

FOR INFORMATION AND ACTION
DA-2011-04
January 28, 2011

SUBJECT: Advance Notification Requirement for *Phytophthora ramorum* (*P. ramorum*)

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

The Animal and Plant Health Inspection Service (APHIS) is issuing a Federal Order, effective March 1, 2011, requiring that interstate shipping nurseries located either in counties that are established as quarantined areas or in regulated counties that have previously tested positive for *P. ramorum*, to provide advance notification to destination States in non-regulated areas for certain high-risk plant species. Advance notification is necessary to enhance the traceability of potentially infected nursery stock and prevent the spread of harmful plant diseases such as sudden oak death, ramorum leaf blight, and ramorum dieback which are caused by *P. ramorum*.

Under the requirements of the attached Federal Order, all nurseries located in the quarantine area that ship any species of *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including *Azalea*), and *Viburnum* interstate to non-regulated areas must provide advance notification. The current quarantine areas include Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties in California; and Curry County in Oregon.

In addition, nurseries shipping any species of the above mentioned high-risk plant genera interstate to non-regulated areas must provide advance notification if they are located in regulated counties, with one or more interstate shippers that have tested positive for *P. ramorum*, since 2003. The affected regulated counties include Los Angeles, Placer, Sacramento, San Diego, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tulare, and Ventura counties in California; Clackamas, Columbia, Lane, Lincoln, Marion, Multnomah, Washington, and Yamhill counties in Oregon; and Clark, Cowlitz, King, Kitsap, Lewis, Pacific, Snohomish, and Thurston counties in Washington.

The notification must be sent at the time of shipment by mail, facsimile, or e-mail. Currently, when host plants are found to be infected with this pathogen at a shipping nursery, considerable time is spent gathering information on that nursery's previous shipments which also may have been infected. This process significantly delays the ability of State and Federal officials to rapidly trace potentially infected plant material.

This Federal Order supersedes the May 27, 2010, Federal Order regarding *P. ramorum*. APHIS had extended the implementation of the original Federal Order twice to provide the nursery industry additional time to comply with the requirements and to clarify several issues raised by industry in the regulated states of CA, OR and WA. In addition, APHIS has established the necessary measures supporting implementation of the superseding Federal Order, including the development of supplemental guidance documents for nurseries and states in a question-and-answer format.

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The Federal Order and guidance documents are available on APHIS' website at www.aphis.usda.gov/plant_health/plant_pest_info/pram/regulations.shtml.

For more information on *P. ramorum*, you may contact Prakash Hebbar, APHIS National *P. ramorum* Program Manager, at (301) 734-5717.

/s/ Rebecca A. Bech

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

2 Attachments:

- Federal Order
- Additional Guidance for Nurseries—Advance Notification of *P. ramorum*-Host Nursery Stock, January 2011

FEDERAL DOMESTIC QUARANTINE ORDER
***Phytophthora ramorum* 7 CFR 301.92**
DA-2011-04
January 28, 2011

The purpose of this Federal Order is to prevent the spread of harmful plant diseases caused by *P. ramorum*, through regulatory authority pursuant to 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 if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

This Federal Order supersedes the May 27, 2010, Federal Order (DA-2010-21), which was placed on temporary hold (vide DA-2010-27) on July 12, 2010, to provide USDA's Animal and Plant Health Inspection Service (APHIS) additional time for consultations and to incorporate necessary revisions.

The existing domestic regulations for *P. ramorum*, located in 7 CFR Part 301.92, authorize the interstate movement of nursery stock from *P. ramorum* quarantined or regulated areas without prior notification to the receiving states. At present, when host nursery stock is found positive for *P. ramorum*, considerable time is spent gathering traceability information, thereby delaying the ability of State and Federal officials to respond rapidly.

To help mitigate the spread and dissemination of *P. ramorum*, the APHIS Administrator considers it necessary for interstate shipping nurseries in the counties listed below that ship host plants regulated for *P. ramorum* at the genus level to provide prior written notification to receiving States in non-regulated areas.

