

FOR INFORMATION
DA-2012-14
April 18, 2012

SUBJECT: Restrictions on importation of *Phytophthora ramorum* (*P. ramorum*) host plants for planting into the United States

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

APHIS is issuing a Federal Order to restrict importation of plants for planting known to be hosts of *P. ramorum*. Since 2003, APHIS has been working toward limiting the spread of *P. ramorum* within the United States. APHIS has also been requiring that plants from several European countries and the United Kingdom be accompanied by certification of inspection and testing to be free of *P. ramorum*; however, the certification does not provide details about the country's pest exclusion plan. Also, APHIS has not been requiring certification from other countries about testing or their disease-free status. The genotypic diversity and expanding host range of *P. ramorum* is of increasing concern.

Therefore, APHIS is requiring specific countries to have in place an annual pest exclusion program that incorporates monitoring, sampling, testing and a validation process to verify the absence of *P. ramorum* in a place of production. APHIS will approve the country to export host material to the United States if the program is comparable to APHIS' restrictions for interstate movement of *P. ramorum* hosts. The shipments must also be accompanied by a phytosanitary certificate with an additional declaration about the place of production. Plants for planting of *P. ramorum* host commodities from other countries will be allowed into the United States if accompanied by a phytosanitary certificate with an additional declaration stating that *P. ramorum* is not known to exist within the country.

The restrictions apply to host plants for planting and all plant parts intended for propagation except seed of the plant taxa. The current APHIS-regulated *P. ramorum* host plant list is available at:

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

For questions on this Federal Order, contact William Aley, Sr. Import Specialist, APHIS Plant Protection and Quarantine, Riverdale, MD at (301) 851-2130 or William.D.Aley@aphis.usda.gov.

/s/ Osama El-Lissy for

Rebecca A. Bech
Deputy Administrator
Plant Protection and Quarantine

Attachment:
Federal Order

FEDERAL ORDER

Importations of Plants for Planting that are Hosts of *Phytophthora ramorum*

April 18, 2012

1. Background

The purpose of this Federal Order is to prevent the entry and spread of the fungal plant pathogen *Phytophthora ramorum* into the United States from countries where it is known to be present and from uninfested countries that trade plants for planting with infested countries. *P. ramorum*, which causes sudden oak death, ramorum leaf blight and ramorum dieback, has a broad range of hosts, including many hardwoods, softwoods, and landscape plants. Since 2003, the United States Department of Agriculture (USDA) has been actively working toward limiting the spread of *P. ramorum* within the United States. The Animal and Plant Health Inspection Service (APHIS) subsequently designated fourteen California counties and one county in Oregon as *P. ramorum* quarantine areas in 2007. APHIS has been requiring that plants from several European countries and the United Kingdom be accompanied by certification of inspection and testing to be free of *P. ramorum*; however, the certification does not provide details about the country's pest exclusion plan. Also, APHIS has not been requiring certification from other countries about testing or their disease-free status.

The genotypic diversity and expanding host range of *P. ramorum* is of concern. Three virulent genotypes of *P. ramorum*, EU-1, NA-1 and NA-2, have been identified, and sexual reproduction of *P. ramorum* may lead to other virulent genotypes. In March 2011, the United Kingdom reported that *P. ramorum* associated with Japanese larch (*Larix kaempferi*), continues to spread and is causing severe disease symptoms on both Japanese and European larch (*Larix decidua*).

This Federal Order is issued pursuant to the regulatory authority provided by the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the importation, entry, exportation or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article or means of conveyance. Additionally, the Secretary may determine that a prohibition or restriction is necessary to prevent the introduction into or the dissemination of a plant pest within the United States.

The APHIS Administrator has determined that introduction, establishment, and spread of existing and new genotypes of *P. ramorum* would pose a serious threat to economically important commodities and natural resources of the United States. To prevent this, APHIS will restrict otherwise admissible *P. ramorum* host plants for planting from all countries. The National Plant Protection Organization (NPPO) of countries listed in section 2 below must provide APHIS with information about their NPPO-monitored *P. ramorum* annual exclusion program that incorporates monitoring, sampling, testing and a validation process that is

comparable to APHIS restrictions for interstate movement, as stated within this Federal Order. The shipments must also be accompanied by a foreign origin phytosanitary certificate with an additional declaration stating that the plants within the shipment originated from an area that is monitored as part of a *P. ramorum* exclusion program. Plants for planting of *P. ramorum* host commodities from countries not listed in section 2 will be allowed entry into the United States if accompanied by a foreign origin phytosanitary certificate with an additional declaration stating that *P. ramorum* is not known to exist within the country. All other conditions and requirements of 7 CFR 319 or a written USDA import permit, in addition to those stated in this Federal Order, will remain effective.

2. Foreign countries from which *P. ramorum* host material is regulated

European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Ukraine, and the United Kingdom), Norway, and Switzerland.

3. Regulated Hosts and Plants Proven or Associated with *Phytophthora ramorum*

This Federal Order identifies APHIS-regulated *P. ramorum* host plants and applies to all plant parts intended for propagation, except seed. The *P. ramorum* hosts list is available at the following APHIS URL:

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

4. Requirements for *P. ramorum* hosts for export into the United States

A. From countries identified in section 2

The following criteria will apply to plants for planting exports from the countries identified in section 2 for the hosts identified in section 3.

