



# Addressing the Risks Associated with the Importation of Plants for Planting

## A White Paper

### Executive summary

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Plant Protection and Quarantine  
Plant Health Programs  
Permits, Registrations, Imports & Manuals  
Commodity Import Analysis & Operations  
Plants for Planting Imports & Policy

The United States Department of Agriculture (USDA) regulation on the importation of plants for planting and propagation (nursery stock) is outdated and does not provide U.S. agriculture and the environment with adequate protection against the introduction of noxious weeds and plant pests including arthropods, plant pathogens, etc. The USDA proposes a comprehensive review and modernization of this regulation. The Animal and Plant Health Inspection Service (APHIS) has begun the revision by planning several measures that will increase protection while minimizing adverse economic impacts. Implementation will occur in phases, starting with the creation of a new category of regulated plants, those not authorized for importation pending risk analysis.

### Why revise the regulations that govern the importation of plants for planting?

*The nature of plant imports has changed dramatically; the regulations have not*

When the regulations were originally established, the volume and types of plants for planting that were imported and the phytosanitary conditions of their importation were significantly different than they are today. Typically, importation of such plants was limited to seed or small amounts of plant material, usually 100 or fewer plants or vegetative, propagative plant parts per taxon; the intent was to limit the number of plants for planting imported to the number necessary to establish a specific species or cultivar within the United States. The plants for planting then imported were not intended for direct sale to U.S. consumers; these imported species or cultivars would only be sold to U.S. consumers after they had been established domestically. As such, importation of plants for planting was limited to species or cultivars that were not grown in the United States and would not breed true from seed or were difficult to

establish from seed. Thus, the quantity of plants for planting and the number of types of plants for planting that were imported into the United States were originally both very limited. These circumstances prevailed from the first years after the regulations were established until the early 1980s.

In addition, when the regulations were originally established, all plants for planting that were imported into the United State were required to be fumigated with methyl bromide or otherwise treated. Treatment was mandatory and was performed regardless of whether there was evidence that indicated that the plants for planting offered for importation could serve as a pathway for the introduction of a quarantine pest. Because arthropod pests were eliminated by fumigation, the regulations were mainly intended to prevent the introduction of pathogens that fumigation could not control and that were associated with imported plants for planting. When it was determined that the entry of a certain taxon of plants for planting could introduce a pathogen into the United States, regulations were established that prohibited the entry of that taxon.

*More types of plants are being imported, and in greater quantities, than ever before*

While allowing the importation of most taxa of plants for planting with few restrictions may have been a reasonable course of action when the regulations were established, the circumstances of the importation of plants for planting have since changed greatly. APHIS no longer limits the amount of plants for planting that may be imported to the amount necessary to establish a species or cultivar in the United States. Partially as a result of this change, trade in plants for planting that are grown in other countries and imported into the United States has grown, as producers have found that many plants for planting can be grown in other countries under more favorable conditions than those available in the United States.

Accordingly, imports of plants for planting have increased dramatically over the last few years. For example, the Federal plant inspection station at Miami International Airport handles about 76 percent of all plants for planting that are offered for importation into the United States. Between fiscal year 1995 and fiscal year 2002, the number of plant shipments imported through that inspection station almost doubled, the number of plants in those shipments increased by 250 percent, and the number of quarantine-significant pests found in those shipments increased

by 275 percent. Regarding seed, the volume of imports of field and garden seed for sowing has doubled between 1995 and 2002, to 332,538 metric tons.

*Mandatory fumigation is no longer possible*

In part due to this increased volume of importation, imported plants for planting are no longer routinely fumigated with methyl bromide or otherwise treated. It is unlikely, moreover, that we would resume routine fumigation; under the Montreal Protocol, the United States is obligated to minimize its use of substances such as methyl bromide that deplete stratospheric ozone. The only restriction on the importation of most taxa of plants for planting is that they must enter the United States through a Federal plant inspection station, where they are randomly sampled and visually inspected for quarantine pests. However, this inspection may not be effective at reducing the risk of introducing a quarantine pest, particularly if the pest is infrequently found, small in size, borne within the plant or not yet recognized and listed as a quarantine pest. Also, a plant host infected with a pathogen may not show symptoms at the time of inspection.

*Most taxa are currently enterable with visual inspection, which may not detect all quarantine pests*

Appropriately mitigating the risks of quarantine pest introduction associated with the importation of plants for planting is especially important because quarantine pests introduced via imported plants for planting are more likely to be able to become established than quarantine pests introduced via other imported commodities such as fruits and vegetables. Plants for planting themselves may serve as hosts for quarantine pests for months or years, while the shelf life of most fruits and vegetables is days or weeks. In addition, the destinations of imported plants for planting are likely to be favorable environments for plant growth in general, such as plant nurseries, farms, greenhouses, orchards, and gardens, which could present problems in the event that a taxon of imported plants for planting turns out to be an invasive species. Other host material for quarantine pests is also usually abundant in the environment surrounding imported plants for planting. Under these circumstances, even a few individuals of a quarantine pest introduced on imported plants for planting may allow establishment of that pest in the United States.

*Pests imported with plants for planting are more likely to become established than pests associated with other commodities*

## **What is the solution?**

## **Alternatives APHIS considered**

*Business as usual is not effectively addressing the risks*

APHIS could continue to amend the regulations as we do now via the process of identifying possible risks, completing pest risk assessments, and using notice-and-comment rulemaking in order to exclude specific taxa that are shown to present risks. However, given the risks of pest introduction posed by the rapid increase in the importation of plants for planting, we do not believe that this approach would be able to address the potential risks posed by quarantine pests in a timely manner.

*Changing to the most restrictive approach, prohibiting all taxa pending risk assessment, would be economically disruptive and limiting to prospective trade*

APHIS could adopt a restrictive approach where we would prohibit the importation of all taxa of plants for planting into the United States until the risks presented by each taxon have been assessed and appropriate risk mitigation measures are identified through the pest risk assessment process, after which we would undertake notice-and-comment rulemaking to allow the importation of taxa that could be safely imported. This approach would be the most effective way to prevent the introduction of quarantine pests into the United States, but it would restrict trade in low-risk taxa unnecessarily. APHIS does not have adequate data at hand to assess the risk of most taxa of plants for planting that are currently imported into the United States, nor do we have the resources available to analyze the risks of importation for the thousands of taxa that are already being imported. In the absence of these resources, this approach would lead to a major interruption in international trade and would have significant economic effects on both U.S. importers and U.S. consumers of plants for planting. We believe it is important to avoid such an economic disruption if it is possible to do so, while maintaining phytosanitary security.

## **Preferred approach**

*USDA's goal is to maximize protection while minimizing economic impacts*

APHIS prefers to establish a middle ground between these two approaches (the business as usual approach versus prohibiting all taxa pending risk analysis) by taking several measures that, together, will allow APHIS to maximize protection against quarantine pests while efficiently using our resources and minimizing any economic impacts. These measures include the following:

*The preferred approach includes multiple measures, implemented in phases*

Improve data collection on the current importation of taxa of plants for planting  
Establish a new category of plants for planting that would be “not authorized for import pending risk analysis” (NAPRA)  
Establish programs to reduce the risk of importation and establishment of quarantine pests  
Combine existing regulations that govern plants for planting and improve user friendliness

### **Phases of implementation**

Our current resources will be sufficient to initiate this preferred approach, but additional resources will be necessary to implement it. To initiate the approach, APHIS plans to establish the new NAPRA category of plants for planting.

*A new category of plants for planting would be Not Authorized for Import Pending Risk Analysis (NAPRA)*

In the initial phase, NAPRA would be narrowly defined. The two components of NAPRA would be the following:

1. Pest plant species that meet the Plant Protection Act definition of noxious weed and the International Plant Protection Convention (IPPC) definition of a quarantine pest and that are not reported to occur in the United States, and
2. Plant hosts of pests that meet the IPPC definition of quarantine pests (listed as host/origin combinations) when the host has not been imported from the country.

