

**RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
PLANT INDUSTRIES DIVISION**

**CHAPTER 0080-6-19
IMPORTED FIRE ANT QUARANTINE**

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0080-6-19-.01 DETERMINATION OF PROBLEM AND ESTABLISHMENT OF QUARANTINE.

- (1) It has been determined that the destructive insect pests known as the black imported fire ant *Solenopsis richteri* Forel, the red imported fire ant *Solenopsis invicta* Buren, as well as the hybrid of these two species have been found in Tennessee, as well as in other states. These pests can be extremely injurious to Tennessee cultivated crops and man and other animals; therefore, it would be in the best interest of man and agriculture in Tennessee that a quarantine be established against these pests.
- (2) Due to the above determination, a quarantine against the above defined pests is hereby established.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990. Amendment filed May 19, 1999; effective September 28, 1999.

0080-6-19-.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 Director of Plant Industries, Tennessee Department of Agriculture, to allow the movement of regulated articles to any destination. Such certificates of inspection shall be in complete compliance with the restriction noted in this quarantine.
- (2) **DIRECTOR:** The Director of the Division of Plant Industries, Tennessee Department of Agriculture.
- (3) **COMPACTED SOIL:** Soil attached to equipment which cannot be removed by brushing and/or washing with water under normal city water pressure.
- (4) **COMPLIANCE AGREEMENTS:** A written agreement between a person or concern engaged in growing, dealing in or moving regulated articles and the Tennessee Department of Agriculture, Division of Plant Industries, wherein the former agrees to comply with conditions specified in the agreement to prevent the dissemination of the imported fire ant.
- (5) **EXEMPTION:** Conditions described herein which provide for the movement of regulated articles from regulated areas under specified conditions.
- (6) **INFESTATION:** The presence of the imported fire ant in any of its life stages where it is reasonably sure the pest may exist.
- (7) **PEST:** Imported Fire Ant in any stage of development.

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- (8) **REGULATED AREA:** Any county, other minor civil division, farm or other premises, or part thereof, designated as a regulated area by this quarantine.
- (9) **REGULATED ARTICLES:** Imported Fire Ant, means of conveyance, and other products and articles of any character whatsoever the movement of which is regulated by this quarantine.
- (10) **LIMITED PERMIT:** A document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, processing or treatment.
- (11) **INSPECTOR:** Any duly designated employee, agent or representative of the Director of the Division of Plant Industries of the Tennessee Department of Agriculture.
- (12) **PERSON:** This term shall include any corporation, partnership, firm, company, society or association, as well as any individuals.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.03 REGULATED AREAS.

- (1) Regulated areas include any area in which the red, black, or hybrid fire ant is known to exist as enumerated by the United States Department of Agriculture Imported Fire Ant Quarantine in 7 C.F.R. §301.81-3(e) (1998) and subsequent amendments thereto, or by the Tennessee Department of Agriculture Imported Fire Ant Quarantine as set out in this rule, or as may be established in other states by the authorities having responsibility to regulate the spread of these pests within their border; and
 - (a) In Tennessee as follows:
 1. Anderson County – That portion of the county lying south of a line beginning at the Roane/Anderson County line on Tennessee Highway 95 and then continuing northeast along Tennessee Highway 95 until reaching Tennessee Highway 62 and then continuing southeast along Tennessee Highway 62 until reaching the Knox/Anderson County line.
 2. Bedford County – That portion of the county lying south of a line beginning at the Marshall/Bedford County line on Tennessee Highway 270 and then continuing southeast along Tennessee Highway 270 until reaching U. S. Highway 41A and then continuing northwest along U. S. Highway 41A until reaching Hickory Hill Road and then continuing east along Hickory Hill Road until reaching Parson Road and then continuing north along Parson Road until reaching Nashville Dirt Road and then continuing northwest along Nashville Dirt Road until reaching Unionville – Deason Road and then continuing east along Unionville – Deason Road until reaching Edd Joyce Road and then continuing east along Edd Joyce Road until reaching Coop Road and then continuing southeast along Coop Road until reaching Tennessee Highway 82 and then continuing east along Tennessee Highway 82 until reaching Tennessee Highway 269 and then continuing south along Tennessee Highway 269 until reaching Tennessee Highway 64 and then continuing northeast along Tennessee Highway 64 until reaching Knob Creek Road and then continuing east along Knob Creek Road until reaching the Bedford/Coffee County line.
 3. Benton County – That portion of the county lying south of a line beginning at the Carroll/Benton County line on U. S. Highway 70 and then continuing east along U. S. Highway 70 until reaching U. S. Highway 641 and then continuing south along U. S.

