

APHIS *Phytophthora ramorum* Regulatory Strategy for Nurseries¹

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Abstract

A review of the U. S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) regulatory response to *Phytophthora ramorum* is presented as it impacts nurseries and the nursery industry. The Agency responded in 2004 with three Federal Orders, each more restrictive than the previous one because the appropriate response called for a more robust program. The most recent response was a result of over two million host plants from infested nurseries being shipped over a one-year period to more than 11,000 locations. Consequently, APHIS is working with stakeholders to design and implement the most effective program possible for the future. Some of the initiatives described in detail are the Trace Forward Protocol used at those nurseries which have received nursery stock from another location and the Confirmed Nursery Protocol used at nurseries found with infected plants. Looking forward, APHIS is working with the Canadian Food Inspection Agency (CFIA) to harmonize approaches to the disease. Among the strategies under consideration for harmonization and implementation is a nursery “clean stock program” with a module inserted to assure freedom from *P. ramorum*.

Key words: *Phytophthora ramorum*, APHIS, CFIA, nursery regulation, Federal Order, Confirmed Nursery Protocol

APHIS responds to *Phytophthora ramorum* with broad regulations, recently focused on the movement of nursery stock

APHIS is charged with responding to certain plant health threats. The APHIS response to *Phytophthora ramorum* has resulted in a broad regulatory response recently focused on the movement of nursery stock. The following information details the response, what prompted the response, and some details on the regulatory program and some of the related policies and procedures. Included are details on the Federal Orders, the Trace-Forward Protocol, the Confirmed Nursery Protocol, Strategic Plans, harmonization with Canada, and a program for “clean nursery stock.”

Federal Orders - April and December 2004

The first Federal Orders were issued in April 2004 in response to March detections of *P. ramorum* in California nurseries. These orders had the effect of an interim rule, but given the urgency of the situation, the Orders were implemented as measures pending the issuance of an interim rule. As Canada and some individual states took unilateral action against the movement of nursery stock from California

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and, in some instances, from Oregon and Washington as well, and as further surveys and investigations supported a wider ranging concern than just California nurseries, a new Federal Order was needed. Working closely with the nursery industry, National Plant Board, and Canada, the Federal Order signed 21 December was drafted. This Order covers most nurseries from California, Oregon, and Washington that ship interstate. The Order requires at least an annual inspection of nurseries and sampling and testing if they ship hosts or associated plants. The Order has an intended duration of three years.

Stimulus for response, Trace-Forward Protocol, and Confirmed Nursery Protocol

During the 2003-2004 shipping seasons, more than two million host and associated plants were shipped from production or wholesale nurseries found with infected plants in stock. These plants were shipped to over 5000 unique establishments nationwide. We worked with State Departments of Agriculture to respond to these shipments and do follow-up inspections at destinations using the Trace-Forward Protocol. Under these protocols plants at risk are identified, inspected, and tested for *P. ramorum*. Should the presence of *P. ramorum* be confirmed, the Confirmed Nursery Protocol (CNP) is invoked. The CNP, versions used in both the United States and Canada were designed by scientists, state and Federal officials, and the CFIA with review and input from nurserymen to put in motion steps to safeguard and eradicate *P. ramorum* from confirmed nurseries.

Strategic Plans, Harmonization with Canada, and Clean Stock Programs

As directed by Congress, the USDA Forest Service, with APHIS input, produced "...A National Strategic Plan" to demonstrate "how the Forest Service would coordinate with other(s)...to address the threat posed by *P. ramorum*." APHIS is working on an operationally oriented Strategic Plan with Canada, which will include certain scenarios of occurrences of *P. ramorum* and the appropriate regulatory response. In December, a bill was passed directing APHIS to develop a national plan for the control and management of *P. ramorum*. Since the fall of 2004, APHIS and CFIA have been working to harmonize their programs. This includes scenario responses, the CNP, National Survey, and development of a policy toward and handling of, off-continent host imports. A significant part of this effort is the development and phase-in of a nursery "clean stock" program with a module focused on addressing, and as effectively as possible, eliminating the risk of *P. ramorum* moving in nursery stock.