I. NPPO-monitored *P. ramorum* annual exclusion program

The NPPO must provide APHIS with their national or regional monitoring *P. ramorum* exclusion program plan that meets the criteria in section 5 of this Federal Order. The plan should include methods and procedures to monitor, sample, test, and validate freedom from evidence of *P. ramorum* within a place of production on an annual basis. The NPPO shall provide to APHIS on an annual basis a list of the approved places of production.

II. *P. ramorum* host plant export documentation

P. ramorum host plants must originate from an NPPO approved place of production that meets the criteria in section 5 below. The exporting country must certify the export is authorized by a USDA issued import permit and accompanied by a NPPO issued phytosanitary certificate with an additional declaration stating:

“All life stages of the plants for planting in this shipment meet the requirements of USDA import Permit (insert permit number) and were solely grown in [insert name of country], within the approved place of production identified as [Name of the NPPO approved place of production]. The plants are determined to be free of symptoms of *Phytophthora ramorum* through an annual monitoring, sampling, testing, and validation program.”

B. From all other countries, excluding Canada

Any plants for planting hosts identified in section 3 and not from a country designated in section 2 above must be imported to the United States as authorized by a USDA import permit. The exporting country must certify the export with a NPPO authorized phytosanitary certificate with an additional declaration stating:

“All life stages of the plants for planting in this shipment meet the requirements of USDA import Permit (insert permit number) and were grown solely in [insert name of country]. *Phytophthora ramorum* is not known to occur in (insert name of country).”

C. Importation of *P. ramorum* host plants from Canada

Any plants for planting hosts identified in Section 3 above that are solely from Canada as defined in 7 CFR 319.37-1 may be imported to the United States if accompanied by a Canadian phytosanitary certificate.

Any plants for planting hosts identified in Section 3 that are from a third country and grown in Canada for less than one year may be imported to the United States if accompanied by a Canadian re-export phytosanitary certificate with a copy of the phytosanitary certificate from the country of origin attached with the appropriate additional declaration as listed in Sections 4A and 4B above.

5. *P. ramorum* Annual Exclusion Program from countries identified in Section 2

A. Monitoring

Any place of production exporting *P. ramorum* host plants to the United States should be inspected for signs or symptoms of *P. ramorum* on host plants. Host plants should be sampled for the presence of *P. ramorum* with a process that meets the requirements as

listed below. Symptomatic host plants should be tested to verify the absence of *P. ramorum*.

B. Sampling

A minimum sample size consisting of 40 leaf samples from genera of representative *P. ramorum* host plants within each place of production should be collected. The representative sample may contain more than one leaf, and may come from one or more plants, but all plants in the sample must be from the same place of production. Sampling must be conducted at times when greatest potential for the expression of *P. ramorum* symptoms is anticipated in the local environment and should avoid times when applied chemical fungicide treatments might mask the presence of *P. ramorum*.

C. Testing

Samples from a place of production should be tested utilizing an immunologically-based assay such as an ELISA test that is designed to detect any species of *Phytophthora*. The testing must be comparable to the procedure used in the United States, which is posted on the following website:

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

a. Negative immunological test results for host plant genera at the place of production:

If all samples from a place of production are found to be negative through immunological testing, no additional confirmation is required. The place of production may be considered free of evidence of *P. ramorum*, and host plants in the place of production are eligible for export to the United States following the requirements as described in section 4(A) above.

b. Positive immunological test results for host plant genera at the place of production:

Should immunological testing indicate the presence of *Phytophthora* spp., each sample must be analyzed using PCR or other molecular tests. They do not require confirmatory culture tests, nor do positive culture tests require confirmatory PCR or other molecular tests; however, if culture tests return other than positive results, a PCR or other molecular test must be conducted.

D. Validation protocol to verify the place of production's host plants are free from *P. ramorum*

a. PCR or culture test or other molecular tests with negative results:

If the results of PCR or culture test or other molecular tests are negative for all samples in a place of production, no further testing is required and it will be considered free of evidence of *P. ramorum*. Plants from that place of production are eligible for export to the United States following the requirements as described in section 4(A) above.

b. PCR or culture test or other molecular tests with positive results:

Any PCR or culture test or other molecular tests with a positive result for *P. ramorum* will make the place of production ineligible to export *P. ramorum* host plants for planting to the United States.

E. Annual Certification to verify the place of production's host plants are free from *P. ramorum*

A place of production within a country or an area known to have *P. ramorum* and/or a place of production once known to have *P. ramorum* is eligible to export *P. ramorum* host plants to the United States when the NPPO verifies annually that the specific place of production has been monitored, sampled, tested, and validated to be free from evidence of *P. ramorum* using the protocol described above and provides APHIS with the name of the place of production.

F. Place of production with confirmed presence of *P. ramorum* and re-testing

Any place of production found to have *P. ramorum* will remain ineligible for export of *P. ramorum* host plants for planting into the United States until the NPPO determines the place of production has corrected problems and that plants subsequently produced in that place of production are free of evidence of *P. ramorum* as prescribed within this Federal Order.

This Federal Order is effective on May 21, 2012.