Effective March 1, 2011, any interstate shipping nursery located in the current **quarantined counties** shipping any species of the genera *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including Azalea), and *Viburnum* (defined under 7 CFR 301.92-2 (d) proven host taxa) interstate to non-regulated areas must provide advance notification. The current quarantine counties are:

California: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

Oregon: Curry

In addition, a nursery located in a **regulated county** must adhere to the advance notification requirements if it is:

- Shipping any species of the five high-risk plant genera (listed above) interstate to non-regulated states; and
- Located in a regulated county with one or more interstate shipping nurseries that have tested positive for *P. ramorum* since 2003.

Based on these criteria, the currently affected regulated counties are:

California: Los Angeles, Placer, Sacramento, San Diego, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tulare, and Ventura

Oregon: Clackamas, Columbia, Lane, Lincoln, Marion, Multnomah, Washington, and Yamhill

Washington: Clark, Cowlitz, King, Kitsap, Lewis, Pacific, Snohomish, and Thurston

Affected nurseries in the above mentioned counties are required to send advance notification to the State Plant Regulatory Official (SPRO) in the receiving State at the time of shipment. This requirement may be fulfilled by sending (via mail, facsimile, or email) a bill of sale, manifest, or other documentation that includes the following information:

- Shipping date, name, telephone number, and full address of the consignee;
- Name, telephone number, and address of the shipper;
- Plant name and number of each plant species/variety shipped; and
- Mode of transportation (air, courier, ground).

The contact information for each State's SPRO is listed on the following Website:
<http://www.nationalplantboard.org/member/index.html>.

Commodities shipped without providing advance notification to the destination States may be held, returned to their point of origin, or destroyed at the expense of the owner if valid information cannot be provided by the shipping nursery within 3 business days that advance notification was made.

This Federal Order will allow states receiving *P. ramorum*-host nursery stock to assign and prioritize resources, assure rapid response, and provide direct traceability for high-risk nursery stock (as defined under 7 CFR 301.92-2) known to be positive for *P. ramorum*. While carrying out the functions specified in this Federal Order, the receiving States must follow procedures consistent with Federal regulation, which are detailed in 7 CFR 301.92.

To receive additional details on the Federal *Phytophthora ramorum* regulatory program, please contact Dr. Prakash Hebbar, APHIS' National Program Manager, at (301) 734-5717.

ADDITIONAL GUIDANCE FOR NURSERIES
ADVANCE NOTIFICATION OF *P. RAMORUM*-HOST NURSERY STOCK
JANUARY 2011

On January 28, 2011, the Animal and Plant Health Inspection Service (APHIS) published a revised Federal Order (DA-2011-04) requiring interstate shipping nurseries moving certain *Phytophthora ramorum*-host nursery stock from all quarantined counties in California and Oregon, and several regulated counties in California, Oregon and Washington (pursuant to Chapter 7 of the *Code of Federal Regulations* (CFR), Part 301.92 *et seq*) to provide advance written notification to the destination state(s).

Currently, when host nursery stock tests positive for *P. ramorum*, considerable time is spent gathering information on the shipment, thereby delaying the ability of State and Federal officials to rapidly trace any potentially infected plant material. To help mitigate the spread and dissemination of *P. ramorum*, the APHIS Administrator considers it necessary for interstate shipping nurseries in the counties listed below that move host plants regulated for *P. ramorum* at the genus level to provide prior written notification to receiving states.

Effective March 1, 2011, any interstate shipping nursery located in the current **quarantined counties** moving any species of the genera *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including Azalea), and *Viburnum* (defined under 7 CFR 301.92-2 (d) proven host taxa) interstate to non-regulated areas must provide advance notification. The current quarantine counties include: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties in California; and Curry County in Oregon.

In addition, a nursery located in **regulated counties** must adhere to the advance notification requirements if it is:

- Shipping any species of the five high-risk plant genera (listed above) interstate to non-regulated areas; and
- Located in a regulated county with one or more interstate shipping nurseries that have tested positive for *P. ramorum* since 2003.

