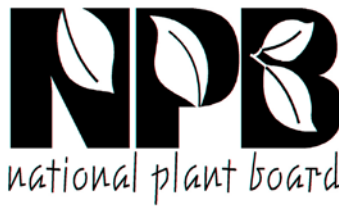


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August 8, 2013
Louisville, Kentucky

RESOLUTION No. 3

USDA APHIS PPQ Fulfillment of Plant Protection Act of 2000

WHEREAS, the preemption clause of the Plant Protection Act of 2000 prevents States from regulating the movement of plants to control plant pests or noxious weeds in a more stringent manner than the federal regulation, if USDA has regulations or orders in place to control that plant pest or noxious weed.

WHEREAS, the Plant Protection Act of 2000 states that "it is the responsibility of the Secretary to facilitate exports, imports, and interstate commerce in agricultural products and other commodities that pose a risk of harboring plant pests or noxious weeds in ways that will reduce, to the extent practicable, as determined by the Secretary, the risk of dissemination of plant pests or noxious weeds," because the unregulated movement of plant pests could present an unacceptable risk of introducing or spreading plant pests.

WHEREAS, it is the responsibility of USDA APHIS PPQ to safeguard American agriculture by regulating the interstate movement of plant pests and noxious weeds, yet the agency does not consistently enforce federal regulations according to the Plant Protection Act of 2000. Specific examples include imported fire ants, gypsy moth, and *Phytophthora ramorum*.

WHEREAS, the Plant Protection Act of 2000 provides for exceptions to allow States to impose additional prohibitions or restrictions if the State can show that there is a special need based upon sound scientific data or thorough risk assessment. However, NPB member states have applied for at least five special needs exemptions, and to date no special needs application has been approved by USDA APHIS PPQ.

WHEREAS, the above actions or inaction on the part of USDA APHIS PPQ increases the risk of interstate movement of plant pests and puts excessive demands upon limited State resources to carry out these activities which are the primary responsibility of USDA APHIS PPQ.

RESOLVED by the National Plant Board at its annual meeting in Louisville, Kentucky August 4-8, 2013 that USDA APHIS PPQ should completely fulfill its responsibilities under the Plant Protection Act of 2000 by fully enforcing current pest quarantines, granting special needs requests to enable states to adequately protect their agricultural and natural resources, or to deregulate those specific pests that USDA APHIS PPQ is not fully safeguarding against.

BE IT FURTHER RESOLVED the NPB requests that USDA APHIS PPQ improve its enforcement structure to allow for meaningful penalties when there are clear violations of federal quarantines and that Investigative and Enforcement Services be enabled to conduct thorough investigations in a timely manner.

Distribution:

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