

Southern Regional Memorandum Of Understanding To Control Tropical Soda Apple (Solanum viarum Dunal)

Background:

Tropical Soda Apple (TSA, Solanum viarum Dunal) is a Federal Noxious Weed native to South America which has become a serious problem in pastures and native areas in Florida and has been found in several other Southern states, including Alabama, Georgia and South Carolina. The primary mode of movement of TSA is through the dispersal of seeds. While the foliage is unpalatable, the mature fruit is very appealing to livestock and wildlife. The seeds pass through the animal's system unharmed and are deposited in new areas when animals are moved. TSA can infest pastures, native areas and row crops. TSA results in lower stocking rates of grazing animals.

Furthermore, TSA seed has been found in truck washouts and in shipments of hay and seed that is harvested in TSA infested areas. Interstate transport of seed, in particular, has the potential of becoming the major pathway for the spread of TSA.

In 2000, the U.S. Congress passed the Plant Protection Act which gave broader authority to USDA, APHIS, PPQ to control and to prevent the intentional interstate movement of noxious weeds.

The adoption of a southern regional plan to prevent further spread of TSA and protect vital agricultural interests has been a widely discussed topic.

Objectives:

Prevent the interstate movement of TSA through the movement of livestock, seed, plant products (including seed, sod and hay), soil and manure.

Restricted Livestock:

For the purposes of this Memorandum of Understanding (MOU), livestock will be defined as cattle, goats, sheep, and non-confined swine (not in a traditional confinement operation).

Regulatory Agency:

For the purposes of this MOU, a regulatory agency is defined as the state department of agriculture, governmental agency, state board or bureau that is legally empowered to enforce laws and/or regulations concerning livestock, plants and/or seed.

Compliance Agreement:

For the purposes of this MOU, a compliance agreement is defined as an agreement voluntarily entered into between an agricultural entity and its state of origin Regulatory Agency stipulating that the entity in question will comply with the rules and regulations of the shipping and receiving state regarding the movement of livestock, hay, seed, and/or manure. The state of

DRAFT
August 6, 2003

origin Regulatory Agency will be responsible for administering the compliance agreement and ensuring the stipulations contained therein are complied with.

State TSA Point of Contact:

Each state should designate the principal points of contact for plant and animal TSA issues in the state of origin Regulatory Agency.

Memorandum of Understanding:

Whereas, TSA (Solanum viarum Dunal) is a Federal Noxious Weed;

Whereas, TSA is known to already infest portions of several southern states (Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee) and poses a threat to many other states throughout the nation;

Whereas, the agricultural industries and Departments of Agriculture or equivalent agencies in the Southern U.S. desire to prevent the interstate movement of this noxious weed and desire compliance with the Agriculture Risk Protection Act of 2000;

Now therefore, the undersigned parties agree to adopt and practice the following policies in order to curtail the man-assisted movement of TSA seed:

All parties agree:

1. That livestock may move interstate from areas infested with TSA provided:
 - a. the state of origin Regulatory Agency verifies that such livestock have been maintained in a restricted *TSA Fruit Free Area* for a total period of at least 6 days immediately prior to transport, or
 - b. the state of origin Regulatory Agency enters into a compliance agreement with an agricultural entity stating the entity in question agrees to comply with the TSA rules and regulations of the state of origin Regulatory Agency and the receiving state Regulatory Agency to allow for uninterrupted transport of livestock, hay, seed, and/or manure, or
 - c. the state of destination Regulatory Agency approves the entry of livestock (e.g. entry permit), provided they are maintained at the point of destination in a restricted *TSA Fruit Free Area* such that livestock are maintained for a holding period of at least 6 days, or
 - d. the livestock are transported through slaughter channels to a licensed red meat slaughter facility that has a TSA compliance agreement.

2. To encourage universities, in collaboration with industry and government agencies, to conduct research and answer questions regarding TSA, including but not limited to grazing practices and pasture and manure management, etc.

