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

**Q. What are the quarantine and regulated areas affected by this Federal Order?**

**A.** The terms “quarantine” and “regulated” are used as defined in the *Phytophthora ramorum* regulations 7-CFR 301.92-3. The *Quarantine area* is where *P. ramorum* is found in the environment: fourteen counties in California and a portion of Curry Co. Oregon. The *Regulated areas* are all of the counties in Washington, all of the counties in Oregon, except for a portion of Curry Co., and all but the fourteen quarantine counties in California.

**Q. Will positive nurseries in all states including non-regulated states be required to notify?**

**A.** No, the current regulation (7-CFR 301.92-3) does not apply to nurseries in non-regulated states. However, when *P. ramorum* is detected, APHIS continues to proactively work with State Regulatory Agencies and the affected nursery to address the detection and provide guidance on mitigation methods.

**Q. How would one know if a nursery or host plant shipments requires notification?**

**A.** Nurseries located in all currently quarantined counties of California and Oregon (defined in 7 CFR, 301.92-3(3)) must provide notification when shipping any species of the high risk genera *Camellia, Kalmia, Pieris, Rhododendron* (including Azalea), and *Viburnum* interstate to non-regulated areas.

The quarantine counties are: 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.

However, only previously (from 2010 onwards) or newly positive nurseries in the *regulated areas* of California, Oregon, and Washington shipping any species of *Camellia, Kalmia, Pieris, Rhododendron* (including Azalea), and *Viburnum* to non-regulated states will be required to notify. APHIS and the State Regulatory Agency in the regulated states will jointly review regulatory history (presence or absence of *P. ramorum*) of nurseries in the regulated areas to determine if they will be affected by this revised Federal Order, and if they do, the nurseries that need to comply will be notified by their respective State Regulatory Agency.

**Q. How long are nurseries affected by the Federal Order required to notify while shipping host plants?**

**A.** Affected nurseries in the regulated states must comply while under the Confirmed Nursery Protocol (CNP), and for a minimum period of 2 years after they are released from the CNP. The
list of regulated nurseries affected by the Federal Order will be periodically reviewed and whether the nurseries need to continue notifying will be determined jointly by APHIS and the State Regulatory Agencies in CA, OR, and WA. Nurseries located in the quarantine areas will need to comply whether P. ramorum is detected or not in their premises. The positive nurseries located in the quarantine areas will have to continue notifying even after they are released from the Confirmed Nursery Protocol. Therefore, interstate shippers and nurseries located in the quarantined areas will continue to notify until and unless APHIS decides to revoke the requirement.

Q. Will the amended Federal Order require all inter-state shippers in the regulated areas to comply?

A. No. Rather than requiring notifications for all nurseries located in a regulated county, the amended Federal Order will instead focus on specific nurseries within regulated counties that are currently positive for P. ramorum or have tested positive for P. ramorum over the last 3 years (since 2010). In addition, if P. ramorum is detected in the future for example, during nursery certification surveys or surveys resulting from trace investigations, these nurseries will be required to provide notifications. Therefore, nurseries located in a regulated county that have never detected P. ramorum on their premises or have tested negative for P. ramorum for the last consecutive 3 years are no longer required to provide notification.

Q. Which regulated counties were removed from the list of affected counties in the amended Federal Order?

A. The amended Federal Order does not apply to counties within the regulated area; it only applies to nurseries that are newly or previously positive (within the last 3 years), therefore, the following counties are removed from the list of counties affected by the previous Federal Order: Los Angeles, Placer, Sacramento, San Diego, San Joaquin, Shasta, Stanislaus, and Tulare counties in California; Clackamas, Columbia, Lane, Marion, Multnomah, Washington, and Yamhill counties in Oregon; and Clark, Cowlitz, King, Lewis, Pacific, Snohomish, and Thurston counties in Washington.

Q. Will an interstate shipping nursery be considered positive if detections of P. ramorum are only on plants shipped into the nursery and not on host plants being grown within the nursery premises?

A. No. An interstate shipping nursery will not be considered positive if detections of P. ramorum are only on plants recently shipped into the nursery (trace-forward).

Q. Why does the notification requirement apply to all interstate shippers in the quarantined counties, but only positive nurseries in the regulated counties in the revised FO?

A. After extensively assessing the disease risk and scientific data from nurseries in the quarantine and regulated counties, it was evident that nurseries in quarantined counties are at a higher risk of spreading P. ramorum than those in the regulated the counties. Regulatory data
from the past 10 years also indicated that *P. ramorum* has never been detected in majority of the nurseries in the regulated counties. Therefore, based on the regulatory data and risks involved, APHIS decided to limit the notification requirement to all interstate shippers in the quarantined counties and to only interstate shippers in the regulated counties where *P. ramorum* was detected.

**Q. Should nurseries located in CA, OR and WA affected by this Federal Order provide notification to the other states with quarantined and regulated areas (CA, OR and WA)?**

A. No. The amended Federal Order does not require nurseries located within the quarantined and regulated areas to provide notification when shipping host-nursery stock interstate to other quarantined and regulated areas. The nurseries are however, advised to follow the state regulations or requirements on notifications.

**Q. How will the list of nurseries required to notify be maintained and protected? Will this list put the nurseries at an unfair disadvantage?**

A. The list of nurseries will be shared only with the state regulatory agencies. As a part of APHIS’ efforts to reduce the risk of the pathogen spread, it shares information about *P. ramorum* detections in nurseries through a confidential process with all the regulatory agencies in the country.