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Highway 641 until reaching Shiloh Church Road and then continuing northeast along Shiloh Church Road until reaching Tennessee Highway 191 and then continuing northwest along Tennessee Highway 191 until reaching Latitude 36 Degrees and then continuing east along Latitude 36 Degrees until reaching the Benton/Humphreys County line.

4. Bledsoe County – That portion of the county lying south of a line beginning at the Van Buren/Bledsoe County line on Tennessee Highway 285 and then continuing southeast along Tennessee Highway 285 until reaching Bellview Road and then continuing northeast along Bellview Road until reaching Big Spring Gap Road and then continuing southeast along Big Spring Gap Road until reaching Old State Highway 28 and then continuing northeast along Old State Highway 28 until reaching the Bledsoe/Cumberland County Line.
5. Blount County – That portion of the county lying south of a line beginning at the Knox/Blount County line on U. S. Highway 129 and then continuing south along U. S. Highway 129 until reaching U. S. Highway 321 and then continuing east along U. S. Highway 321 until reaching the Sevier/Blount County line.
6. Bradley County – The entire county.
7. Carroll County – That portion of the county lying southeast of a line beginning at the Gibson/Carroll County line on U. S. Highway 79/70A and then continuing northeast along U. S. Highway 79/70A until reaching U. S. Highway 79 and then continuing northeast along U. S. Highway 79 until reaching Big Buck Road and then continuing east along Big Buck Road until reaching Tennessee Highway 436 and then continuing north along Tennessee Highway 436 until reaching Thompson Road and then continuing east along Thompson Road until reaching Tennessee Highway 22 and then continuing southeast along Tennessee Highway 22 until reaching Tennessee Highway 364 (Huntingdon Bypass) and then continuing east along Tennessee Highway 364 until reaching U. S. Highway 70 and then continuing east along U. S. Highway 70 until reaching the Benton/Carroll County line.
8. Chester County – The entire county.
9. Coffee County – That portion of the county lying south of a line beginning at the Bedford/Coffee County line on Sixteenth Model Road and then continuing east along Sixteenth Model Road until reaching U. S. Highway 41 and then continuing northwest along U. S. Highway 41 until reaching Interstate 24 and then continuing southeast along Interstate 24 until reaching Tennessee Highway 55 and then continuing northeast along Tennessee Highway 55 until reaching Ragsdale Road and then continuing south along Ragsdale Road until reaching New Bushy Branch Road and then continuing southeast along New Bushy Branch Road until reaching Cornelison Road and then continuing east along Cornelison Road until reaching Clifton Scott Road and then continuing south along Clifton Scott Road until reaching Asbury Road and then continuing east along Asbury Road until reaching Benson Road and then continuing southeast along Benson Road until reaching Buck Jones Road and then continuing south along Buck Jones Road until reaching Old Airport Road and then continuing southwest along Old Airport Road until reaching U. S. Highway 41 and then continuing southeast along U. S. Highway 41 until reaching Bailey Road and then continuing east along Bailey Road until reaching Lusk Cove Road and then continuing northeast along Lusk Cove Road until reaching Latitude 35 Degrees 25 Minutes and then continuing east along Latitude 35 Degrees 25 Minutes until reaching the Grundy/Coffee County line.

