

603-052-1230

Quarantine: *Phytophthora ramorum*

(1) Establishing a quarantine: A quarantine is established against *Phytophthora ramorum*, the cause of sudden oak death and other plant diseases. This quarantine is established under ORS 561.510 and 561.540 to protect Oregon's agricultural industries and natural resources from the artificial spread of *P. ramorum*. This pathogen causes mortality in susceptible oak (*Quercus* spp.), tanoak (*Notholithocarpus densiflorus* syn. *Lithocarpus densiflorus*), rhododendron (*Rhododendron* spp.), viburnum (*Viburnum* spp.), evergreen huckleberry (*Vaccinium ovatum*), and other plant species. In other susceptible plants it causes leaf spots, twig dieback and/or stem cankers. Methods for exclusion of commodities potentially infected with this disease and procedures for eradication of incipient infections are prescribed in this quarantine.

(2) Area under quarantine:

(a) The following counties in California: Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, and Trinity;

(b) The following portion of Curry County that lies inside the area starting at the point where the mouth of the Rogue River meets the Pacific Ocean and continuing east along the Rogue River to the northeast corner of T35S R12W section 31, then south to the northeast corner of T38S R12W section 18, then east to the northeast corner of T38S R12W section 13, then south to the northeast corner of T38S R12W section 25, then east to the northeast corner of T38S R11W section 29, then south to the northeast corner of T40S R11W section 8, then east to the northeast corner of T40S R11W section 10, then south to the state border with California, then west to the intersection of the Oregon/California state border with US Highway 101, and then northwest along US Highway 101 to the intersection with West Benham Lane and then west along West Benham Lane and continuing directly west to the Pacific Coastline; then following the coastline north-northwest back to the point of beginning;

(c) Any country, state, county, province or area covered by the federal Domestic Quarantine for *Phytophthora ramorum*, 7 CFR 301.92;

(d) Any property in Oregon where *P. ramorum* is found, including a buffer zone of up to three (3) miles surrounding the infested site during any eradication or containment program.

(3) The following definitions apply to ORS 603-052-1230:

(a) "Best management practices" is defined as any actions or activities that can be used to prevent or eliminate new *P. ramorum* infections.

(b) "Disease-free area" means an area located more than one-quarter (1/4) mile from the generally infested area, or any other infested sites, which has been officially surveyed within the past 6-months and found free of *P. ramorum*.

(c) "Generally-infested area" means the area within the quarantine boundary where *P. ramorum* has been commonly found or in which there is reason to believe *P. ramorum* is present because of the proximity, one-quarter (1/4) mile or less, to known infested sites. A map showing the generally infested area is available from the Oregon Department of Agriculture, http://www.oregon.gov/ODA/CID/PLANT_HEALTH/, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4620.

(d) "Hosts and associated plants" means plants on the USDA APHIS List of Regulated Hosts and Plants Proven or Associated with *Phytophthora ramorum*, effective date November 27, 2013.

NOTE: This list is available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644.

(e) "Infested site" is defined as the area within fifty (50) feet of one or more plants officially confirmed as infested with *P. ramorum*.

(f) "Treatment area" is defined as the area delimited by the Oregon Department of Agriculture (ODA) or an official cooperator in which treatments to eliminate or reduce *P. ramorum* inoculum and sources thereof is required or recommended. The treatment area may range from 50 to 300 or more feet from infected or symptomatic plants.

(g) "Type 1" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available data on disease spread, is considered to be of highest risk for advancing further spread of *P. ramorum* into previously un-infested areas. By definition, Type 1 sites are typically located outside of the generally infested area.

(h) "Type 2" is defined as an infested site(s) that because of its geographical location in relationship to other infested sites, surrounding flora, and based on the best available epidemiological data on disease spread, is considered to be of less risk for advancing further spread of *P. ramorum* into previously un-infested areas. By definition, Type 2 sites are typically located inside of the generally infested area.

(i) "Non-commercial" is defined as any activity or entity that does not in some sense involve commerce, relative to similar activities that do have a commercial objective.

(j) "Nursery stock" is defined in ORS 571.005. Tissue culture plantlets in sealed, sterile containers are exempt from this regulation;

(4) Commodities regulated:

(a) All plants and plant parts of hosts and associated plants: Examples of regulated commodities include all portions of the plants including, but not limited to nursery stock, logs, bark, wood chips, mulch, firewood, sawdust, green waste, other plant products that may contain bark or foliage;

(b) Any other plant found to be naturally infected with *P. ramorum*, any product or article that an official inspector determines to present a risk of spreading *P. ramorum*, and all life stages of *P. ramorum*.

