found, or that such plants, products, or cut flowers have been fumigated by a method and in a manner prescribed by the Utah Department of Agriculture and Food and setting forth the date of fumigation, dosage schedule, and kind of fumigant used. No restrictions are placed by this quarantine on the entry into Utah of such vegetable and ornamental plants and plant products produced in and shipped from any non-infested state.

H. Certain restricted products are conditionally exempt from certification. Certification requirements of paragraph G. above are hereby waived on individual shipments or lots of certain restricted vegetable, ornamental plants, and plant products described therein, under and subject to the following conditions:

1. In lots of shipments of ten (10) pounds or less--beans in the pod, beets, peppers (fruits), endive, Swiss chard, and rhubarb (cut or plants with roots).

2. During period of November 30th to May 1st - divisions without stems of the previous year's growth, rooted cuttings, seedling plants and cut flowers of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, and Japanese Hop.

I. Manufactured or processed products are exempt from restriction. No restrictions are placed by this quarantine upon the movement of the restricted products herein defined which are processed or manufactured in such a manner as to eliminate all danger of carrying the pest herein quarantined against.

R68-10-7. Enforcing Powers.

A. Authorized agents of the Utah Department of Agriculture and Food shall refuse admittance into the State of Utah any quarantined products that do not meet the provisions of this quarantine.

B. Any shipment found within Utah in violation of this quarantine shall be treated to comply with this quarantine or be returned to the shipper at once. In either case, the shipper shall stand the expense incurred.

R68-10-8. Approved Fumigation Treatment for European Corn Borer Bulk Shelled Grain (corn, broomcorn, sorghum and sudangrass in railway cars or trucks).

Atmospheric fumigation for a period of 16 hours using methyl bromide at the following rates to be determined by the temperature of the product and interior of the car during the period of exposure.

TABLE

TEMPERATURE	LBS. PER 1,000 CU. FT.
60 degrees F. and above	4
55-59 degrees F.	4.5
50-54 degrees F.	5
45-49 degrees F.	5.5
40-44 degrees F.	6
35-39 degrees F.	6.5 (Hot gas method of
30-34 degrees F.	7 application must be
25-29 degrees F.	7.5 used at temperatures
20-24 degrees F. (minimum)	8 below 40 degrees F.)

R68-10-9. Requirements During Fumigation.

A. Truck and railway cars being used as fumigating chambers must be sealed in a manner to make them gas-tight.

B. Blowers shall be provided to circulate the gas throughout the space being fumigated.

C. When fumigation takes place below 40 degrees F., a hot gas method of fumigation must be used.

CAUTION: Methyl bromide (CH₃Br) is a colorless, odorless, volatile liquid which when released at ordinary temperatures is a gas injurious to all forms of animal life. Proper precautions should be observed by all persons when handling it. Contact the Utah Department of Agriculture and Food for further information.

KEY: plant diseases

Date of Enactment or Last Substantive Amendment: 1987

Notice of Continuation: March 16, 2020

Authorizing, and Implemented or Interpreted Law: 4-2-2