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10. Cumberland County – That portion of the county lying southeast of a line beginning at the Rhea/Cumberland County line on Tennessee Highway 68 and then continuing northwest along Tennessee Highway 68 until reaching Cox Valley Road and then continuing northeast along Cox Valley road until reaching U. S. Highway 70 and then continuing east along U. S. Highway 70 until reaching Market Street (in Crab Orchard) and then continuing north along Market Street until reaching Main Street and then continuing west along Main Street until reaching Chestnut Hill Road and then continuing north along Chestnut Hill Road until reaching Latitude 35 Degrees 56 Minutes and then continuing east along Latitude 35 Degrees 56 Minutes until reaching the Morgan/Cumberland County line.
11. Davidson County – That portion of the county lying southeast of a line beginning at the Williamson/Davidson County line on U. S. Highway 431 and then continuing northeast along U. S. Highway 431 until reaching Tennessee Highway 254 and then continuing east along Tennessee Highway 254 until reaching U. S. Highway 31A/41A and then continuing north along U. S. Highway 31A/41A until reaching Tennessee Highway 255 and then continuing northeast along Tennessee Highway 255 until reaching Interstate 40 and then continuing east along Interstate 40 until reaching the Wilson/Davidson County line.
12. Decatur County – The entire county.
13. Fayette County – The entire county.
14. Franklin County – The entire county.
15. Gibson County – That portion of the county lying southeast of a line beginning at the Madison/Gibson County line on U. S. Highway 45 W and then continuing northwest along U. S. Highway 45 W until reaching the U. S. Highway 45 W Bypass (Tennessee Highway 366) and then continuing north along the U. S. Highway 45 Bypass until reaching U. S. Highway 79/70A and then continuing northeast along U. S. Highway 79/70A until reaching the Carroll/Gibson County line.
16. Giles County – The entire county.
17. Grundy County – That portion of the county lying southeast of a line beginning at the Coffee/Grundy County line at Latitude 35 Degrees 25 Minutes and then continuing east along 35 Degrees 25 Minutes until reaching Deer Run Road and then continuing north along Deer Run Road until reaching Cabbage Patch Road and then continuing east along Cabbage Patch Road until reaching Tennessee Highway 108 and then continuing southeast along Tennessee Highway 108 until reaching Tennessee Highway 56 and then continuing north along Tennessee Highway 56 until reaching the Warren/Grundy County line.
18. Hamilton County – The entire county.
19. Hardeman County – The entire county.
20. Hardin County – The entire county.
21. Haywood County – That portion of the county lying south of a line beginning at the Tipton/Haywood County line on Tennessee Highway 54 and then continuing east along Tennessee Highway 54 until reaching U. S. Highway 70 and then continuing east along

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- U. S. Highway 70 until reaching Interstate 40 and then continuing northeast along Interstate 40 until reaching the Madison/Haywood County line.
22. Henderson County – The entire county.
 23. Hickman County – That portion of the county lying south of a line beginning at the Humphreys/Hickman County line on Interstate 40 and then continuing northeast along Interstate 40 until reaching Tennessee Highway 230 and then continuing east along Tennessee Highway 230 until reaching Tennessee Highway 48 and then continuing southeast along Tennessee Highway 48 until reaching Tennessee Highway 100 and then continuing northeast along Tennessee Highway 100 until reaching Tennessee Highway 230 and then continuing south along Tennessee Highway 230 until reaching Tennessee Highway 50 and then continuing southeast along Tennessee Highway 50 until reaching the Maury/Hickman County Line.
 24. Humphreys County – That portion of the county lying south of a line beginning at the Benton/Humphreys County line at Latitude 36 Degrees and then continuing east along Latitude 36 Degrees until reaching Forks River Road and then continuing south along Forks River Road until reaching Old Highway 13 and then continuing southeast along Old Highway 13 until reaching Tennessee Highway 13 and then continuing south along Tennessee Highway 13 until reaching Interstate 40 and then continuing east along Interstate 40 until reaching the Hickman/Humphreys County line.
 25. Knox County – That portion of the county lying south of a line beginning at the Anderson/Knox County line on Tennessee Highway 62 and then continuing east along Tennessee Highway 62 until reaching Tennessee Highway 131 and then continuing south along Tennessee Highway 131 until reaching Middlebrook Pike and then continuing southeast along Middlebrook Pike until reaching North Cedar Bluff Road and then continuing south along North Cedar Bluff Road until reaching U. S. Highway 70 and then continuing northeast along U. S. Highway 70 until reaching U. S. Highway 129 and then continuing south along U. S. Highway 129 until reaching the Blount/Knox County line.
 26. Lawrence County – The entire county.
 27. Lewis County – The entire county.
 28. Lincoln County – The entire county.
 29. Loudon County – The entire county.
 31. Madison County – The entire county.
 32. Marion County – The entire county.
 33. Marshall County – That portion of the county lying south of a line beginning at the Maury/Marshall County line on Moses Road and then continuing northeast along Moses Road until reaching Wilson School Road and then continuing southeast along Wilson School Road until reaching Lunn's Store Road and then continuing south along Lunn's Store Road until reaching Tennessee Highway 99 and then continuing east along Tennessee Highway 99 until reaching U. S. Highway 31A and then continuing south along U. S. Highway 31A until reaching James Shaw Road and then continuing south along James Shaw Road until reaching Clay Hill Road and then continuing east along Clay Hill Road until reaching Warner Road and then continuing south along Warner

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Road until reaching Batten Road and then continuing southeast along Batten Road until reaching the Bedford/Marshall County line.

34. Maury County – That portion of the county lying south of a line beginning at the Hickman/Maury County line on Jones Valley Road and then continuing east along Jones Valley Road until reaching Leipers Creek Road and then continuing south along Leipers Creek Road until reaching Tennessee Highway 247 and then continuing northeast along Tennessee Highway 247 until reaching Tennessee Highway 246 and then continuing north along Tennessee Highway 246 until reaching the Williamson/Maury County line.
35. McMinn County – The entire county.
36. McNairy County – The entire county.
37. Meigs County – The entire county.
38. Monroe County – The entire county.
39. Moore County – The entire county.
40. Perry County – The entire county.
41. Polk County – The entire county.
42. Rhea County – The entire county.
43. Roane County – The entire county.
44. Rutherford County – That portion of the county lying northwest of a line beginning at the Williamson/Rutherford County line on Rocky Fork Road and then continuing northeast along Rocky Fork Road until reaching Old Nashville Highway and then continuing southeast along Old Nashville Highway until reaching Tennessee Highway 102 and then continuing northeast along Tennessee Highway 102 until reaching Weakley Lane and then continuing north along Weakley Lane until reaching Couchville Pike and then continuing northwest along Couchville Pike until reaching Corinth Road and then continuing north along Corinth Road until reaching the Wilson/Rutherford County line.
45. Sequatchie County – The entire county.
46. Shelby County – The entire county.
47. Tipton County – That portion of the county lying south of a line beginning at the Shelby/Tipton County line on Tennessee Highway 14 and then continuing northeast along Tennessee Highway 14 until reaching Tennessee Highway 179 and then continuing southeast along Tennessee Highway 179 until reaching the Haywood/Tipton County line.
48. Van Buren County – That portion of the county lying south of Tennessee Highway 30.
49. Wayne County – The entire county.
50. Williamson County – That portion of the county lying northeast of a line beginning at the Davidson/Williamson County line on U. S. Highway 31 and then continuing southwest along U. S. Highway 31 until reaching U. S. Highway Business 431 and then continuing

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southeast along U. S. Highway Business 431 until reaching Mack Hatcher Parkway and then continuing north along Mack Hatcher Parkway until reaching South Royal Oaks Blvd. and then continuing northeast along South Royal Oaks Blvd. until reaching Tennessee Highway 96 and then continuing east along Tennessee Highway 96 until reaching Clovercroft Road and then continuing northeast along Clovercroft Road until reaching Wilson Pike and then continuing north along Wilson Pike until reaching Clovercroft Road and then continuing northeast along Clovercroft Road until reaching Rocky Fork Road and then continuing east along Rocky Fork Road until reaching the Rutherford/Williamson County line.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990. Amendment filed May 19, 1999; effective September 28, 1999. Amendment filed September 13, 2001; effective January 28, 2002. Amendment filed February 23, 2007; effective June 28, 2007.