(5) Provisions of the quarantine: Movement out of the quarantined area of regulated commodities originating from the area under quarantine, and any other area found to be infested with *P. ramorum* during the life of this quarantine, is prohibited unless one of the following requirements has been met:

(a) The regulated commodity meets the official treatment and certification requirements for interstate movement as defined in the federal domestic quarantine, 7 CFR 301.92. The regulated commodity must be accompanied by an official certificate that includes the following additional declaration "The (type of covered commodity) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." As applicable, the specific requirements of the treatment must be recorded on the official certificate;

(b) Provisions for Douglas fir, grand fir, alder, and other non-hosts and non-bole hosts (as defined in 7 CFR 301.92) harvested within the quarantine area, including the generally-infested area. Logs and firewood of non-hosts and non-bole hosts are not regulated per 7 CFR 301.92 and can move freely within or outside the quarantine area. Soil, needles, foliage, and plant debris (including branches less than or equal to one (1) inch in diameter) must stay within the quarantine area.

(c) Provisions for tanoak logs and firewood harvested within the quarantine area.

(A) Tanoak logs and firewood - Intrastate. Tanoak logs and firewood may be shipped intrastate provided the logs were harvested from a disease-free area and the logs and firewood are safeguarded from contamination prior to shipment out of the quarantine area.

(B) Tanoak logs and firewood - Interstate. Tanoak logs and firewood may be shipped interstate provided the logs and firewood were harvested from a disease-free area, have been debarked according to federal requirements (see 7 CFR 301.92), and are accompanied by an official phytosanitary certificate verifying the debarking of the logs and firewood prior to shipment.

(C) Tanoak logs and firewood harvested within the generally-infested area are not eligible for movement outside of the quarantine area.

(d) Nursery stock grown in a quarantined county or area may be eligible for shipment to and within Oregon providing the nursery is part of an official certification program and has been inspected and tested as required by the federal domestic quarantine, 7 CFR 301.92, for *P. ramorum*. The official certificate must include the following additional declaration: "The (covered commodity) from (name of county or other location identifier) has met the *Phytophthora ramorum* quarantine requirements for shipment into and within Oregon."

NOTE: Recipients of tree and shrub nursery stock imported into the state must notify the ODA no later than two business days after its arrival as required by OAR 603-054-0027.

(e) Soil and potting media from the quarantine area at a known infested site or from within four (4) meters of an infected host plant must be sterilized before shipment. The soil or potting media must reach a minimum temperature of 50 degrees C (122 degrees F) for 30-minutes measured at the center of the mass of soil or potting media. Soil or potting media that has never been associated with the covered commodities is exempt. Treatments must be officially verified. The official certificate must include the following additional declaration "The (soil or potting media) from (name of county or other location identifier) has been treated for *Phytophthora ramorum* as required prior to shipment." The length and temperature of the treatment must be recorded on the official certificate.

(6) Infested properties in Oregon: Confirmation of a *P. ramorum* infection must be made by the ODA or an official cooperator. The required response depends on whether the infested site is of high priority (Type 1) or normal priority (Type 2) in terms of importance for slowing disease spread as determined by ODA or an official cooperator. The ODA or an official cooperator will notify the landowner when a Type 1 infested site has been detected on their property.

(a) Type 1 sites must be treated as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for *Phytophthora ramorum* Detections in Residential or Landscaped Commercial Settings, last revised January 15, 2013 or the USDA Forest Service, USDA APHIS, National Association of State Foresters, and National Plant Board's National Framework for Managing Sudden Oak Death caused by *Phytophthora ramorum* in Forests and Wildlands, October 2011. Subject to the availability of funds dedicated to the rapid treatment of *P. ramorum* infested sites, the cost of treatment will be borne by the State.

NOTE: These protocols are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644. Affected property owners will be issued infestation and treatment area location and treatment requirements in the form of an Administrative Directive. For public and private forested lands, the Oregon Departments of Agriculture and Forestry (ODF) will work with the landowner to develop a treatment plan that will be based on the best available science. The treatment plan may include some or all of the following activities:

- (A) Cutting and piling susceptible trees and shrubs;
- (B) Burning the wood and plant debris when safe to do so;
- (C) Herbicide treatment of stumps, standing trees, and sprouts;
- (D) Fungicide application;

(E) Sampling and monitoring;

(F) Replanting with suitable plant species to meet landowner objectives and to prevent intensification and spread of the disease.

