

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

Public reporting burden for this collection of information is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB number and Form Number in your letter.

COMPLIANCE AGREEMENT

| | |
|---------------------------------------|-------------|
| 1. NAME AND ADDRESS OF PERSON OR FIRM | 2. LOCATION |
|---------------------------------------|-------------|

3. REGULATED ARTICLE(S)

Hosts and Associated Hosts of *Phytophthora ramorum*

4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS

7 CFR 301.92

5. *I/We agree to the following:*

USDA, APHIS, PPQ, will permit your establishment to execute the regulatory requirements outlined in the Code of Federal Regulations (CFR) 301.92 and the Federal Order of December 21, 2004. Requirements are outlined and attached as exhibits, inclusive and incorporated into this agreement by reference as if fully set out. The exhibits are attached and binding: Exhibit A - Compliance Terms, Conditions, and Procedures. Exhibit B - Authorization for Certification. Exhibit C - *Phytophthora ramorum* host and associated host plants, as listed at <http://www.aphis.usda.gov/ispm/sod>

This agreement becomes effective on signing and shall remain in effect until canceled by either party on 30 days notice to the other at the address of either appearing above. However the Department may accelerate the notice to immediate for cause, including but not limited to the Establishments abandonment of the procedures outlined in the attached Exhibits.

The Establishment assumes liability, if any, arising from the manner in which Establishment sells, handles or distributes any regulated host material. NOTICE: Any signatory or employee of any signatory who violates the terms of this compliance agreement may be subject to Civil Penalties pursuant to 7 CFR301.92, and the Plant Protection Act of 2000.

| | | |
|--|----------|-----------------------|
| 6. SIGNATURE | 7. TITLE | 8. DATE SIGNED |
| <p>The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.</p> | | 9. AGREEMENT NO. |
| | | 10. DATE OF AGREEMENT |

| | |
|---|-------------|
| 11. PPQ OFFICIAL (<i>Name and Title</i>) | 12. ADDRESS |
| 13. SIGNATURE | |
| 14. STATE AGENCY OFFICIAL (<i>Name and Title</i>) | 15. ADDRESS |
| 16. SIGNATURE | |

EXHIBIT A

COMPLIANCE AGREEMENT TERMS, CONDITIONS AND PROCEDURES FOR NURSERIES IN Oregon SHIPPING HOSTS AND ASSOCIATED-HOST PLANTS OF *PHYTOPHTHORA RAMORUM* INTERSTATE

In order to prevent the dissemination of *Phytophthora ramorum*, the Administrator of Animal and Plant Health Inspection Service (APHIS) considers it necessary to establish restrictions on the interstate movement of nursery stock from nurseries in Oregon. Nurseries that ship nursery stock listed in Attachments I and II (Exhibit C of this document) of the “Federal Order Restricting Movement of Nursery Stock from California, Oregon and Washington Nurseries” issued on December 21, 2004 may only ship listed nursery stock interstate if it is accompanied by a certificate issued under this compliance agreement. All nurseries growing and or selling *P. ramorum* host and associated host plants (Exhibit C) are required to enter into this compliance agreement in order to sell or distribute these plants out-of-state. All nurseries must be inspected, tested and certified free of *P. ramorum* before entering into this compliance agreement. Exceptions are listed in the Federal Order.

The nursery/establishment agrees to the following:

1. Inspection, Sampling, and Testing of Nursery Stock
 - a. The nursery shall allow inspection and sampling of nursery stock as defined in the Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon, and Washington Nurseries, December 21, 2004.
 - b. In order to remain under compliance, the nursery must be annually inspected, tested and certified free of *P. ramorum* following the procedures specified in the Federal Order. The following plants must be withheld from interstate shipment until the testing is completed and the nursery is found free of evidence of *P. ramorum*: 1) all symptomatic plants; 2) any plants located in the same lot as the suspect plant(s); and 3) any plants located within two (2) meters of the lot of plants.
 - c. The State Department of Agriculture shall use inspection and sampling procedures that meet USDA standards for nurseries in both quarantined and regulated areas not under quarantine, as detailed in the Federal Order. The department or other USDA approved laboratory, using federally approved laboratory protocols, will test the samples.

2. Shipping Period

Listed plants (Exhibit C) may be moved interstate from the date the above inspection is completed, which includes laboratory analysis results of sampled plant material, for a period of up to one year or until directed otherwise by an authorized Agriculture Regulatory Official.

