

# ***Phytophthora ramorum* and *P. kernoviae*: Regulation in the European Union<sup>1</sup>**

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## **Abstract**

The history of the regulation of action against *Phytophthora ramorum* and *P. kernoviae* in the EU and U.K. is briefly summarised. For the former there are EU controls on the import of host plants, and the internal regime of plant passporting has been extended to cover *Rhododendron*, *Viburnum* and *Camellia*. There are also requirements relating to containment and eradication at infected nurseries. For *P. kernoviae* the U.K. has taken action through national legislation which includes the introduction of a management zone in the most heavily infected area of Cornwall. Some pilot work on the clearance of *Rhododendron* has also occurred. In the U.K. funding for the *Phytophthora* Programme will run out during 2007/08 and a scientific and policy review will take place in order to set the direction of long term policy for both pathogens. This will involve a public consultation later in 2007. Future policy actions are likely to be discussed in the EU Plant Health Standing Committee in 2008.

Key words: *Phytophthora ramorum*, *Phytophthora kernoviae*, European Union, regulation.

## **History of EU and U.K. Legislation**

### ***Phytophthora ramorum***

Regulatory action against *Phytophthora ramorum* falls under Article 16 of the European Union Plant Health Directive. Member States must report new pests or pathogens and can take emergency action to contain or eradicate them. Such action has to be reported to the EU Commission which then considers them with experts from the Member States at the Plant Health Standing Committee, normally within three months. The Standing Committee may then adopt EU-wide emergency measures which supersede any national ones already introduced.

The first finding of *P. ramorum* in the U.K. was at a nursery in April 2002. The Government introduced emergency measures in May 2002 and these were replaced by an EU Decision in the following November. Subsequently the Decision has been amended twice, in April 2004 and February 2007.

The original measures placed controls on the importation of host species into the European Union from third countries. The established internal EU plant passporting regime was extended to include the two most common hosts *Rhododendron* and *Viburnum*. Containment and eradication measures were introduced at nurseries where infection was found. The first amendment in 2004 extended the list of host species covered and included *Camellia* in the plant passporting regime. Notification of suspect occurrence by producers was made mandatory, already a generic requirement

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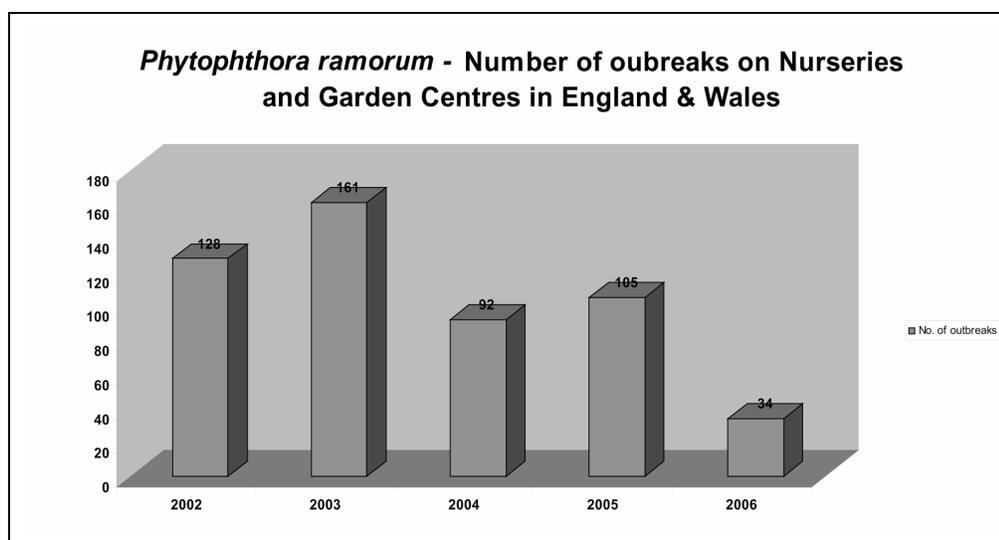
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under U.K. legislation. An obligation to take, at least, containment measures at non-nursery outbreaks was introduced. In 2007 further adjustments were made to the host list in light of international findings. Inspections of host plants at nurseries were increased to at least two per year. Further changes await the outcome of an EU-funded research project called RAPRA.

