

Frequently Asked Questions (FAQs)
Phytophthora ramorum Interim Rule
April 4, 2007

- 1. Section 301.92-11(d) (p. 8603) states, "If such nurseries contain any regulated or associated articles, the nursery must meet the requirements of paragraph (c) of this section." Paragraph (c) describes the requirements for nurseries in the regulated area that grow and ship host and associated host nursery stock. In section 301.92-2(b) (2) (p. 8598), it states that soil and potting media are regulated articles. Does that mean that there can be no such thing as a non-host nursery in a regulated area because all plants are grown in soil and/or potting media?**

APHIS regulates the movement of nursery stock to control the spread of *P. ramorum*. Soil and growing media become regulated articles if it is found in association with infected nursery stock.

Also, the movement of soil (as a separate entity) is not regulated unless it is out of a quarantine area. If this is the case, the soil must meet treatment requirements in order to move outside of the quarantine area. An inspector may issue a certificate for the interstate movement of the regulated article (soil) if an inspector determines that the soil has not been in direct physical contact with any article infected with *P. ramorum*, and from which all duff has been removed.

- 2. The Federal Shield published is slightly different from the certificate that we have been issuing to our certified nurseries. Because the interim rule was made effective immediately upon publication, we have been given no time to transition to the new shield. Will our shipments be held or rejected because they have been issued with the old shield?**

The interim rule supersedes the Federal Order of 2004 and all requirements for the rule are effective upon publication. However, APHIS realizes that there may be certificates that do not match the published format. Though this is true, the content of the certificate is found to be equivalent with the requirements of the interim rule and acceptable for use. Until existing stocks are extinguished, APHIS will allow the use of these certificates.

Examples of validated certificates include:



3. It appears that the scientific names were not mentioned for the specific *Rosa* cultivars under the associated plant taxa list. Why were the names omitted?

Both the scientific and common names are listed for the specific *Rosa* cultivars. The common names are listed first, followed by the scientific name. For example: Royal Bonica is the common name and MEImodac is the scientific name.

4. How do I make comments to the rule and how long do I have to submit comments?

Comments are being accepted until April 30, 2007. You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit.” In the Docket ID column, select APHIS-2005-0102 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's “User Tips” link.

- **Postal Mail/Commercial Delivery:** Please send four copies of your comment (an original and three copies) to Docket No. 01-054-3, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-054-3