3. Restriction on Sources of Regulated Articles

The nursery may receive plants from sources within the quarantine or regulated areas only under the following conditions:

- a. Plants listed in Attachment I and II (Exhibit C) of the Federal Order that originate from nurseries that are also under a PPQ approved compliance agreement for *P. ramorum* and are accompanied by an appropriate certificate.*
 - Interstate movement of plants listed in Attachment I and II (Exhibit C) of the Federal Order from a nursery without a compliance agreement is a violation of the Federal Order of December 21, 2004.
- b. Plants not listed in Attachments I and II (Exhibit C) of the Federal Order that originate from nurseries that have been inspected and found free of *P. ramorum* and are on an official list maintained by state agricultural officials.
 - Interstate movement of plants not listed in Attachment I and II (Exhibit C) of the Federal Order from a nursery that has not been inspected and found free of *P. ramorum* is a violation of the Federal Order of December 21, 2004.
- c. Plants that originate from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum* must be segregated, safeguarded and held from sale until they have been inspected and tested by an approved regulatory official.
 - This condition applies only to plants moved within a state from nurseries that are not under a PPQ approved compliance agreement or have not been inspected and found free of *P. ramorum*. Interstate movement of these plants is a violation of the Federal Order of December 21, 2004.

4. Maintain Identity

Establishments shall maintain the identity of all listed plants in Exhibit C that are in compliance with provisions of this compliance agreement. Establishment shall maintain the identity of all listed plants that originated from other sources that are in compliance with provisions 3a, 3b, or 3c.

5. Requirements for Interstate Movement

The nursery shall ensure that a USDA certificate or stamp (Exhibit B) stating compliance with the Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon and Washington Nurseries, December 21, 2004 and/or 7CFR 301.92 accompanies each shipment of plants listed in Exhibit C that is moved interstate.

The USDA certificate or stamp (PPQ form 570, Exhibit B) may also be used to indicate nursery compliance with 7CFR 301.92 and the Emergency Federal Order of December 21, 2004 for the movement of listed (Exhibit C) nursery stock intrastate.

The nursery agrees to comply with all other applicable federal and state regulations related to the importation or distribution of plant material.

6. Records

The nursery agrees to maintain records of all incoming and outgoing shipments of hosts and associated plants for a minimum of 24 months. Records of plant shipments are to include species and variety of cultivar. These records shall be made available for periodic inspection by an approved Regulatory Official upon request to verify compliance with this provision. A PPQ 527 issuance tracking log is provided for use by the nursery, Exhibit D.

7. Infected Nursery Stock

In the event *P. ramorum* is detected in the nursery, the USDA and the State Department of Agriculture will delimit and eradicate the pathogen using the current USDA Confirmed Nursery Protocol, until conditions of the protocol are met. The complete text and information may be found at the USDA, APHIS, PPQ web site:

<http://www.aphis.usda.gov/ppq/ispm/sod/>

8. Monitoring

Federal or State Regulatory Officials may conduct audits for compliance with this agreement at any time. Violation of any of these compliance agreement provisions will be cause for termination of the agreement.

9. Notice

The nursery shall provide advance notice to the State Department of Agriculture Regulatory Official when requesting an inspection.

10. Continuance of Compliance Agreement

This agreement is valid through June 30, 2006

The nursery may request renewal to continue the agreement after that date.

*A USDA form 527, or 540 (certificate or stamp) is an appropriate certificate.

EXHIBIT B

Authorization for Certification

Business/Establishment Name

Establishment agrees to the following:

1. Reproduce the Federal certificate following dimensions in example below and using exact language in the example.
2. Use Federal certificate to certify interstate shipments of regulated plant material shipped from growing grounds named in this compliance agreement.
3. Use Federal certificate to certify regulated plant material that has been inspected and found free of symptoms of *Phytophthora ramorum* by agricultural officials.
4. Maintain record of all interstate shipments certified with Federal certificate and make such records available to agricultural officials upon request.
5. Delegate to one person only the authority to reproduce Federal certificate and use to certify interstate shipments of regulated articles.



Stamp Description:

Minimum Size: 2"x4"

Font: Arial Black

Font Size: 11

Establishment or Compliance Agreement Numbering System:

Each state shall use the Establishment number or Compliance Agreement numbering system that is appropriate for their state.

Authorization for Certification

By signing below, Establishment agrees to follow all instructions contained in Exhibit B, Authorization for Certification.

Printed Name of Establishment Representative

Signature of Establishment Representative

Date

Printed Name of Federal, State or County Representative

Signature of Federal, State or County Representative

Date

EXHIBIT C

Attachments I – All plants listed below are officially recognized as hosts of *Phytophthora ramorum*.

Host Plants of *Phytophthora ramorum*

| Scientific Name (31) | Common Name |
|---|---|
| <i>Acer macrophyllum</i> | Bigleaf maple |
| <i>Aesculus californica</i> | California buckeye |
| <i>Arbutus menziesii</i> | Madrone |
| <i>Arctostaphylos manzanita</i> | Manzanita |
| <i>Calluna vulgaris</i> ¹ | Heather |
| <i>Camellia</i> spp. | Camellia - all species, hybrids and cultivars |
| <i>Hamamelis virginiana</i> | Witch hazel |
| <i>Heteromeles arbutifolia</i> | Toyon |
| <i>Lithocarpus densiflorus</i> | Tanoak |
| <i>Lonicera hispidula</i> | California honeysuckle |
| <i>Maianthemum racemosum</i> (formerly <i>Smilacina racemosa</i>) ¹ | False Solomon's seal |
| <i>Photinia fraseri</i> ¹ | Red tip or Fraser's Photinia |
| <i>Pieris Formosa</i> | Himalaya Pieris |
| <i>Pieris formosa x japonica</i> | Pieris 'Forest Flame', forest flame andromeda |
| <i>Pieris floribunda x japonica</i> | Pieris 'Brouwer's Beauty', Brouwer's beauty andromeda |
| <i>Pieris japonica</i> ¹ | Japanese Pieris |
| <i>Pseudotsuga menziesii</i> var. <i>menziesii</i> | Douglas-fir |
| <i>Quercus agrifolia</i> | Coast live oak |
| <i>Quercus chrysolepis</i> | Canyon live oak |

