

APHIS/NPB *PHYTOPHTHORA RAMORUM* REGULATORY WORKING GROUP REPORTS
Preliminary Analysis for Nursery Practices Coordination Group
January 15, 2011

As described in detail in the 70-page document, the Report contains a wide array of recommendations for the federal/state cooperative regulatory program addressing *P. ramorum*. Some would have little or no direct impact on the nursery industry; others could have substantial positive or negative impact, depending on one's perspective. The Report begins with an executive summary and background that set the stage and describe process. This document briefly summarizes the significance of each working group's report, and offers initial corrections, thoughts and concerns based on preliminary review.

4.1 High Risk Plants

The vast majority of *P. ramorum* finds have been on plants of five genera. This group's assignments relate to analyzing data, developing criteria for high-risk plant designation, and detection considerations.

Industry significance: Some have advocated for prohibitions on shipment for high-risk plants. The five "high-risk" genera (*Camellia*, *Kalmia*, *Pieris*, *Rhododendron*, *Viburnum*) are extremely important plants for the nursery industry, and prohibitions would be highly disruptive for affected nurseries. On the other hand, biasing inspection and testing activities toward the genera most commonly associated with the pathogen would seem to constitute wisest and most efficient use of resources.

Specific concerns:

- Action item 5 seems to confuse several issues – stress and transplant shock, and shipping conditions. What is intended by the suggestion of a "hold/isolation period" – refining a BMP as a recommendation for receiving nurseries, or a new regulatory requirement? The latter would be problematic.
- Table 1 – meaning of the data is not precise as varietal differences are significant but not revealed, and finds on non-high-risk plants often involve those plants having been exposed to or in close proximity to infected high-risk plants.
- Page 9 Action Item 2 – phrase "harbor the pathogen in their root system" could be misleading...isolation of pathogen on a root may not mean infection, multiplication
- Page 10 Action Item 4, 2nd bullet – who is this intended for? CA, OR (maybe WA) already do 3 inspections per year. Also, the "30-60 days" often not feasible as this could require inspecting plants during the wintertime.
- Action Item 5 – as mentioned earlier, this recommendation problematic

4.2 Quarantine 37

P. ramorum is known to exist outside the U.S. Hosts and associated plants (HAP) are imported subject to inspection at the Plant Inspection Stations (PIS) at the ports of entry. This report examines potential weaknesses and options relating to imports of HAP.

Industry significance: It has long seemed that an intense focus on *P. ramorum* domestically, including calls for trade prohibitions, has not been matched internationally. Imported hosts and associated plants also pose risk of transporting ramorum and other *Phytophthoras*, yet we seem to know little about the level of vigilance in other countries, and we seem poorly equipped to monitor for the pathogen at the ports of entry and plant inspection stations (PIS). U.S. industry interests may wish to maintain access to foreign varieties but subject to greater vigilance from the perspective of pest risk.

Specific concerns:

- As a general matter, the wording of this section suggests that the level of protection associated with imports is less rigorous. For instance, the Objective uses the wording “reduce artificial introduction”.
- The section scarcely speaks to the overarching question of “what is the situation in other countries with regard to distribution of *P. ramorum* in the environment, whether their regulatory requirements are equivalent to the U.S., and whether they have genetically distinct strains that may pose unique risk to North America?”
- Are Canada’s import requirements as applied to other countries equivalent to those of the U.S.?
- Development and deployment of rapid-detection technologies for use in the PIS should be a high priority.
- Could and should APHIS consider designating a limited number of ports as approved for clearing HAP, or at least high-risk plants or material from higher-risk countries?
- Action Item 3 on page 16 – while RFID technology is promising, it is a long way from commercialization in this context.
- Action Item 5, Recommendation: the last sentence referring to the “level of infected plant material entering the U.S.” may just be poorly drafted, but it is alarming.
- Conclusions, bullet 3 – affirmative electronic notification would appear justified if USDA moves to require prenotification of any domestic shipments.
- Conclusions, bullet 4 – risk ranking system should include consideration of environmental occurrence of pathogen in countries of concern, presence of genetically distinct strains, and history of interceptions.

4.3 Regulatory Survey

Environmental and nursery surveys for *P. ramorum* are a critical component of the regulatory program. The data generally show an improving picture relative to the nursery industry, though some concerns persist. This report delves into the state of survey efforts and makes recommendations for the future. We have not flagged specific concerns in this section but intend to seek regulators' input as to whether the data presented portray an accurate or misleading picture.