(b) On Type 2 sites disease suppression through the implementation of best management practices is encouraged. Subject to availability of funds dedicated to the suppression of *P. ramorum* in urban and forested environments, a cost-share program may be available through the ODF to help defray costs of implementing best management practices to suppress disease spread (Oregon Department of Forestry, 415 Redwood Street, Brookings, OR 97415, telephone: 541-469-5040). A landowner with a Type 2 site may, after consultation with the ODA and ODF, allow use of their infested site(s) for *P. ramorum*-related research by Oregon State University, ODF, or ODA. Trees killed by *P. ramorum* within an infected Type 2 treatment area may be used as firewood under the following conditions:

(A) The firewood from the infected tree(s) is for non-commercial use only;

(B) The firewood does not leave the generally-infested area or any other infested site outside of the generally-infested area.

NOTE: Best management practices for managing *P. ramorum* infestations within the generally infested area are available on the California Oak Mortality website, <http://www.suddenoakdeath.org>, or from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644, or the Oregon Department of Forestry - Coos Bay, 63612 Fifth Road, Coos Bay, 97420, telephone: 541-267-4136.

(7) Infested nurseries in Oregon: Confirmation of a *P. ramorum* infestation must be made by the ODA or an official cooperator. Nurseries are required to eradicate the disease as quickly as possible in accordance with USDA APHIS's Official Regulatory Protocol for Nurseries Containing Plants Infected with *Phytophthora ramorum* Version 8.2, revised March 27, 2014. Infested nurseries must also notify their customers of shipments of high-risk nursery stock [Camellia, Kalmia, Pieris, Rhododendron (including Azalea), and Viburnum] to non-regulated areas as required by the Federal Order for *Phytophthora ramorum*, (DA-2012-53, December 10, 2012). Nurseries from within the federally regulated area for *P. ramorum* (7 CFR 301.92) are subject to the following requirements:

(a) Nurseries from which *P. ramorum* has been detected in multiple growing seasons will be required to implement best management practices as described in USDA APHIS's official regulatory protocols for positive nurseries for the mitigation of *Phytophthora* disease in plants for planting. Alternatively, such nurseries may enter Oregon's Grower Assisted Inspection Program;

(b) Nurseries within the federally regulated area that ship interstate and from which *P. ramorum* has been detected since March 31, 2011, must comply with the requirements as described by the Federal Order Domestic Quarantine *Phytophthora ramorum* (DA-2014-02, January 10, 2014);

(c) Nurseries within the federally regulated area that do not ship interstate and from which *P. ramorum* has been detected since March 31, 2011, must be inspected annually as described in 7 CFR 301.92;

(d) Nurseries within the federally regulated area that ship interstate and from which *P. ramorum* has not been detected since March 31, 2011, must be inspected as described in ORS 571.145.

(e) Nurseries within the federally quarantined area must be inspected as described in 7 CFR 301.92.

NOTE: These best management practices and protocols and information about the GAIP for nurseries are available from the Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301, telephone: 503-986-4644.

(8) Special permits: The Department, upon receipt of an application in writing, may issue a special permit allowing movement into this state, or movement within this state, of regulated commodities not otherwise eligible for

movement under the provisions of this quarantine order. Movement of such commodities will be subject to any conditions or restrictions stipulated in the permit, and these conditions and restrictions may vary depending upon the intended use of the commodity and the potential risk of escape or spread of *P. ramorum*.

(9) Violation of quarantine: Violation of this quarantine may result in a fine, if convicted, of not less than \$500 no more than \$5,000, as provided by ORS 561.990. In addition, violators will be subject to civil penalties of up to \$10,000 as provided by 561.995. Commodities shipped in violation of this quarantine may be treated, destroyed or returned to their point of origin without expense or indemnity paid by the state.

Stat. Auth.: ORS 561 & 570

Stats. Implemented: ORS 561.510 - 561.545, 570.105 - 570.190, & 570.990 - 570.995

Hist.: DOA 1-2001(Temp), f. & cert. ef. 1-5-01 thru 4-4-01, DOA 5-2001, f. & cert. ef. 3-27-01; DOA 1-2005, f. & cert. ef. 1-24-05; DOA 4-2006, f. & cert. ef. 3-10-06; DOA 7-2007, f. & cert. ef. 3-27-07; DOA 5-2008, f. & cert. ef. 1-16-08; DOA 5-2009, f. & cert. ef. 4-9-09; DOA 21-2010, f. & cert. ef. 12-17-10; DFW 14-2011, f. & cert. ef. 9-9-11; DOA 6-2012, f. & cert. ef. 3-22-12; DOA 4-2013, f. & cert. ef. 3-1-13; DOA 5-2014, f. & cert. ef. 4-29-14; DOA 14-2014, f. & cert. ef. 8-22-14; DOA 9-2015, f. & cert. ef. 7-23-15