

FEDERAL DOMESTIC QUARANTINE ORDER
***PHYTOPHTHORA RAMORUM*; 7 CFR 301.92**
August 22, 2007

The purpose of this Federal Order is to prevent the spread of *P. ramorum* through regulatory authority pursuant to the Plant Protection Act of June 20, 2000, as amended, Section 412(a), 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) considers it necessary, in order to prevent the spread and dissemination of *P. ramorum*, to add certain new plant species to the list of those plant species that are already regulated as per the interim rule published on February 27, 2007, which regulates the movement of nursery stock from the States of Washington, Oregon, and California. The addition of these plants to be regulated as described below in this Federal Order is necessary as APHIS has learned that in Great Britain, *Garrya elliptica*, and in Canada, *Mahonia aquifolium*, has been detected as being naturally infected by *P. ramorum*.

Additionally, the Administrator has determined that it is also necessary, in order to prevent the spread and dissemination of *P. ramorum*, to add certain requirements as described below for any nurseries containing these newly listed associated plants and that are not currently operating under a compliance agreement for moving regulated plants interstate pursuant to 7 CFR 301.92 *et. seq.*

Recent information from the Canadian Food Inspection Agency (CFIA) and the United Kingdom's Department for Environment, Food and Rural Affairs (DEFRA) has identified additional host plants associated with *P. ramorum* that were not previously reported. CFIA reported finding one naturally infected plant, *Mahonia aquifolium*, in a nursery setting. The United Kingdom's DEFRA reported the detection of plant, *Garrya elliptica*, infected with *P. ramorum* in a landscape setting. Further details on these detections are as follows:

Garrya elliptica

- Family: Garryaceae (Silk tassel family)
- Common names: Silk tassel tree , coast silktassel
- Symptoms: Not reported

Mahonia aquifolium

- Family: Berberidaceae (Barberry family)
- Common name: Oregon grape, holly-leaved barberry
- Symptoms: Leaf blight

Therefore, the Administrator has determined that it is necessary, **as an interim measure, that the above plants be added to those already regulated as per the interim rule published on February 27, 2007, in the *Federal Register* (72 FR 8585 - 8604, Docket No. 01-054-3), which regulates the movement of nursery stock from the States of Washington, Oregon, and California.** Those nurseries operating under a compliance agreement may continue to ship Hosts and Associated Plants including the newly listed plants.

Additionally, the Administrator has determined that it is also necessary **to require that any other nurseries containing these newly listed associated plants must be properly inspected, sampled, tested and placed under a Compliance Agreement by September 7, 2007, to be able to move regulated plants interstate.**