

FOR INFORMATION AND ACTION
DA-2013-27
July 03, 2013

SUBJECT: APHIS Revises *Phytophthora ramorum* Domestic Quarantine Relieving Regulatory Requirements for Certain Non-host Nurseries

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

Effective immediately, APHIS will no longer impose *P. ramorum* regulatory requirements for the interstate movement of non-host nursery stock from certain nurseries located in the regulated areas of California, Oregon, and Washington. Specifically, nurseries located in regulated areas that do not contain, and that do not ship nursery stock listed as proven host taxa or as associated plant taxa are no longer required to comply with 7CFR 301.92. APHIS will, however, continue to regulate all interstate shipping nurseries located in quarantine areas, including those that contain only non-host nursery stock.

APHIS is taking this action based on regulatory data obtained since 2004, which indicate no detections of *P. ramorum* in non-host nurseries. The reason for continued regulation of non-host nurseries located in quarantine areas that have no *P. ramorum* detections is based on the presence of *P. ramorum* in the surrounding natural environment, the inseparability of the areas for quarantine enforcement purposes, and the strategy for risk mitigation. This amendment to the regulations will assist both APHIS and State Regulatory Agencies to refocus their resources on nurseries located in quarantine areas and those high-risk nurseries where *P. ramorum* has been detected, while minimizing the burden on the nursery industry.

If APHIS revises the list of proven or associated plant host taxa to include new host plant genera/species, then nurseries in regulated areas that grow the new proven host taxa will be subjected to the regulations under 7 CFR 301.92. Regulated host nurseries may be eligible for unrestricted movement if they discontinue the growing, processing, handling or shipping of regulated or associated articles of nursery stock, and if inspection conducted in accordance with 7 CFR 301.92-11 reveals freedom from *P. ramorum*.

For additional details on the Federal *Phytophthora ramorum* regulatory program, please contact Dr. Prakash Hebbar, National Policy Manager, at (301) 851-2228 or Stacy Scott, National Operations Manager, at (970) 494-7577.

/s/ Osama El-Lissy for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

1 Attachment: Federal Order

FEDERAL ORDER
DA-2013-27
Domestic Quarantine
Phytophthora ramorum
July 03, 2013

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article, or means of conveyance, if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States, and is likewise issued pursuant to the regulations, promulgated under the Plant Protection Act, and found at 7 CFR 301.92 *et. seq.*

This Federal Order revises the *Phytophthora ramorum* domestic quarantine regulations located at 7 CFR Part 301.92 to relieve regulatory requirements for certain nurseries in *P. ramorum* regulated areas of California, Oregon and Washington State, as defined under 7 CFR 301.92-3 (b), that do not contain, and that do not ship any species of proven host plant taxa or associated plant taxa as defined under 7 CFR 301.92-2 (d) and (e), considered non-host nurseries in this Order. Effective immediately, APHIS will no longer impose *P. ramorum* regulatory requirements for interstate movement of non-host nursery stock from nurseries that do not contain and that do not ship the listed proven host taxa and associated plant taxa, including assembling for inspection, inspection and sampling, certificates, compliance agreements, and recordkeeping. Prior to movement, the nursery stock must be eligible for unrestricted movement under all other Federal and State domestic plant quarantines and regulations applicable to the nursery stock. APHIS will, however, continue to regulate all interstate shipping nurseries located in quarantine areas, including those that contain only non-host nursery stock.

Nurseries in *P. ramorum* regulated areas that contain regulated or associated articles of nursery stock must continue to comply with the provisions in 7 CFR 301.92 *et. seq.* Regulated host nurseries may be eligible for unrestricted movement if they discontinue the growing, processing, handling or shipping of regulated or associated articles of nursery stock, and if inspection conducted in accordance with 7 CFR 301.92-11 reveals freedom from *P. ramorum*. If APHIS revises the list of proven or associated plant host taxa to include new host plant genera/species, then nurseries in regulated areas that grow the new proven host taxa will be subjected to the regulations under 7 CFR 301.92.

APHIS is taking this action based on regulatory data obtained since 2004, which indicate no detections of *P. ramorum* in non-host nurseries. The reason for continued regulation of non-host nurseries that are located in quarantine areas, in spite of no *P. ramorum* detections in these nurseries, is based on the presence of *P. ramorum* in the surrounding natural environment, the inseparability of the areas for quarantine enforcement purposes, and the strategy for risk mitigation. This amendment to the regulations will assist both APHIS and State Regulatory Agencies to refocus their resources on nurseries located in quarantine areas and those high-risk

nurseries where *P. ramorum* has been detected, while minimizing the burden on the nursery industry.

To receive additional details on the Federal *Phytophthora ramorum* regulatory program, please contact Dr. Prakash Hebbar, National Policy Manager, at (301) 851-2228 or Stacy Scott, National Operations Manager, at (970) 494-7577.