¹ Formally moved from the Associated Host list to the Host list by this Order.

| Scientific Name (31) | Common Name |
|---|---|
| <i>Quercus kelloggii</i> | California black oak |
| <i>Quercus parvula</i> v. <i>shrevei</i> | Shreve's oak |
| <i>Rhamnus californica</i> | California coffeeberry |
| <i>Rhododendron</i> spp. | Rhododendron (including azalea) – includes all species, hybrids and cultivars |
| <i>Rosa gymnocarpa</i> | Wood rose |
| <i>Sequoia sempervirens</i> | Coast redwood |
| <i>Trientalis latifolia</i> | Western starflower |
| <i>Umbellularia californica</i> | California bay laurel, pepperwood, Oregon myrtle |
| <i>Vaccinium ovatum</i> | Evergreen huckleberry |
| <i>Viburnum x bodnantense</i> | Bodnant Viburnum |
| <i>Viburnum plicatum</i> var. <i>tomentosum</i> | Doublefile Viburnum |
| <i>Viburnum tinus</i> | Laurustinus |

Attachment II – All plants listed below are officially recognized as being associated with *Phytophthora ramorum*.

Associated plants are the thirty-six below that have been identified as associated with *P. ramorum* because results of culture or Polymerase Chain Reaction (PCR) tests returned positive for the fungus. For each of these, traditional Koch's postulates have not yet been completed or documented and reviewed.

Plants Associated with *Phytophthora ramorum*

| Scientific Name (37) | Common Name |
|--|------------------------------|
| <i>Abies grandis</i> | Grand fir |
| <i>Aesculus hippocastanum</i> | Horse-chestnut |
| <i>Arbutus unedo</i> | Strawberry tree |
| <i>Clintonia andrewsiana</i> | Andrew's clintonia bead lily |
| <i>Castanea sativa</i> | Sweet chestnut |
| <i>Corylus cornuta</i> | California hazelnut |
| <i>Drimys winteri</i> | Winter's bark |
| <i>Dryopteris arguta</i> | California wood fern |
| <i>Fagus sylvatica</i> | European beech |
| <i>Fraxinus excelsior</i> ¹ | European ash |
| <i>Kalmia latifolia</i> | Mountain laurel |
| <i>Laurus nobilis</i> | Bay laurel |
| <i>Leucothoe fontanesiana</i> | Drooping leucothoe |
| <i>Nothofagus oblique</i> ¹ | Southern or Roble beech |
| <i>Pieris Formosa</i> var. <i>forrestii</i> | Chinese Pieris |
| <i>Pieris formosa</i> var. <i>forrestii</i> x <i>Pieris japonica</i> | Pieris |
| <i>Pittosporum undulatum</i> | Victorian box |
| <i>Pyracantha koidzumii</i> | Formosa firethorn |
| <i>Quercus cerris</i> | European turkey oak |

¹ Formally added to the Associated Host list by this Order.

| Scientific Name (37) | Common Name |
|--|---------------------------------|
| <i>Quercus falcata</i> | Southern red oak |
| <i>Quercus ilex</i> | Holm oak |
| <i>Quercus rubra</i> | Northern red oak |
| <i>Rhamnus purshiana</i> | Cascara |
| <i>Rubus spectabilis</i> | Salmonberry |
| <i>Salix caprea</i> | Goat willow |
| <i>Syringa vulgaris</i> | Lilac |
| <i>Taxus baccata</i> | European yew |
| <i>Taxus brevifolia</i> | Pacific yew |
| <i>Toxicodendron diversilobum</i> | Poison oak |
| <i>Viburnum davidii</i> | David Viburnum |
| <i>Viburnum farreri</i> (=V. <i>fragrans</i>) | Fragrant Viburnum |
| <i>Viburnum lantana</i> | Wayfaringtree Viburnum |
| <i>Viburnum opulus</i> | European cranberrybush Viburnum |
| <i>Viburnum x burkwoodii</i> | Burkwood Viburnum |
| <i>Viburnum x carlcephalum</i> x <i>V. utile</i> | Viburnum |
| <i>Viburnum x pragense</i> | Prague Viburnum |
| <i>Viburnum x rhytidophylloides</i> ² | Alleghany or Willowood Viburnum |

² Formally added to the Associated Host list by this Order.