Based on these criteria, the currently affected regulated counties are: Los Angeles, Placer, Sacramento, San Diego, Santa Barbara, San Joaquin, Shasta, Stanislaus, Tulare, and Ventura counties in California; Clackamas, Columbia, Lane, Lincoln, Marion, Multnomah, Washington, and Yamhill counties in Oregon; and Clark, Cowlitz, King, Kitsap, Lewis, Pacific, Snohomish, and Thurston counties in Washington.

Advance notification is necessary to allow receiving States sufficient time to assign and prioritize resources, assure rapid response, and provide direct traceability for certain high-risk nursery stock known to be infected with *P. ramorum*.

This document provides answers to questions frequently asked by the nursery industry regarding its role in supporting the requirement of the Federal Order.

Q. How would I know if my shipment requires advance notification?

A. Nurseries located in all currently quarantined counties of California and Oregon (defined in 7 CFR, 301.92-3(3)) and those regulated counties with one or more positive detections of *P. ramorum* in interstate shipping nurseries (listed above), must provide advance notification when shipping any species of *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including Azalea), and *Viburnum* interstate to non-regulated areas. Please refer to the link below for more information on the current quarantine and regulated areas.

http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/7cfr30192-10.txt

Q. Why is the advance notification requirement limited to all quarantine counties and certain regulated counties in CA, OR and WA?

A. After assessing the disease risk in nurseries in the quarantined counties and extensively reviewing the regulatory data from 2003 to 2010 for counties with nursery-positives, it was evident that a majority of the counties in the regulated states of CA, OR and WA have never had *P. ramorum* detected in their nurseries. Based on this data, APHIS decided to limit the advance notification requirement to all nurseries in the quarantined counties and only to those regulated counties where *P. ramorum* was detected in one or more of its nurseries.

Q. Should nurseries in currently quarantined and regulated areas provide advance notification when they ship high-risk host-nursery stock within or between the quarantine and regulated areas?

A. No. Under the requirements of the Federal Order, nurseries located within the quarantined and regulated areas do not need to provide advance notification when shipping host-nursery stock within or between the quarantined and regulated boundaries. Only those nurseries moving certain high-risk nursery stock **interstate** from the quarantine counties and certain regulated counties are required to provide advance notification.

Q. What nursery stock requires advance notification?

A. *P. ramorum*-host nursery stock identified as “proven host taxa” and regulated at the genus level as listed in 7 CFR 301.92-2 (d). The hosts regulated at the genus level are: all species of *Camellia*, *Kalmia*, *Pieris*, *Rhododendron* (including Azalea) and *Viburnum*.

Q. Why is the advance notification requirement limited to “high risk” genera?

A. After extensive review of the regulatory data from 2003 to 2010 on host plants positive for *P. ramorum* from various nurseries in the regulated states and around the country, it was evident that majority of the detections were in the hosts that are regulated at the genus level. The available data did not merit extending the advance notification requirement to, “all proven host taxa and associated plant taxa” listed in the regulations.

Q. What would the requirements for advance notification be if the identified “high risk” genera (*Rhododendron*, *Camellia*, *Viburnum*, *Pieris*, and *Kalmia*) are mixed with other host species listed in the regulations?

A. Mixed shipments containing one or more plants of the “high risk” hosts listed above will require advance notification.

Q. If new hosts are added to the host list, will the notification requirement be retroactive?

A. No, if new hosts are added to the host list, the notification requirement will not be retroactive.

Q. What are the requirements for submitting advance notification?

A. Affected nurseries must send written advance notification to the State Plant Regulatory Official (SPRO) in the receiving State at the time of shipment. This requirement may be fulfilled by sending (via mail, facsimile, or email) a bill of sale, manifest, or other documentation that includes the following information:

- Shipping date, name, telephone number, and full address of the consignee;
- Name, telephone number, and address of the shipper;
- Plant name and number of each plant species/variety shipped; and
- Mode of transportation (air, courier, ground).