**Q. What nursery stock requires notification?**

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

**Q. Why is the notification requirement limited to hosts regulated at the genus level, referred to as “high risk” genera?**

A. After reviewing 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, APHIS found that the majority of the detections clustered into five genera, thus called the “high risk” genera. *Rhododendron* and *Camellia* make up over 65 percent of the detections and, *Viburnum, Pieris*, and *Kalmia* make up the next 20 percent. Therefore, notification of these genera would cover 85 percent of the potential risk. Thus, the available data did not merit extending the notification requirement to “all proven host taxa and associated plant taxa” listed in the regulations. The five high-risk genera due to their susceptibility to *P. ramorum*, also serve as early indicators for the presence of the pathogen.

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

A. Mixed shipments containing one or more plants of the “high risk” hosts listed above require notification.
Q. If new hosts are added to the high-risk host list, will the notification requirement be retroactive?

A. No. If new high-risk hosts are added to the host list, the notification requirement will not be retroactive.

Q. What are the requirements for submitting notification?

A. Affected nurseries must send notification to the State Plant Regulatory Agency in the receiving State. Nurseries shipping *P. ramorum* high-risk nursery stock must send notifications to the State Plant Regulatory Agency before the shipment arrives at the nursery. 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;
- Date of shipment; and
- Mode of transportation (air, courier, ground).

The notification contact information for each State is listed at the PPQ website: [http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/pram-prenotification-statecontacts.pdf](http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/downloads/pdf_files/pram-prenotification-statecontacts.pdf) and within the States’ law and regulation documents on the following Website: [http://www.nationalplantboard.org/laws](http://www.nationalplantboard.org/laws). If further clarification is needed from the State, please contact the State Plant Regulatory Agency.

Q. How will the non-regulated states use and maintain the notification information they receive?

A. The non-regulated states will use notifications as an additional source of information on high-risk *P. ramorum* host nursery stock being shipped into their state. States receiving plant shipments are encouraged to maintain all notifications for at least 1 year. 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 notification information already submitted?

A. Irrespective of the notification status of a nursery, in the event of a positive find, the nursery must provide APHIS trace forward information (interstate shipment details of the positive plant species/cultivar and of any high-risk genera) for the previous 12 months from the date of detection. The State Regulatory Agency of the shipping state must provide the trace forward information to APHIS within 10 business days. APHIS will provide this information to the State Regulatory Agencies affected by the shipments.
Q. What are the consequences of not providing notification to the non-regulated State?

A. Nurseries shipping *P. ramorum* high-risk nursery stock must send notifications to the State Plant Regulatory Agency in the receiving state before the shipment arrives at the nursery. If shipments arrive to the non-regulated state(s) without notification due to technical problems or emergencies, or arrive with errors, the shipping nurseries have 3 business days from the day the shipment(s) arrives at its destination to provide appropriate notification and explanation. If after the third business day neither notification(s) nor explanation for non-compliance is provided, the receiving state may return the shipment to the point of origin or shipments may be destroyed at the shipper’s expense. Failure to comply with the Federal Order or compliance agreement issued under the Federal Order could result in suspension or revocation of the compliance agreement. APHIS State Plant Health Directors (SPHD) from the receiving state and the APHIS *P. ramorum* National Operations Manager will assist State Regulatory Agencies when there are issues related to non-compliance.

APHIS will also develop a guidance document or a set of tools for the field operations staff for gaining compliance when non-compliance occurs. Note: While carrying out the functions specified in this Federal Order, the State Plant Regulatory Agency will take actions that are consistent with Federal regulation 7 CFR 301.92.3 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. States that do not have the authority to hold or destroy shipments are encouraged to contact APHIS for further guidance when handling non-compliant shipments. 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 State Plant Regulatory Agency will take actions consistent with Federal regulation 7 CFR 301.92.3 and protocols.

Q. Whom should the State Plant Regulatory Agency contact when there is a non-compliance issue to be resolved?

APHIS State Plant Health Directors (SPHDs) from the receiving states are the first point of contact for the State Plant Regulatory Agency when dealing with a non-compliance issue. APHIS *P. ramorum* National Operations Manager and the SPHD will assist State Regulatory Agencies when there are issues related to non-compliance. APHIS will also develop a guidance document or a set of tools for the field operations staff for gaining compliance when non-compliance occurs.

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

A. If there is uncertainty that proper notification was made and not received, the State Plant Regulatory Agency in the receiving state should contact the shipping nursery to resolve or track the missing information. If needed, the APHIS SPHD in the receiving state can contact the
APHIS National Operations Manager or his or her counterparts in the shipping state for further assistance in resolving the issue. APHIS 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 State Plant Regulatory Agency of States with consignees receiving host nursery stock?

A. There is no record keeping requirement for notification received. The receiving State is encouraged to compile the notification information electronically or as hard copies and maintaining these records for at least 1 year. The States receiving *P. ramorum* host nursery stock can manage the notification by whatever methods best suites their available resources.

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

A. Unless there is a specific state requirement, the plants cannot be held for the purpose of conducting testing as a consequence of the notification Federal Order. The plants can be held only if they have tested positive for *P. ramorum* or there has been a clear violation of the Order, or both. 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. Once notification is sent, is the shipment exempt from other State and Federal regulatory requirements?

A. No. This notification procedure meets the regulatory requirements identified in Federal Order DA-2012-53, but does not replace other State and Federal regulatory requirements that may also apply to the interstate movement of nursery stock.

Q. Will the safeguards in place at the regulated nurseries change as a result of this Federal Order?

A. APHIS will maintain all the safeguards in place in the regulated nurseries through the certification program as described in 7-CFR 301.92-3. Notification is an additional tool to assist non-regulated states to understand the nature of incoming host plant shipments. In addition, APHIS will now revert back to providing the non-regulated states trace forward information on host plants shipped if *P. ramorum* is detected from an interstate shipping nursery.