

## Record of Categorical Exclusion Determination

### Importation of Host Plants and Plant Products of *Phytophthora ramorum*

#### Brief Description of Proposed Action:

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is proposing to amend its plant and plant product import regulations (7 CFR 319.37 and 7 CFR 139.74) to allow importation of shipments of plant and plant products that are hosts of *Phytophthora ramorum* from countries known to have this pest only when certain mitigation measures have been met in the country of origin and certified on a phytosanitary certificate. Also, each shipment shall be subject to inspection at the first port of arrival in the United States as required by 7 CFR 319.37-4 and 7 CFR 319.74-2.

A Pest Risk Analysis, *Phytophthora ramorum* Werres, de Cock & In't Veld, Causal Agent of Phytophthora Canker (Sudden Oak Death), Ramorum Leaf Blight, and Ramorum Dieback (May 5, 2005, Rev.1), determined the risks to be High for the importation and domestic movement of hosts and products from hosts of *Phytophthora ramorum* from infested areas without specified growing, inspection, and certification requirements. A risk potential of High necessitates the implementation of appropriate mitigation measures. This proposal will include mitigation measures from the Pest Risk Analysis, which are currently used in our domestic quarantine for *P. ramorum*. The proposed mitigations are standard processing procedures and routine inspections in the country of origin and will include the following:

1. The National Plant Protection Organization (NPPO) of exporting countries, or an agency accredited by the NPPO, must conduct an annual survey of nurseries exporting propagative plant materials of *Phytophthora* host plants to determine that the nursery is free of indications for *P. ramorum* fungal infection
2. The NPPO of the exporting countries, or an agency accredited by the NPPO, must inspect all shipments of host materials exported to the United States and must sample and test plants bearing symptoms of *P. ramorum* infection.
3. Imported host plants must be accompanied by a phytosanitary certificate stating that, "The plants in this shipment originate in a nursery that is inspected and tested annually and found free of *P. ramorum*, and the plants have been inspected prior to export and found free of *P. ramorum*."

In addition, the scope of the "Subpart—Cut Flowers" (7 CFR 319.74) will be expanded to include the following measure for greenery, such as wreaths, garlands, and other greenery:

1. Wreaths, garlands, and greenery made from *P. ramorum* host plants must be dipped for 1 hour in water that is held at a temperature of at least 160 degrees F (71.1 degrees C). These plant products must be accompanied by a phytosanitary certificate attesting that this treatment was performed.

These measures are needed to prevent the spread of harmful foreign origin *P. ramorum* into non-infested portions of the United States. The new regulations will fortify the protection offered by our domestic Federal regulations concerning the interstate movement of *P. ramorum* host material from portions of California and Oregon. In addition, the new regulations will allow APHIS to monitor the movement of *P. ramorum* host materials into the United States.

**Number and Title of Categorical Exclusion Applied:**

This proposed amendment to the regulations falls within the class of actions, which have been categorically excluded under APHIS National Environmental Policy Act (NEPA) Implementing Procedures, in 7 CFR Part 372.5 (c) (1), Routine measures, such as identifications, inspections, surveys, sampling that does not cause physical alteration of the environment, testing, seizures, quarantines, removals, sanitizing, inoculations, control, and monitoring employed by agency programs to pursue their missions and functions. APHIS has considered the importation of commodities with an insignificant pest risk, contingent on mandatory standard processing procedures and routine inspections at the port of entry, to be categorically excluded from NEPA documentation. This action is intended to stop the spread of a quarantine pest by restricting movement of host material, which is listed as a routine measure. In light of the fact that the protection of the environment “is built right into the proposed regulations”, which is a further indicator of an action subject to categorical exclusion, the responses provided in the APHIS regulatory workplan for this proposal are appropriate for a categorical exclusion.

**Regulatory Requirements:**

This proposal will allow the importation of shipments of plant and plant products that are hosts of *Phytophthora ramorum* from countries known to have this pest only when certain mitigation measures have been met in the country of origin and certified on a phytosanitary certificate. Also, each shipment shall be subject to inspection at the first port of arrival in the United States as required by 7 CFR 319.37-4 and 7 CFR 319.74-2. In addition, the proposed action has not been found to be inconsistent with any Federal, State, or local laws, requirements, or administrative determinations.

Therefore, it has been determined that the potential environmental impacts are not significant.

**Determination:**

Based on my review of information conveyed to me and in my possession concerning the proposed action, I have determined that this proposed quarantine revision fits within the specified class of actions, that the regulatory requirements set forth above are met, and the proposed action is hereby categorically excluded from further NEPA review.

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Alan Green  
Executive Director, Plant Health Programs, PPQ

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Date