The contact information for the SPRO of each state can be accessed on the National Plant Board Web site at: <http://www.nationalplantboard.org/member/index.html>.

Q. What additional information should the shipping nursery provide to the receiving nursery regarding advance notification?

A. APHIS recommends that the shipping nursery include the date when the advance notification was transmitted to the receiving SPRO. This would help verify whether the notification was sent.

Q. How would the receiving nursery know if the SPRO in its State received the advance notification documents?

A. As explained above, the receiving nurseries will know that the shipping nurseries have sent advance notification because the notification date should be indicated on the shipment invoice. APHIS does not need this information. If APHIS needs additional information, it will be obtained from the SPRO in the shipping State.

Q. How will the States utilize and maintain the advance notification information they receive?

A. The States will use this information to assign and prioritize resources, respond rapidly, and conduct direct traceability for high-risk nursery stock known to be positive for *P. ramorum*. Maintaining all advance notifications for at least 6 months will be the responsibility of the receiving states. The receiving state can file notification information electronically if received as email attachments or as hard copies of those received as faxes or by mail.

Q. If a nursery is found positive, should the shipping nursery provide trace-forward information, in addition to the advance notification information already submitted?

A. After the Federal Order is in effect for 6 months, nurseries in the quarantined and regulated areas that have previously provided advance notification and are now positive for *P. ramorum* will not be required to provide trace-forward documentation again. Irrespective of the 6-month period, in the event of a positive find, the shipping nurseries will be required to provide the SPRO in their State the list of states where the plants were shipped. The SPRO, in turn, will provide this information to his/her State Plant Health Director (SPHD) with copies to APHIS'-PPQ Regional Program Manager. APHIS-PPQ reserves the right to audit shipping documents as a part of its review process.

Q. What action would the SPRO from the shipping State take if a nursery from the quarantined or regulated areas is found to be positive for *P. ramorum*?

A. In that situation, the SPRO would be required to inform APHIS of the positive find and take actions described under 7 CFR 301.92 and *APHIS Confirmed Nursery Protocols*. Although trace-forward information is only required to be provided by the shipping nursery for the first 6 months of the current Federal Order implementation period, information on positive plant species/variety and what States the plants were shipped to will continue to be provided to APHIS by the State regulatory agency in the regulated state. APHIS-PPQ will inform the receiving states of a positive find in a nursery.

Q. What are the consequences of not providing advance notification to the destination State?

A. If any species of *Rhododendron*, *Camellia*, *Viburnum*, *Pieris*, and *Kalmia* is shipped without providing prior notification to the destination states, the SPRO in the receiving State will contact the shipping nursery directly to obtain information and verify whether the advance notification was sent. The SPRO from the receiving State will keep his/her counterpart in the originating State informed of the efforts to obtain information. In this situation, the SPRO of the shipping State will be encouraged to verify whether or not the shipping nursery is in compliance with the Order. If the nursery did not send the required notification document, the receiving State may immediately place the shipment on hold and request that the nursery send the proper notification information within 3 business days. If it is not received in that timeframe, the nursery will be in violation of the Federal Order. The receiving State, in consultation with APHIS-PPQ, will take action, either by having the plant materials held for an additional period, returned to origin, or destroyed in a timely manner (at the discretion of the shipping nursery). *Note: While carrying out the functions specified in this Federal Order, the SPRO will take actions consistent with Federal regulation 7 CFR 301.92 and protocols.*

Q. How will the States that do not have the authority to hold or destroy shipments handle shipments that are in violation of the Order?

A. Regardless of the receiving State's authority, it will take appropriate actions, in consultation with APHIS, as specified in the Federal Order. *Note: While carrying out the functions specified in this Federal Order, the SPRO will take actions consistent with Federal regulation 7 CFR 301.92.3.*

Q. How will issues related to lost documents, malfunctioning of fax machines, firewalls, etc., be resolved by shipping nurseries?

