

Quarantine: *Rathayibacter toxicus*

(1) Establishing a quarantine: A quarantine is established against *Rathayibacter toxicus*, the cause of bacterial gummosis of seed heads. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries and natural resources from the artificial spread of *R. toxicus*. This bacterium causes a disease that infects ryegrass and other grass species, severely limiting seed production. *Rathayibacter toxicus* also produces a toxin that can contaminate grass seeds, hay, and other plant parts; this toxin can be fatal to mammals. Methods for exclusion of commodities potentially infected with this disease and procedures for eradication of incipient infections are prescribed in this quarantine.

(2) Area under quarantine: All areas outside of the State of Oregon where *R. toxicus* is known to occur and any property within the State of Oregon where *R. toxicus* is detected;

(3) Commodities regulated: *Lolium rigidum* (annual ryegrass), *L. multiflorum* (Italian ryegrass, annual ryegrass), *L. perenne* (perennial ryegrass), *L. persicum* (Persian ryegrass), *L. strictum* (Wimmera ryegrass), *L. temulentum* (Darnel ryegrass), *Phalaris* species, *Vulpia myuros* (Rat's tail fescue), *Austrodanthonia caespitosa* (= *Danthonia caespitosa*, common wallaby-grass), *Avena sativa* (common oat), and *A. caespitosa* (= *Deschampia cespitosa*, tufted hairgrass).

(4) Commodities regulated: All plants and plant parts of the regulated commodities, including seed. All life stages of *R. toxicus*.

(5) Provisions of the quarantine: Regulated commodities originating from the area under quarantine, and any other area found to be infested with *R. toxicus* during the life of this quarantine, are prohibited unless one of the following requirements has been met:

(a) The regulated commodity originates from an area that is free from *R. toxicus* based on official surveys. The regulated commodity must be accompanied by an official certificate that includes the following additional declaration: "The shipment originates from an area known to be free from *Rathayibacter toxicus* based on official survey";

(b) The regulated commodity has been tested in an official laboratory using a protocol approved by the Department and has tested free from *R. toxicus*. The regulated commodity must be accompanied by an official certificate that includes the following additional declaration: "The shipment is free from *Rathayibacter toxicus* based on official laboratory testing";

(NOTE: A list of laboratory testing protocols approved by the Department is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone 503-986-4620.)

(6) Infested properties in Oregon: Confirmation of a *R. toxicus* infection must be made by the Department or an official cooperator. Affected property owners will be issued treatment requirements for the known infested area in the form of an Administrative Directive. The treatment requirements may include some or all of the following activities:

- (i) Mandatory crop rotation;
- (ii) Herbicide treatments;
- (iii) Field burning;
- (iv) Field inspections, including testing;
- (v) Planting of certified seed;
- (vi) Equipment sanitation.

(8) Special permits: The Department, upon receipt of an application in writing, may issue a special permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of *R. toxicus*.

(9) Violation of quarantine: Violation of this quarantine may result in a fine, if convicted, of not less than \$500 no more than \$5,000, as provided by ORS 561.990. In addition, violators will be subject to civil penalties of up to \$10,000 as provided by ORS 561.995. 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.

(10) Review of quarantine: The Department and other interested parties shall review the quarantine requirements biennially for accuracy and effectiveness.

Stat. Auth.: ORS 561.190, 561.510 to 561.540, 561.990 to 561.995 Stats. Implemented: ORS 561.510 to 561.540 Hist.: