



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

SEP 16 2008

Mr. Eugene M. Kelly  
President  
Florida Native Plant Society  
Post Office Box 278  
Melbourne, Florida 32902

Dear Mr. Kelly:

Thank you for your letter of August 28, 2008, to Secretary Edward T. Schafer concerning proposed amendments to the Department of Agriculture's (USDA) regulations governing the import of nursery stock, also known as plants for planting (PFP).

We understand your organization's concerns about the threat posed by redbay ambrosia beetle (*Xyleborus glabratus*) and other invasive pests and diseases. Officials with our Animal and Plant Health Inspection Service's (APHIS) Plant Protection and Quarantine program are currently conducting a full pathway analysis of the beetle and its attendant fungus, *Raffaelea*, which has been determined to cause redbay/laurel wilt disease. Any future actions will be based on the results of the pathway analysis. In the interim, we assure you that we recognize the necessity for revising regulations associated with PFP imports. Modernization of the "Q37 regulations" (title 7, part 319, section 37, of the *Code of Federal Regulations*) is a comprehensive undertaking, and the expertise of stakeholders such as yourselves is vital as we move forward. APHIS has been working on several Q37-related rules since publishing an advance notice of proposed rulemaking and request for comments in the December 10, 2004, *Federal Register*.

While these rules are in various stages of planning and implementation, APHIS is focusing initially on three significant proposed rules that would: revise USDA's controlled import permit system, which currently allows small quantities of restricted plant material to be imported for research purposes; structurally reorganize Q37 to establish a framework for listing standard measures that may be used to mitigate PFP-associated pest risks; and create a new category of regulated plants whose importation is not authorized pending pest risk analysis (NAPPRA). In brief, the latter proposed rule, which is considered the highest priority among the three, would authorize APHIS to add plant taxa to the NAPPRA list in situations where emergency action is not necessarily warranted, but scientific evidence indicates that a plant is potentially a quarantine pest plant or quarantine pest host. NAPPRA taxa could not be imported into the United States until a pest risk analysis is completed and appropriate mitigation measures implemented.

Mr. Eugene M. Kelly  
Part 2

Apart from rulemaking, APHIS has taken other risk mitigation steps to address current PFP concerns. Of note, APHIS has identified countries that have a history of sending imports that present high pest risk. APHIS is sending letters to the identified countries requesting that the appropriate National Plant Protection Organizations (NPPO) take necessary steps to ensure that their exports are free of pests. If an NPPO fails to satisfactorily reduce the risks associated with its exports, APHIS reserves the right to take more restrictive action. With regard to the Continental Dialogue on Non-Native Forest Insects and Diseases, APHIS has received a copy of that group's consensus recommendations and is reviewing them. APHIS officials will carefully consider the input of all stakeholders as we proceed with rulemaking.

We hope this information is helpful and assures you of our commitment to ensuring that PFP regulation is adequate to safeguard U.S. plants and natural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce I. Knight". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Bruce I. Knight  
Under Secretary  
Marketing and Regulatory Programs