FORM APPROVED
OMB NUMBER 0579-0054

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

COMPLIANCE AGREEMENT

Public reporting burden for this collection of information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB number and Form Number in your letter.

1. NAME AND ADDRESS OF PERSON OR FIRM	2. LOCATION

3. REGULATED ARTICLE(s)

Hosts and Associated Hosts of *Phytophthora ramorum*

4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS

7 CFR 301.92

5. *I/We agree to the following:*

USDA, APHIS, PPQ, will permit your establishment to execute the regulatory requirements outlined in the 7 Code of Federal Regulations (CFR) 301.92. Requirements are outlined and attached as exhibits, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits are attached and binding: Exhibit A - Compliance Terms, Conditions, and Procedures. Exhibit B - Authorization for Certification. Exhibit C - *Phytophthora ramorum* host and associated host plants, as listed at http://www.aphis.usda.gov/plant_health/plant_pest_info/pram

This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However the Department may accelerate the notice to immediate for cause, including but not limited to the Establishments abandonment of the procedures outlined in the attached Exhibits.

The Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material. NOTICE: Any signatory or employee of any signatory who violates the terms of this compliance agreement may be subject to Civil Penalties pursuant to 7 CFR 301.92, and the Plant Protection Act of 2000.

6. SIGNATURE	7. TITLE	8. DATE SIGNED
The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.		9. AGREEMENT NO.
		10. DATE OF AGREEMENT

11. PPQ OFFICIAL *(Name and Title)*	12. ADDRESS
13. SIGNATURE	
14. STATE AGENCY OFFICIAL *(Name and Title)*	15. ADDRESS
16. SIGNATURE	

PPQ FORM 519
AUG 77

EXHIBIT A
(Revised December 2, 2009)

COMPLIANCE AGREEMENT TERMS, CONDITIONS AND PROCEDURES FOR NURSERIES IN _____ SHIPPING HOSTS AND ASSOCIATED-HOST PLANTS OF *PHYTOPHTHORA RAMORUM* INTERSTATE

In order to prevent the dissemination of *Phytophthora ramorum*, the Administrator of Animal and Plant Health Inspection Service (APHIS) considers it necessary to establish restrictions on the interstate movement of nursery stock from nurseries in _____. Nurseries that ship nursery stock listed in Attachments I and II (Exhibit C of this document) of 7 CFR 301.92, may only ship listed nursery stock interstate if it is accompanied by a certificate issued under this compliance agreement. All nurseries growing and or selling *P. ramorum* host and associated host plants (Exhibit C) are required to enter into this compliance agreement in order to sell or distribute these plants out-of-state. All nurseries must be inspected, tested and certified free of *P. ramorum* before entering into this compliance agreement. Exceptions are listed in 7 CFR 301.92.

The nursery/establishment agrees to the following:

1. Inspection, Sampling, and Testing of Nursery Stock

    a. The nursery shall allow inspection and sampling of nursery stock as defined in 7 CFR 301.92.

    b. In order to remain under compliance, the nursery must be annually inspected, tested and certified free of *P. ramorum* following the procedures specified in 7 CFR 301.92. As specified in 7 CFR 301.92 - 11 (c) (3): If annual certification expires prior to re-inspection, all plants in the nursery are prohibited interstate movement until the nursery is inspected, tested and re-certified in accordance with this section and CFR 301.92-12.

    c. The State Department of Agriculture shall use inspection and sampling procedures that meet USDA standards for nurseries in both quarantined and regulated areas not under quarantine, as detailed in 7 CFR 301.92. The department or other USDA approved laboratory, using federally approved laboratory protocols, will test the samples.

2. Shipping Period

Listed plants (Exhibit C) may be moved interstate from the date the above inspection is completed, which includes laboratory analysis results of sampled plant material, for a period of up to one year or until directed otherwise by an authorized Regulatory Official.

3. Restriction on Sources of Regulated Articles

The nursery may receive plants from sources within the quarantine or regulated areas only under the following conditions:

    a. Plants listed in Attachment I and II (Exhibit C) of 7 CFR 301.92 that originate from nurseries that are also under a PPQ approved compliance agreement for *P. ramorum* and are accompanied by an appropriate certificate.*

- Interstate movement of plants listed in Attachment I and II (Exhibit C) of 7 CFR 301.92 from a nursery without a compliance agreement is a violation of 7 CFR 301.92.

b. Plants not listed in Attachments I and II (Exhibit C) of 7 CFR 301.92 that originate from nurseries that have been inspected and found free of *P. ramorum* and are on an official list maintained by state agricultural officials.

- Interstate movement of plants not listed in Attachment I and II (Exhibit C) of 7 CFR 301.92 from a nursery that has not been inspected and found free of *P. ramorum* is a violation of 7 CFR 301.92.

c. Plants that originate from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum* must be segregated, safeguarded and held from sale until they have been inspected and tested by an approved regulatory official.

- This condition applies only to plants moved within a state from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum*. Interstate movement of these plants is a violation of 7 CFR 301.92.