Regulatory Agencies agree to:

1. Identify premises where TSA is known to occur in their state and identify areas where TSA is not known to exist.
2. Adopt the *Tropical Soda Apple (TSA) Regional Harmonization Plan* as the model for TSA control practices. Control practices may include herbicide applications, mowing, and hand weeding or digging the plants or other practices accepted by that state's Regulatory Agency. The *Tropical Soda Apple (TSA) Regional Harmonization Plan* is attached as an addendum to this agreement.
3. Conduct random inspections of premises with compliance agreements or permits to assure that measures contained within the agreement are being maintained.
4. Consider entering into a compliance agreement with an individual who may receive livestock from TSA infested areas.
5. Collaborate with Livestock Owners and Managers, Livestock Dealers, Livestock Auction Markets and Red Meat Slaughter Premises to develop TSA compliance agreements.
6. Notify, as quickly as possible, the principal point of contact for TSA in the state of origin Regulatory Agency of any TSA suspected to originate from their state.

Livestock owners and managers in TSA areas are required to:

1. Maintain livestock in a restricted *TSA Fruit Free Area* for at least 6 days immediately prior to movement, except for movements to premises with a TSA compliance agreement.
2. Manage the restricted *TSA Fruit Free Area* so as to control TSA plants and prevent their fruit production. It is not necessary for the entire farm to be free from TSA plants.
3. Implement TSA control practices within the restricted *TSA Fruit Free Area* in accordance with the *Tropical Soda Apple (TSA) Regional Harmonization Plan*.
4. Allow random inspections by state Regulatory Agency or U.S. Department of Agriculture personnel to assure TSA is being controlled.
5. Enter into permit arrangements or compliance agreements attesting to the above in order to allow livestock to move interstate.

6. The understanding that any permits or compliance agreements are subject to revocation and permit holders may be subject to further action by the state Regulatory Agency or the U. S. Department of Agriculture if permit conditions are not followed or TSA is not controlled in any restricted *TSA Fruit Free Area*.

Livestock Auction Market Operators who have TSA on the premise or who receive livestock from TSA areas are required to:

1. Implement TSA control practices on the premises in accordance with the *Tropical Soda Apple (TSA) Regional Harmonization Plan*.
2. Allow random inspections by state Regulatory Agency or the U. S. Department of Agriculture personnel to assure TSA is being controlled.
3. Enter into a compliance agreement stating the above.

Livestock Dealers who have TSA on the premise or who receive livestock from TSA areas are required to:

1. Maintain livestock in a restricted *TSA Fruit Free Area* for at least 6 days immediately prior to movement, except for movements to premises with a TSA compliance agreement.
2. Implement TSA control practices on the premises in accordance with the *Tropical Soda Apple (TSA) Regional Harmonization Plan*.
3. Allow random inspections by state Regulatory Agency or the U. S. Department of Agriculture personnel to assure TSA is being controlled.
4. Enter into a compliance agreement stating the above.

Red Meat Slaughter Facility Operators who have TSA on the premise or who receive livestock from a TSA area are required to:

Enter into a compliance agreement to implement TSA control practices on their premises, including truck wash stations and waste water holding areas, in accordance with the *Tropical Soda Apple (TSA) Regional Harmonization Plan*. Manure and rumen contents must also be properly managed.

Seed and Hay Harvesters/Distributors are required to:

Enter into a compliance agreement to implement TSA control practices on their premises in accordance with the *Tropical Soda Apple (TSA) Regional Harmonization Plan*.

DRAFT
August 6, 2003

Have seed products sampled and tested, prior to shipment, using approved sample collection and laboratory analysis procedures to assure seed is free of TSA contamination.

The agencies, organizations and associations listed below hereto agree to adhere to this Southern Regional Memorandum of Understanding to Control Tropical Soda Apple (Solanum viarum Dunal). Any participating agency, organization, or association may withdraw from this Memorandum with 30 days notice. The Memorandum shall be reviewed and revised in approximately 12 months by representatives of the listed cooperators:

Alabama Department of Agriculture and Industries

Arkansas

Florida

Georgia

Louisiana

Mississippi

North Carolina

Oklahoma

Puerto Rico

DRAFT
August 6, 2003

South Carolina

Tennessee

Texas

Virginia

USDA, APHIS, PPQ