In a later phase, after APHIS establishes standards and policy with respect to official control, we would expand NAPRA to include the following:

1. Pest plant species that meet the Plant Protection Act definition of noxious weed and the IPPC definition of a quarantine pest and that have been introduced, but are not widely distributed and under consideration for official control, and
2. Plant host/origin combinations where the plant is a host of a quarantine pest, and when the host is infrequently exported to the United States from the country, or is from a country that does not institute adequate safeguards to prevent the introduction of the quarantine pest.

In the final phase, after years of collecting and analyzing import data, APHIS would add to NAPRA all unprecedented species and plant host/origin combinations that have not been assessed or otherwise regulated.

For plant host/origin NAPRA entries, regardless of implementation phase, only those parts of the plant that could act as a pathway for the quarantine pest would be restricted. For example, vegetative parts of a host plant may be added to NAPRA, but seed or tissue culture would be enterable if the quarantine pest is not associated with either of these two pathways.

Other components of the revision would progress concurrently. In the initial phase, we would begin analyzing existing data and establish a risk characterization process for plant taxa that are being imported. Sources of data available now include the Emergency Action Notification (EAN) database, the Port Information Network Database (PIN 309) and the PPQ 280 database, which is used to track the disposition of plants and plant products into and out of the United States through ports of entry including PPQ's plant inspection stations. These databases provide data on plant importation and pest interceptions mostly at the plant genus level, but industry data may help APHIS characterize the risk at the species level.

We would begin developing a list of plants that are recognized as low risk, i.e., those that are assessed and enterable with phytosanitary certification and inspection (AEPI). As implementation progresses, the AEPI and NAPRA lists would grow as the number of unassessed precedent taxa shrinks (see figure 1). By the final implementation phase, the list of enterable plants would include many of the plants now being imported.

Plant hosts that are found to be of medium or high risk through the risk characterization process would follow a track involving phytosanitary negotiations with the exporting countries to design specific risk mitigation strategies for the identified quarantine pests. If the exporting country does not implement approved risk mitigation strategies, then the plant hosts would be added to NAPRA or prohibited or otherwise restricted through the rulemaking process.

*Clean stock programs will be integrated into the revision*

APHIS participated in finalizing the North American Plant Protection Organization (NAPPO) and IPPC standards on Clean Stock Programs. The initial phase of implementation will involve pilot projects; in the final phase, clean stock programs will be fully integrated into the program.

Gradually, as the implementation progresses, APHIS will reevaluate existing restrictions and combine the import regulations related to plants for planting from the various subparts of 7 CFR 319 and probably the noxious weed regulations in 7 CFR 360 into one user-friendly plants for planting regulation.

### **What opportunities are available for the public to participate?**

APHIS published an advance notice of proposed rulemaking on December 10, 2004, to solicit public comment on whether and how we should amend the regulations that govern plants for planting. We received many comments, each of which we are considering.