4. Maintain Identity

Establishments shall maintain the identity of all listed plants in Exhibit C that are in compliance with provisions of this compliance agreement. Establishment shall maintain the identity of all listed plants that originated from other sources that are in compliance with provisions 3a, 3b, or 3c.

5. Requirements for Interstate Movement

The nursery shall ensure that a USDA certificate or stamp (Exhibit B) stating compliance with 7 CFR 301.92 accompanies each shipment of plants listed in Exhibit C that is moved interstate.

The USDA certificate or stamp (PPQ form 570, Exhibit B) may also be used to indicate nursery compliance with 7 CFR 301.92 for the movement of listed (Exhibit C) nursery stock intrastate.

The nursery agrees to comply with all other applicable federal and state regulations related to the importation or distribution of plant material.

6. Records

The nursery agrees to maintain records of all incoming and outgoing shipments of host and associated plants. Records of these plant shipments are to include species and variety of cultivar, origin of incoming shipments and destination of outgoing shipments. A PPQ 527 issuance and shipping data tracking log is provided for use by the nursery, Exhibit D. This information is to be used to track and record shipments and for the development of any Trace Forward or Trace Back Shipments. The following data must be maintained: Plants shipped or received (Genus, species, variety if known); Origin of plants; Receiver name; Street address, City, State, and Zipcode; Contact Phone Number; Date of Shipment; Invoice Number; Number of Plants Shipped; and if applicable Store Number. The nursery shall also maintain records of fungicide applications. All

records are to be kept for a minimum of 24 months. These records shall be made available for periodic inspection by an approved Regulatory Official upon request to verify compliance with this provision.

7. Infected Nursery Stock

In the event *P. ramorum* is detected in the nursery, the USDA and the State Department of Agriculture will delimit and eradicate the pathogen using the current USDA Confirmed Nursery Protocol, until conditions of the protocol are met. The complete text and information may be found at the USDA, APHIS, PPQ web site:
http://www.aphis.usda.gov/plant_health/plant_pest_info/pram

8. Monitoring

Federal or State Regulatory Officials may conduct audits for compliance with this agreement at any time. Violation of any of these compliance agreement provisions will be cause for termination of the agreement.

9. Notice

The nursery shall provide advance notice to the State Department of Agriculture Regulatory Official when requesting an inspection.

10. Continuance of Compliance Agreement

This agreement is valid through _____
The nursery may request renewal to continue the agreement after that date.

*A USDA form 527, or 540 (certificate or stamp) is an appropriate certificate.

EXHIBIT B

Authorization for Certification

Business/Establishment Name

Establishment agrees to the following:

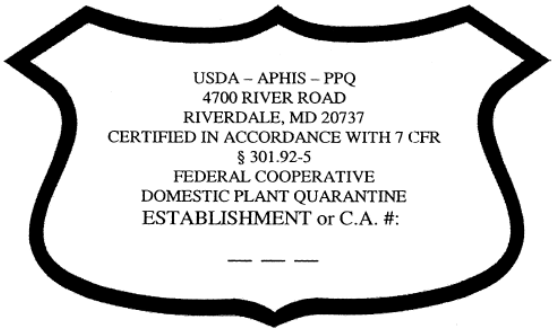
1. Reproduce the Federal certificate following dimensions in example below and using exact language in the example.

2. Use Federal certificate to certify interstate shipments of regulated plant material shipped from growing grounds named in this compliance agreement.

3. Use Federal certificate to certify regulated plant material that has been inspected and found free of symptoms of *Phytophthora ramorum* by agricultural officials.

4. Maintain record of all interstate shipments certified with Federal certificate and make such records available to agricultural officials upon request.

5. Delegate to one person only the authority to reproduce Federal certificate and use to certify interstate shipments of regulated articles.



Stamp Description:

Minimum Size: 2”x4”
Font: Arial Black
Font Size: 11
Establishment or Compliance Agreement Numbering System:
Each state shall use the Establishment number or Compliance Agreement numbering system that is appropriate for their state. If a nursery has multiple growing locations, the state shall ensure that the individual growing locations can be distinguished, one from the other, via a Compliance Agreement numbering system that is appropriate for their state.

Authorization for Certification

By signing below, Establishment agrees to follow all instructions contained in Exhibit B, Authorization for Certification.

_____
Printed Name of Establishment Representative

_____ _____
Signature of Establishment Representative Date

_____
Printed Name of Federal, State or County Representative

_____ _____
Signature of Federal, State or County Representative Date

EXHIBIT C

APHIS List of Regulated Hosts and Plants Associated with *Phytophthora ramorum*

Please see the most current host list at:

http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/usdaprlist.pdf

EXHIBIT D
SOD PPQ 527 Certificate (Rubber Stamp or Sticker) Issuance and Shipping Data Tracking Log
Cooperative Sudden Oak Death (SOD) Program
(Revised December 2, 2009)

Plants (genus, species, variety)	Enter Origin if not locally propagated. Include source, address and contact number.	Receiver Name (and store number if applicable)	Receiver Address	City	State	Zip Code	Contact Phone Number	Invoice Number	No. Plants Shipped	Date of Issuance / Date of Shipment