



Informational Overview of the Proposed Rule:

Restructuring of Regulations on the
Importation of Plants for Planting

“Q-37 Restructure”

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Q37 Restructure Proposed Rule

Where to find it:

[Regulations.gov](http://www.regulations.gov)

Search “Importation of Plants for Planting” or “APHIS-2008-0011”

How to comment:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2008-0011-0001>.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2008-0011, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road Unit 118, Riverdale, MD 20737-1238.



Goal

Make the regulations for the importation of plants for planting easier to understand, use and implement



Current Regulations

Importation of Plants for planting categorized as:

- 1) Prohibited
- 2) Not Authorized Pending Pest Risk Analysis (NAPPRA)
- 3) Restricted articles



Q37 Restrictions

(current regulations)

General restrictions

- Import permit
- Port of Entry Inspection
- Phytosanitary certificate

Specific restrictions

- Foreign inspection & certification
- Treatment
- Postentry Quarantine
- Growing media



Summary of Proposed Changes

- Consolidate the import requirements for plants for planting under Q-37
- Add most of the prohibited plants for planting to the NAPPRA list
- Move specific restrictions on the importation of plants for planting from the CFR to the online Plants for Planting Manual and establish a notice-based process to change these restrictions
- Within Q-37 group together the requirements that apply to all or most plants for planting
- Add general requirements for the development of integrated pest risk management measures
- Make several minor changes to improve clarity and reflect current program operations

We are not proposing to change specific restrictions on the importation of plants for planting.



Removal of Restrictions on the
Importation of Specific Types of
Plants for Planting in Other Subparts

“Q-37 Consolidation”



Q-37 Consolidation

Consolidate the other subparts of part 319 that include prohibitions or restrictions on the importation of plants and plant parts for, or capable of, propagation:

- 7CFR 319.8 Foreign Cotton and Covers
- 7CFR 319.15 Sugarcane
- 7CFR 319.19 Citrus Canker
- 7CFR 319.24 Corn Diseases
- 7CFR 319.41 Indian Corn or Maize, Broomcorn and Related Plants
- 7CFR 319.55 Rice
- 7CFR 319.59 Wheat Diseases
- 7CFR 319.73 Coffee
- 7CFR 319.75 Khapra Beetle
- 7CFR 319.77 Gypsy Moth Host Material from Canada



Example: Sugarcane Subpart Changes

Subpart-Sugarcane §319.15

Added language:

“(b) The importation of sugarcane plants (including any plants parts) that are for planting or capable of being planted is restricted in “Subpart-Plants for Planting” of this part.”



Adding Prohibited Plants for Planting to the NAPPRA List

Add most of the plants listed as prohibited to the list of plants whose importation is NAPPRA (Not Authorized Pending Pest Risk Analysis)

- Reduce confusion
- Reflect that regulatory status may change (based on a PRA)



Removing Restrictions on Specific Types of Plants for Planting From the Regulations

Move specific restrictions from the CFR to the Plants for Planting Manual

- Allow readers to more easily determine specific restrictions
- Not changing any of the specific restrictions currently in the plants for planting regulations



Establishing a Notice-Based Process for Updating Restrictions on Specific Types of Plants for Planting

Current examples within the regulations:

- Adding taxa to NAPPRA lists
- Treatment Schedule (§ 305.3)
- Fruit and Vegetables (§ 319.56)
- Interstate movement from Hawaii and U.S. territories (§318.13)



General Requirements (groups together requirements for all or most plants for planting)

- § 319.37-1 Notice of quarantine.
- § 319.37-2 Definitions.
- § 319.37-3 General restrictions on the importation of plants for planting.
- § 319.37-4 Taxa of plants for planting whose importation is not authorized pending pest risk analysis.
- § 319.37-5 Permits.
- § 319.37-6 Phytosanitary certificates.
- § 319.37-7 Marking and identity.
- § 319.37-8 Ports of entry: Approved ports, notification of arrival, inspection, and refusal of entry.
- § 319.37-9 Treatment of plants for planting; costs and charges for inspection and treatment; treatments applied outside the United States.
- § 319.37-10 Growing media.
- § 319.37-11 Packing and approved packing material.

Provisions for Restrictions on Specific Types of Plants for Planting

- § 319.37-20 Restrictions on the importation of specific types of plants for planting.
- § 319.37-21 Integrated pest risk management measures.
- § 319.37-22 Trust fund agreements.
- § 319.37-23 Postentry quarantine.



Integrated Pest Risk Management Measures (IPRMM)

Add general requirements for the development of integrated pest risk management measures

Examples of Current Programs

- §319.37-5(r): *Ralstonia solanacearum* race 3 biovar 2
- § 319.37-5(v): Plants for planting from Israel

Basis for the IPRM Measures

- Regional Standard for Phytosanitary Measures (RSPM) 24 of the North American Plant Protection Organization (NAPPO)
- International Standard for Phytosanitary Measures (ISPM) 36 of the International Plant Protection Convention (IPPC)

General Requirements

- Responsibilities of the place of production
 - Pest management program
 - Training
 - Internal audits
 - Traceability
 - Documentation of program procedures

General Requirements (continued)

- Responsibilities of APHIS and the NPPO of the exporting country
- Responsibilities of the NPPO of the exporting country
- Responsibilities of plant brokers trading in plants for planting for export
- External audits
- Noncompliance

Minor changes

- Several changes to definitions: restricted article, prohibited article, plants for planting, Plants for Planting Manual, NPPO, type of plants for planting, etc.
- Consolidated subparts will have same restrictions as other plants for planting (e.g. corn)
- Add existing prohibitions on the seed of genera related to corn *Echinochloa*, *Eleusine*, *Miscanthus*, *Panicum*, *Pennisetum*, *Setaria*, and *Tripsacum*



This presentation is to provide participants with an overview of the proposed rule.

We can only answer questions that clarify the content of the proposed rule.

Please submit all comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2008-0011-0001>.
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