Industry significance: comprehensive and effective survey is foundational in a regulatory program such as this. In part, it is a question of justification, fairness and maintaining a level playing field – if one region has a pest and is bearing quarantine compliance costs, it is important to know whether or not protected areas are actually free of the pest. If on the other hand a pest is actually widely distributed, regulatory strategies should change from a quarantine approach to a management approach. The question of surveys and distribution is also important to other stakeholders, such as forestry interests, who view our industry as a threat and who are not fundamentally concerned with maintaining a viable horticultural marketplace.

4.4 Nursery Assessment Teams

This section explores the role of multidisciplinary expert teams that would be available to assess conditions and recommend actions in the event of confirmation of a positive at a nursery.

Industry significance: so far, industry has generally supported the idea as contributing to overall goal keeping *P. ramorum* out of the nursery production and distribution system.

Specific concerns:

- Background on page 31, last paragraph – a primary objective that should also be listed is “to get the nursery cleaned up, in compliance, and released to ship.”
- Action Item 4, second bullet. “Need” should be “feasibility.” “Treatment” should be “retention”

4.5 Triggers

This section deals with triggers (e.g., detections in nurseries, environmental detections on plants or in water) for regulating or deregulating an area or nursery.

Industry significance: From a nursery industry perspective, adoption of the triggers proposed could result in large areas in the West being deregulated based on science, reducing regulatory burden for industry and regulated states. The section also clarifies the significance of detections elsewhere in the country in terms of regulation. At the moment, it does not appear that new

areas outside of the west would be quarantined based on information at hand; however, isolation of *P. ramorum* from plants in the environment, not directly connected to a nursery incident, would lead to regulation.

Specific concerns:

- Top of page 38, first paragraph. Reference to ‘eastern’ counties should be ‘western’.
- Same page, paragraph beginning with “Since the initial...” the statement that all detections in water outside of quarantine counties are associated with a positive nursery is incorrect. Karen Suslow confirming.
- Table 1 on Page 39 is misleading because it does not depict how many nurseries were actually surveyed.
- Action Item 1 refers to an ODA and CDFA protocol for water positives. Where is this documented?
- Action Item 2, last paragraph – should it elaborate on how many years of negative data allow for deregulation of a county after a positive in an interstate shipping nursery?
- The comparison with Black Stem Rust presents an interesting intellectual exercise but the parallels are not universal and such a move would need substantial careful consideration.

4.6 Critical Control Points and Best Management Practices

This section explores the considerable work to date toward identifying critical control points (CCPs) and best management practices (BMPs) relevant to efforts to prevent introduction and retard establishment and spread of *P. ramorum* in nurseries. Terms are defined, and mechanisms for application of the concepts are discussed.

Industry significance: The most important strategic questions for the nursery industry relate to whether and when CCP/BMP programs are mandatory or voluntary, how they integrate into or supplant the traditional *P. ramorum* regulatory program, and what incentives might encourage wide adoption of best practices in the industry. The nursery industry should not view the issue of CCP/BMP programs as “a west coast thing.” Rather, the industry needs to advance a strategic conversation relative to CCP/BMP adoption across the nation, whether such efforts focus on a few specific pests like *P. ramorum*, or are broad-based integrated systems.

Specific concerns:

- Action Item 2, definition of BMP. Suggest BMP defined as a risk management measure rather than a set of phytosanitary standards. (Standards are officially defined as documents rather than practices). It may be worth noting in this definition that the term BMP’s implies some level of prior industry adoption and experience.
- Action Item 4 – suggests formal regulation of BMPs, inferring this at least in operations that are under compliance agreements. The section later indicates the group did not reach consensus on regulatory vs. voluntary. APHIS may not have the legal authority to require BMPs in nurseries where *P. ramorum* has never been found.

- Action Item 6 – this item should acknowledge existence of the pilot US Nursery Certification Program and its potential relevance as one vehicle for implementing a CCP/BMP program.
- Action Item 7, 3rd bullet – the last sentence in the bullet makes no sense.
- In the CCP's section under "Container Mix" there is a reference to "strict national standards." Need citation(s) of technical reference(s) if possible.