

Criteria for adding propagative plants to “excluded pending risk evaluation and approval” category

Introduction

Envisioned Q37 will include the following categories of plants for planting:

1. Excluded pending risk evaluation

2. Approved for import with phytosanitary certification, subject to inspection
3. Approved as above, with additional mitigations, (e.g. treatment)
4. Prohibited

Note: The advance notice of proposed rulemaking (ANPR) published on December 19, 2004, discussed two options for placing taxa in the category “excluded pending risk evaluation “. In the first option, all unevaluated taxa would be placed in category 1, excluded pending risk evaluation. In the second option, unevaluated taxa would be part of category 2, approved with phytosanitary certificate, subject to inspection, unless evidence was available that indicated the taxa might introduce a quarantine pest, or might itself be a quarantine pest. After reviewing the comments to the ANPR and Stakeholder meetings, we will decide which approach to take and amend this document appropriately.

This document proposes criteria for placing a taxon in the first category.

Underlying assumption

Process must be

- practical
- quick/timely
- transparent
- logical
- based on reasonable knowledge
- applied only to taxa not already listed as prohibited or approved with mitigations; it can be used to reevaluate taxa on the approved list when new information surfaces.

Scope

The Plant Protection Act authorizes APHIS to regulate “plants” and “plant pests” without defining the scope of the term “plant”. Historically, APHIS has regulated only

vascular plants as nursery stock. We propose to include the lower plants in the new regulation. Scope is defined as all taxa within the Kingdom Plantae:

- Non vascular plants (mosses, liverworts, hornworts, green algae)
- Vascular Plants (Ferns and fern allies (club mosses, horsetails, spike mosses, quillworts and whisk-ferns); Gymnosperms, Angiosperms)

Criteria

The list will have two components or categories; potential quarantine pest plants and potential hosts of quarantine pests.

A. CRITERIA FOR POTENTIAL QUARANTINE PEST PLANTS

Criterion A1 - Pest Categorization: Pest(s) identity is/are accurately established.

The default level of listing for this category of propagative plants is species. However, some exceptions will be made when justified. For example, a listing can be at the genus level for a monotypic genus, or when *all* of the species in the genus meet the criteria below. A listing might be at a subordinate level if a subspecies, variety, or form is genetically different enough to pose different risk level from the species and the difference is readily determined.

If **yes**, continue to A2.

If **no** – stop until identity can be established.

Criterion A2– Pest Categorization: Geographic regulatory requirements.

Plant species must be one of the following:

- Non native, not established.
- Non native, established but of limited distribution and capable of further spread; and being considered for official control.

If **yes**, continue to criterion A3.

If **no** – stop

Criterion A3 – Pest Categorization: Damage Potential

Credible evidence demonstrates that:

- a. Species is documented as invasive or “weedy” elsewhere.

b. Genus contains species that are all documented as invasive.

If a. or b. is true, place taxon in the category “excluded pending risk evaluation”.

If neither a. nor b. is true – stop

Acceptable sources of documentation for criterion A3 include, but are not limited to:

- Government reports
- APHIS’s Offshore Pest Information System (OPIS) and similar national and international alert systems
- Peer-reviewed, scientific journal articles
- Published International Weed references.
- International Databases, such as the Crop Protection Compendium.
- Personal observation of at least two reputable weed scientists, biologists, plant protection officials that the plant is invasive (e.g. communications found on invasives list servers).
- The Weed Science Society of America’s list of potential weed threats, if the species earns a score of 5 points or higher.
- Species identified as potentially weedy in a fruit and vegetable commodity pest risk assessment.

Note: After the Federal Noxious Weed Act of 1974 passed, APHIS established the Technical Committee to Evaluate Noxious Weeds (TCENW) to recommend species for listing as noxious weeds. The committee, composed of representatives from the Agricultural Research Service, the Animal and Plant Health Inspection Service, the Agricultural Marketing Service and the Weed Science Society of America, recommended species for listing if they were serious weeds in other countries and either absent from the United States or of limited distribution. The TCENW was disbanded in 1981 after developing a list of serious weeds of exotic origin not found or not widely prevalent in the United States. The new category will include the TCENW’s list, excluding those that have been listed and that have extended their ranges beyond limited distribution.

B. CRITERIA FOR POTENTIAL HOSTS OF QUARANTINE PLANT PESTS.

Criterion B1. Host status

a. The status of the candidate plant taxa as a potential host for pest(s) of potential quarantine significance is clearly documented in a variety of ways including but not limited to any of the following:

- PPQ interception database (PIN/309)
- International or national pest alerts
- Scientific, peer-reviewed literature
- Government reports
- International databases

- Professional society reports (e.g. American Phytopathological Society, Entomological Society of America)
- Pest risk assessments prepared for the fruit and vegetable quarantine or for plants in growing media.

Reports of host status based solely on candidate plant's role as a laboratory or experimental host may be discounted.

- b. A plant that has been imported from certain areas of the world safely may pose greater risk from new countries of origin. If information becomes available from any of the bulleted sources above that an enterable species poses greater risk from an unprecedented source, the combination of taxon/origin may be added to the list.

If a. or b. is true for a pest of known quarantine significance, place taxon in category "excluded pending risk evaluation"

If a. or b. is true for a pest of unknown quarantine significance, proceed to Criterion B2– Pest Categorization: Pest(s) identity is/are accurately established.

If neither a. nor b. is true – stop

Criterion B2– Pest Categorization: Pest(s) identity is/are accurately established.

The identity of the pest(s) should be clearly defined. If this is not possible because the causal agent of particular symptoms has not yet been fully characterized, then the pest should have been shown to produce consistent symptoms and to be transmissible.

The taxonomic unit for the pest is generally species. The use of a higher or lower taxonomic level should be supported by scientifically sound rationale. In the case of levels below the species, this should include evidence demonstrating that factors such as differences in virulence, host range or vector relationships are significant enough to affect phytosanitary status.

If **yes**, continue to Criterion B3.

If **no** – stop until identity can be established.

Criterion B3– Pest Categorization: Geographic regulatory requirements.

Determine whether the identified pest(s) is/are present in the United States, or if present in the United States, is/are the pest(s) of limited distribution and under official control, or being considered for official control.

If **yes** for one or more pest, continue to Criterion B4.

If **no** – stop.

Criterion B4 – Pest Categorization: Damage Potential

Credible evidence exists of potential to cause economic and/or environmental harm. Acceptable sources of information for criterion B4 include but are not limited to:

- Government reports
- APHIS's Offshore Pest Information System (OPIS) and similar national and international alert systems
- Peer-reviewed, scientific journal articles
- Published international references
- International Databases, such as the Crop Protection Compendium
- Professional society reports (e.g. American Phytopathological Society, Entomological Society of America)

If **yes** for one or more pests, place taxon in category “excluded pending risk assessment”.

If **no** – stop.