

Update on European Union and United Kingdom Legislation for *Phytophthora ramorum*¹

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Abstract

Legislative action at both the European Union (E.U.) and United Kingdom (U.K.) national level has been taken in response to outbreaks of *Phytophthora ramorum* and, more recently, *Phytophthora kernoviae*. Measures are aimed at identifying and preventing the movement of infected nursery stock and the containment and eradication of outbreaks at nurseries or in established plantings such as historic gardens and public parks. In addition, legislation relating to a *Phytophthora kernoviae* Management Zone has been introduced in the U.K.

Key words: *Phytophthora ramorum*, *kernoviae*, E.U. Plant Health Directive

Legislative background

Most European Union quarantine plant health controls flow from the E.U. Plant Health Directive (2000/29) which is primarily aimed at facilitating the free flow of plants and plant products within the E.U. without spreading harmful organisms (the 'Single Market'). This legislation allows E.U. Member States to introduce emergency measures but these then have to be reviewed by the Plant Health Standing Committee (PHSC).

In the U.K. implementation of these measures is through the Plant Health Act 1967. Statutory Instruments are approved by the U.K. Parliament for England and by the devolved Government arrangements in Scotland, Wales and Northern Ireland.

Chronology of legislative actions

Following the first confirmation of *Phytophthora ramorum* on a nursery in April 2002 the U.K. introduced emergency legislation in order to control imports of susceptible material from the United States and to require notification of susceptible material being moved within the U.K. Action to destroy or hold material found to be infected was taken under existing Plant Health Act powers. After discussion in the PHSC, E.U. legislation was introduced through

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Commission Decision 2002/757 of 19 September 2002. This extended controls throughout the E.U. on susceptible material imported from the U.S. and introduced a plant passport regime for movement of *Rhododendron* and *Viburnum* spp. within the E.U. This regime includes requirements (relating to inspections and eradication/quarantine procedures at the place of production) that have to be fulfilled before material can be moved. There also was a request for Member States to undertake official surveys.

What has happened since?

In December 2003 the PHSC reviewed the 2002 Decision and decided that controls needed to remain in place. The Decision was amended with *Camellia* spp. being brought within the passporting regime. Also foliage was dropped from the regime. In April 2004 ten new Member States joined the E.U. and formally came within the *Phytophthora ramorum* controls. At the December 2004 PHSC it was agreed to retain the existing E.U. controls without change.

What has this meant in practice in the UK?

The introduction of the plant passporting regime has been bolstered by increased levels of inspections at production nurseries and ports of entry into the U.K. This has been aimed at ensuring more rapid detection of any outbreaks on nurseries and reducing the chances of infected material being brought into the country. A substantial survey of woodland and other established plantings (for example historic gardens and public parks) has been undertaken to try and locate *Phytophthora ramorum* infections in the wider environment. Infected material at all sites is destroyed. This includes both places of production as required under E.U. legislation but also at other sites under national legislation. At some historic garden sites, particularly in Cornwall this has involved clearance of substantial areas of wild *Rhododendron* aided by grants under existing Forestry Commission schemes for woodland management.

The U.K. Government has also offered £200,000 towards a hardship fund to be operated by the industry. This is subject to matching funding by the industry and is aimed at those most seriously affected by the *Phytophthora ramorum* controls.

The overall thrust of the U.K. actions, which is supported by a significant scientific programme, is to contain outbreaks and to attempt to eradicate the disease. The Government is currently considering what the nature of the containment and eradication programme should be over the next two years.

Phytophthora kernoviae

The U.K. Government has also instigated containment and eradication action in relation to outbreaks of a new species, *Phytophthora kernoviae*, which is threatening native woodlands.

So far, there has only been one outbreak in a nursery (now eradicated) with the remaining outbreaks at sites in Cornwall and the Swansea area.

In response to the threat of this pathogen a *Phytophthora kernoviae* Management Zone has been created to cover the main outbreak area near Redruth in Cornwall. Access to carry out surveys, destroy infected plants, particularly wild *Rhododendron*, and the imposition of hygiene measures are covered by existing Plant Health Act powers. However, a new Statutory Instrument, The Plant Health (*Phytophthora kernoviae* Management Zone) (England) Order 2004 came into force on 21 December 2004. This provides the Plant Health authorities with powers to prohibit the removal of host plants from the Management Zone, to gain access to check compliance and to close 'rights of way' through infested areas. A Schedule to the Order sets out the geographic limits of the Management Zone.