The number of outbreaks at nurseries and garden centres in England and Wales is shown in figure 1. In addition to fulfilling EU legislative requirements the U.K. introduced a regime of inspection which involved four visits annually to nurseries and an increased level of checks on material arriving from the rest of the EU.

The success in reducing the level of outbreaks in England and Wales from a peak of 161 in 2003 to 34 in 2006 will allow a reduction in nursery inspections to three and a lower level of checks on material of EU origin during 2007. However, this level of inspection is being kept under review.



### ***Phytophthora kernoviae***

A new species, *Phytophthora kernoviae*, was first found in the U.K. in 2004 during surveys for *P. ramorum* in Cornwall. Recently, New Zealand became the only other nation to find this pathogen. The U.K. introduced emergency measures in the same year. Surveys and inspections now routinely cover both species. There have been only two nursery outbreaks and eradication action has been successfully undertaken at both sites. The remaining outbreaks are non-nursery in nature and are predominantly in the county of Cornwall. Given the nature of the outbreaks in Cornwall the U.K. introduced legislation establishing a management zone for *P. kernoviae*. The movement of host material from the zone is prohibited except with the authority of an inspector and there is a power to close rights of way (footpaths with historical public access). The management zone approach allows the coverage of about 2,000 households without having to issue individual notices. Outbreaks outside the zone are dealt with as for *P. ramorum* through the issue of individual notices. In addition to these legislative measures some public money has been used to carry out *Rhododendron* clearance from high risk sites on a pilot basis.

The U.K. reported these measures to the EU Commission and Standing Committee. Other member states have been asked to test for both species during the annual *P. ramorum* survey.

## **Future Policy**

### ***U.K. Consultation***

In the U.K. the situation appears to have stabilized with a continuing reduction in the number of outbreaks on nurseries and the majority of non-nursery outbreaks of both pathogens being located within the southwest of England. However, the additional government funding provided for the *Phytophthora* Programme will have been exhausted by March 2008, probably earlier. Before a future policy approach can be determined there will need to be a formal public consultation during the autumn of 2007. Unlike previous consultations this will present options for longer term policy rather than for emergency precautionary action. The existing funding was never designed to resource a full scale *Rhododendron* clearance programme in infested areas. The current pilot scale clearance activities will need to be evaluated and a cost-benefit analysis of such work undertaken.

The consultation will need to be based on agreed data and experience and on an analysis of the state of science regarding these two pathogens. There will be the results of the RAPRA project to be taken into account if they are available in time and a *P. ramorum* data sheet agreed by international scientists. The pest risk analysis (PRA) will have to be relevant to the U.K. and EU. Key questions for the U.K. will need to be answered separately for *P. ramorum* and *P. kernoviae*. From a policy perspective, we will need to know the extent of the current damage caused by these pathogens and what would happen without controls? What sort of mitigation might work? How do the risk pathways operate and who should bear the cost of any control activities or of the damage caused by the pathogens?

The format of the consultation will be agreed and managed by the U.K inter-departmental *Phytophthora* Programme Board who will be assisted by science and industry liaison sub-groups. The public consultation will last 12 weeks with the documents and background information placed on relevant government websites. There will also be a number of public meetings. The results of the consultation will be placed in Parliament and will inform future policy action and the U.K. negotiating position during any subsequent EU review.

### ***EU Policy Review***

There is likely to be a review of the amended EU Decision relating to *P. ramorum* and *P. kernoviae* during 2008. This will consider the technical detail of the Decision such as host lists, eradication requirements and whether any particular treatments (chemical or otherwise) should be banned, encouraged or mandated. However, more fundamental questions about whether action on non-nursery outbreaks should be left to the discretion of Member States and whether action on *P. kernoviae* should be left to U.K. discretion will also be asked. Ultimately, Member States will be asked whether the emergency measures should be made permanent or dropped.

The EU review will be undertaken by the Standing Committee and will be based on output by the RAPRA project. Member States may well hold a wide range of views. The Commission will attempt to gain a consensus but could call a vote in order to obtain a decision on the way forward.