A. If there is uncertainty that proper advance notification was made and not received, the SPRO in the receiving State should contact the shipping nursery to resolve or track the missing information. If needed, the SPRO and/or SPHD in the receiving State can contact their partners in the shipping State for further assistance in resolving the issue. APHIS-PPQ expects both the shipping nursery and the receiving nursery to cooperate in resolving issues related to the above situations.

Q. What are the record-keeping requirements for SPROs of states with consignees receiving host nursery stock?

A. The receiving State is responsible for compiling the notification information electronically or as hard copies and maintaining these records for at least 1 year. No additional information will be sent from a shipping nursery once the Federal Order is in effect for 6 months, **unless *P. ramorum* is confirmed during nursery inspections**. As stated earlier, irrespective of the 6-month period, the shipping nurseries, in the event of a positive find, will be required to provide the SPRO in the shipping State the names of the destination states where the plants were shipped. The SPRO in turn will transmit this information to State Plant Health Director in the shipping State with copies to APHIS' -PPQ Regional Program Manager.

The SPRO office in the receiving State will have an identified email address or fax number to receive advance notifications. This information will be posted on the NPB Website at www.nationalplantboard.org.

Q. Can receiving States hold plant materials for testing purposes independent of the advance notification Federal Order?

A. No. The plants cannot be held for the purpose of conducting testing independent of the advance notification Federal Order. The plants can be held only if they have been tested positive for *P. ramorum* and/or there has been a clear violation of the Order. The receiving State will take action under Federal authority and only in consultation with APHIS. Plant materials cannot be held, returned to origin or destroyed arbitrarily.

Q. How will APHIS determine whether the advance notification requirement is providing the necessary information to assign and prioritize resources, assure rapid response, and provide direct traceability for any nursery stock?

A. After the fall 2011 shipping season, APHIS, in consultation with stakeholders, will conduct a thorough review and measure the success of the Federal Order. Based on the results of the review, APHIS will determine if any changes to the advance notification requirement are warranted. Periodic audits will be conducted by APHIS-PPQ to determine what information is being provided by shipping nurseries and how it is being maintained by the receiving State.

Q. Once advance notification is sent, is the shipment exempt from other State and Federal regulatory requirements?

Advance Notification Guidance for Nurseries
January 2011

A. No. Advance notification meets the regulatory requirements identified in Federal Order DA-2011-04, but does not replace other State and Federal regulatory requirements that may also apply to the interstate movement of nursery stock.

Washington Counties:
(from north to south)

Regulated:
Snohomish
Kitsap
King
Thurston
Pacific
Lewis
Cowlitz
Clark

Oregon Counties:
(from north to south)

Regulated:	Quarantined:
Columbia	Curry
Washington	
Multnomah	
Yamhill	
Clackamas	
Lincoln	
Marion	
Lane	

California Counties:
(from north to south)

Regulated:	Quarantined:
Shasta	Humboldt
Placer	Mendocino
Sacramento	Lake
San Joaquin	Sonoma
Stanislaus	Napa
Tulare	Marin
Santa Barbara	Solano
Ventura	San Francisco
Los Angeles	Contra Costa
San Diego	San Mateo
	Alameda
	Santa Clara
	Santa Cruz
	Monterey

Legend

- Counties Quarantined for P.ramorum *
- Counties Regulated for P.ramorum **

* Effective March 1, 2011, any interstate shipping nursery located in the current quarantined counties shipping any species of the genera Camellia, Kalmia, Pieris, Rhododendron (including Azalea), and Viburnum (defined under 7 CFR 301.92-2 (d) proven host taxa) interstate to non-regulated areas must provide advance notification.

** In addition to the above, a nursery located in a regulated county must adhere to the advance notification requirements if it is: shipping any species of the five high-risk plant genera (listed above) interstate to non-regulated states; and located in a regulated county with one or more interstate shipping nurseries that have tested positive for P. ramorum since 2003.

Data Sources:
TeleAtlas Dynamap
USDA APHIS PPQ

Coordinate System:
Lambert Azimuthal Equal Area