0080-6-19-.04 REGULATED ARTICLES. The following pests and articles shall be regulated by this quarantine.

- (1) The black imported fire ant, *Solenopsis richleri* 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; and
- (7) Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by the Director that they present a hazard of spread of imported fire ants and the person in possession thereof has been notified.

Authority: T.C.A. §§43-6-106, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.05 CERTIFICATES AND PERMITS REQUIRED. Unless exempted, a certificate or a permit must accompany the movement of regulated articles from any regulated areas into or through any point outside thereof. Regulated articles originating outside a regulated area may be moved without a certificate or permit if

- (1) The point of origin is clearly indicated on the shipping document accompanying the regulated articles provided; and
- (2) The regulated articles moving through the infested area are protected to the satisfaction of the Director.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.06 ATTACHMENT OF CERTIFICATES AND/OR PERMITS.

Every single article and/or every container of regulated articles is required to have a certificate or permit securely attached to the outside thereof, when being moved or offered for movement. Where regulated articles are adequately described on the certificate or permit attached to the way-bill, the attachment of a certificate or permit to each container of the articles or to the article itself will not be required.

(Rule 0080-6-19-.06, continued)

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.07 CONDITIONS GOVERNING ISSUANCE OF CERTIFICATES AND PERMITS.

- (1) **CERTIFICATES:** Certificates may be issued by the inspector for the movement of the regulated articles designated in this quarantine under any of the following conditions:
 - (a) When in the judgement of the inspector, they have not been exposed to infestation.
 - (b) When they have been examined by the inspector and found to be free of infestation
 - (c) When they have been treated to destroy infestations under the supervision of the inspector and in accordance with methods selected by him from procedures authorized by the Director of the Division of Plant Industries and known to be effective under conditions in which applied.
 - (d) When grown, produced, manufactured or handled in such manner that in the judgement of the inspector, no infestation would be transmitted thereby.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.08 PROTECTING CERTIFIED ARTICLES.

Prior to certification, regulated articles must be loaded, handled and shipped only under such protections and safeguards against infestation as are required by the inspector.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.09 MOVEMENT OF REGULATED ARTICLES WITHIN THE REGULATED AREAS.

Regulated articles within regulated areas may be freely moved unless:

- (1) The articles originate on infested properties;
- (2) The Commissioner has determined that a hazard of spread exists, and
- (3) The property owner has been so notified. A property owner so notified may move the specified regulated articles within the regulated areas only under conditions approved by the Director.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.10 EXEMPT 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, non-compacted soil.
- (4) Transplants, if substantially free of soil and house plants grown in the home and not for sale.

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- (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 Director.
- (6) Compact, 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.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.11 COMPLIANCE AGREEMENT.

As a condition of the issuance of certificates of compliance and/or permits for the movement of regulated articles, the Commissioner may require any person engaged in purchasing, assembling, handling, processing, utilizing, treating or moving such articles to sign a compliance agreement. Such compliance agreement may stipulate that the person will maintain such safeguards as may be required by the Commissioner. The United States Department of Agriculture compliance agreements may be utilized to meet the requirements of this rule.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.

0080-6-19-.12 INSPECTION AND DISPOSAL.

The Commissioner and others authorized to perform official duties in connection with the imported fire ant quarantine are hereby authorized and empowered, upon probable cause and after displaying proper identification, to stop and search, without a warrant, any person, and/or any means of conveyance moving into, within, or from the State of Tennessee, and/or any regulated article or container being moved or offered for movement by and/or upon such person and/or by or within such conveyance, for fire ant infestation. The Commissioner and/or other authorized persons are hereby further authorized and empowered to seize, treat, require to be treated under state supervision, destroy, or otherwise dispose of articles found to be moving or offered for movement in violation of the imported fire ant quarantine. All chemicals used for treatment under this quarantine must be registered with both the state and federal governments, and the same must be applied according to state and federal guidelines.

Authority: T.C.A. §§43-6-104, 43-6-106(9) and 43-6-108. **Administrative History:** Original rule filed October 6, 1989; effective January 29, 1990.