

National Environmental Coalition on Invasive Species

Defenders of Wildlife • Great Lakes United • National Association of Exotic Pest Plant Councils
National Wildlife Federation • Natural Areas Association • Natural Resources Defense Council
The Nature Conservancy • Union of Concerned Scientists

October 13, 2009

Docket No. APHIS–2006–0011
Regulatory Analysis and Development, PPD, APHIS Station 3A–03.8
4700 River Road Unit 118
Riverdale, MD 20737–1238

RE: Comment on Docket No. APHIS–2006–0011 on Q-37 proposed revisions

Our member organizations represent more than six million members nationwide—a large and growing constituency concerned about the environmental damage caused to our country by invasive species. Our members comprise scientists, natural resource managers, and concerned citizens across the nation, serving in both public and private capacities.

We write to you today about a significant opportunity to increase the country’s biosecurity—the revision to Q-37 import regulations currently proposed by APHIS. The importation of plant material is a major pathway for introduction of invasive plants and plant pests, and requires strong, sensible measures to ensure that such imports do not endanger the country. In this letter we present specific comments regarding the proposed rulemaking.

Through our many partnerships, we find that the American public strongly supports implementation of strengthened screening procedures to protect the country. When USDA proposed new guidelines in 2004, a majority of online respondents supported the proposed changes. In the last five years, awareness of the damage done by invasive species has continued to grow, and many industry partners are now working together with our groups.

This letter describes our collective perspectives on the currently proposed revision. Overall, we strongly support the creation of the new category of “not authorized [for import] pending pest risk analysis” (NAPPPRA). This can be an important step towards a prevention system adequate to meet the challenges of the 21st century. We commend you and your staff for your leadership in bringing this forward.

The process to date has been slow. This revision was first proposed five years ago, and delay puts the nation at risk further. We urge immediate implementation of the revision and timely attention to the ongoing needs of maintaining the NAPPPRA list.

Scope: Novel plants vs. plants already present in the US

We believe that the importation of any plant should be restricted if its harmful impacts on the country are clearly greater than its benefits. This includes plants that may already be present in the US, whether they currently grow in cultivation, outside cultivation, or both. A strong NAPPRA would include such plants.

Inclusion of such plants is supported by the definition of “quarantine pest” if “official control” is not interpreted narrowly. Official control is based on “mandatory” efforts aimed at eradication or containment. This should include state and local mandates. Mandates at these levels of government are often the most responsive to new pests inflicting damage on the ground before the pest becomes widespread.

As a paper cited in the proposed rulemaking¹ makes clear, species already introduced into the US are among those that pose the highest risk. This is in part because their “entry potential” is 100%, but their inherent invasiveness alone ranks many of them near the top. It is critical to address these species, and a NAPPRA that does not will be taking only the first step in stopping introduction of harmful species.

Transparency

Many constituencies have a stake in assessments made for NAPPRA. All resources should be available online, and kept current. These resources include: criteria for assessments; list of plants already assessed; list of plants in the queue to be assessed, with a schedule for completion; and full details on all assessments completed, whether a plant is added to NAPPRA or not. This will allow stakeholders to use the findings in their own work, and to provide additional relevant information.

Public partners will be interested in having a role in the ongoing selection of plants for evaluation, and in providing information that may be relevant to evaluating plants. There should be a straightforward way for them to suggest a taxon for review, and to submit information. Such suggestions should receive a timely and substantive response.

Operations

The proposed guidelines do not address how plant species will be treated during the period in which NAPPRA review is conducted. Caution dictates that plants for planting that are not already being imported should not be allowed for import during a NAPPRA or pest risk assessment (PRA) review phase. If a plant pest found on plants currently being imported is accepted for NAPPRA review, APHIS should consider invoking its emergency powers to prevent imports during the review period.

¹ Parker, C., B.P. Caton and L. Fowler. 2007. “Ranking non-indigenous weed species by their potential to invade the United States: ‘The Parker model.’ ” *Weed Science* 55:386–397.

The regulation should clarify that import of any number of propagules of a taxon listed in the NAPPRA category should be prohibited unless otherwise determined through the PRA. In other words, there should not be a threshold quantity below which importation is allowed.

Evaluation of taxa for NAPPRA should include information on their history of cultivation. Invasive species often demonstrate a significant lag time between introduction and invasion, so a species without a long history of cultivation outside its native range should be treated cautiously even if it has not yet become invasive.

The proposed rules discuss APHIS using its judgment when weighing information available for NAPPRA listing. The criteria for this judgment should be made explicit; it is important to know what level of risk USDA is officially prepared to accept.

The revision should make clear the relationship between risk assessment for NAPPRA, risk assessment for a full PRA, and risk assessment for listing as a federal noxious weed. It would be logical for plants that are evaluated under a full PRA and not approved for import to be added to the federal noxious weed list, but this is not made clear in the proposed rules.

Definitions

The definition of “Plants for Planting” in the proposed rule is less clear than the definition in the US Plant Protection Act: “any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.” The definition currently in the proposed rules should be replaced with this definition.

The definition of “regulated plant” should include “all macroalgae and colonial microalgae” rather than just “green algae” as written.

Additional approaches

Regulations, screening practices, and inspections should all be structured to encourage importers to use lower-risk plant materials, such as, seeds, cuttings, and tissue culture which are much less likely to carry plant pests. Additionally, mandatory disinfection of all incoming live plants could be considered.

It is a positive sign that the horticultural community and the conservation community are beginning to engage with each other to stop the introduction of invasive pests. However, developing effective best management practices (BMPs) through this process will take time. It remains critically important that USDA exercise its authority to protect the country from damaging introductions both now and in the future in order to complement BMPs and other voluntary measures.

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We applaud the progress represented by the creation of NAPPRA. We encourage swift implementation and ongoing development. Our groups bring extensive experience to the table, and national networking of knowledgeable invasive species experts is increasing. We look forward to working in collaboration to effectively execute the NAPPRA category, and we are dedicated to helping develop funding (including private sector funding) to support these efforts. Thank you for your consideration.

Sincerely,

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