*APHIS will seek public participation in the revision process*

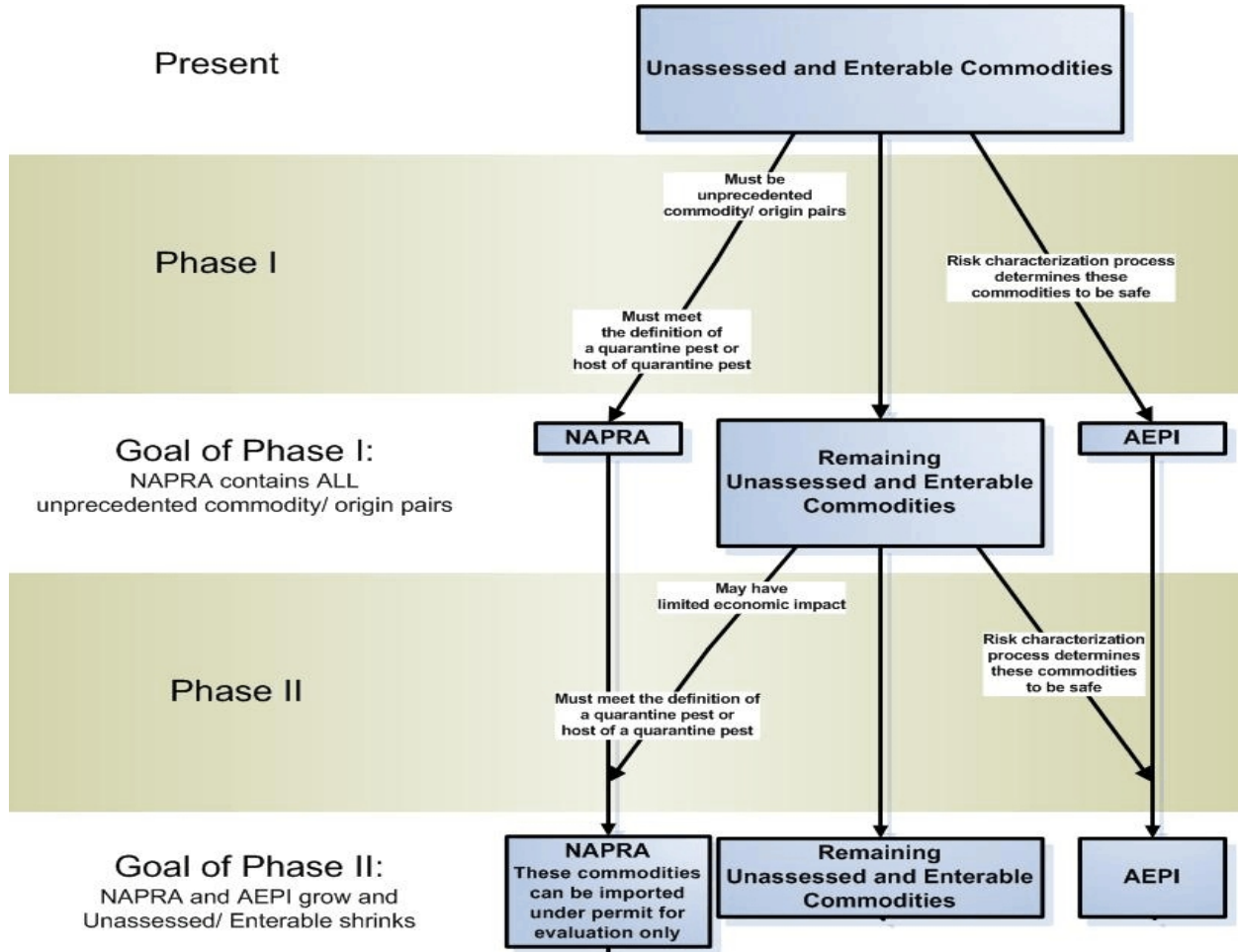
On May 25, 2005, APHIS hosted a public stakeholder meeting to discuss and evaluate draft criteria for identifying plants that should be considered pest plants, and host plants that may serve as pathways of potential quarantine pests, pathogens, and weeds.

The revision of the regulations related to plants for planting will require a series of proposed rulemakings. Each proposal will be published in the *Federal Register* with a request for public comments. The Administrative Procedure Act requires agencies to provide an opportunity for written comment. APHIS accepts e-mail comments along with paper comments.

APHIS may conduct additional stakeholder meetings, workshops and discussion groups on specific topics related to the revision. We will publicize these events through notices in the *Federal Register*.

Please join the Plant Protection and Quarantine Stakeholders Registry to receive a message when a Federal Register notice is available. Be sure to indicate “plant import” as a topic of interest to you. You will find the Registry at <https://web01.aphis.usda.gov/PPQStakeWeb2.nsf>

**Figure 1. Implementation Phases - NAPRA and AEPI**





## Contacts

For questions or more information about the revision of the regulations on the importation of plants for planting, contact:

Dr. Arnold T. Tschanz, Senior Staff Officer  
arnold.t.tschanz@aphis.usda.gov  
(301) 734-5306

Polly P. Lehtonen, Senior Staff Officer  
polly.p.lehtonen@aphis.usda.gov  
(301) 734-4394