EMERGENCY QUARantine REGulations TO PREVENT THE INTRODUCTION AND SPREAD OF PHYtophthora RAMORUM (SUDDEN OAK DEATH DISEASE) IN MISSISSIPPI

In order to prevent the introduction and dissemination of Phytophthora ramorum in Mississippi, the Commissioner of Agriculture and Commerce through the Bureau of Plant Industry, in accordance with Section 69-25-7 paragraph (2), and Section 25-43-7, Mississippi Code 1972 and laws amendatory thereto, does declare and give public notice of the establishment of an emergency quarantine setting forth the following:

Sudden Oak Death, infective agent being P. ramorum, is hereby declared to be a public nuisance and especially injurious to numerous genera and species of nursery stock, to timber resources and to native vegetation important to wildlife and the environment of Mississippi.

I. Quarantine Area(s): the entire states of California, Washington, and Oregon and other states wherein established infestations of P. ramorum are detected. “Established infestation” shall mean a condition where a P. ramorum infection has been shown to have been transmitted from one infected host plant or associated host plant to another within a nursery setting or the natural environment. Or, in the case of nursery plants an established infestation may be assumed when known infestations exist, but control programs are not adequate to the satisfaction of the Commissioner in order to insure eradication of P. ramorum

II. Regulated articles: Effective immediately, regulated articles as sited below may not be moved into Mississippi from California, Washington, and Oregon or another state known to have established infestations of P. ramorum except as outlined hereafter.

(1)- All plants, nursery stock and any other plants which the Commissioner determines to present a risk of spreading P. ramorum shall be regulated as follows.

All living or dead woody nursery stock, including but not limited to genera/species determined to be a host plant or associated host plant is prohibited entry into Mississippi. “Woody nursery stock” in the context of this regulation shall mean plants containing bark such as but not limited to maple, oak, spruce, yew, vines, pine, azalea, rhododendron, pittosporum, viburnum, blueberry, fruit trees and poinsettia. All nurseries must be tested as described in Section IV below before shipping any plant material. Positive results shall deem said nursery infected and no plants of any kind may be shipped to Mississippi.
The following are genera/species of known host or associated host plants which shall be subject to routine amendments by USDA which are prohibited entry into Mississippi:

_Abies_ species
_Acer_ species
_Aesculus_ species
_Arctostaphylos_ species
_Camellia_ species
_Castanea_ species
_Corylus_ species
_Dryopteris_ species
_Fagus_ species
_Hamamelis_ species
_Kalmia_ species
_Leucothoe_ species
_Lithocarpus_ species
_Lonicera_ species
_Pieris_ species
_Pittosporum_ species
_Pseudotsuga_ species
_Pyracantha_ species
_Quercus_ species
_Rhamnus_ species
_Rhododendron_ species
_Rosa_ species (Except as under III (1) (e))
_Rubus_ species
_Sequoia_ species
_Smilacina_ species
_Syringa_ species
_Taxus_ species
_Toxicodendron_ species
_Tristelitis_ species
_Umbellularia_ species
_Vaccinium_ species
_Viburnum_ species

(2)- Bark, firewood, mulch, non-sterilized soil or potting material, non-pressure treated lumber and raw wood, Christmas trees, wreathing plant materials or any type equipment, materials and commodities deemed a threat by the Commissioner of spreading _P. ramorum_ may not enter the state from regulated areas.
III. Provisions to allow entry of certain plants and plant products into Mississippi:

(1) The Commissioner, based on negative testing of host and associated host plants and certification procedures outlined in Section IV, may allow such nursery to ship acceptable plants as follows: (a)- plants produced from tissue culture, (b)- orchids in artificial sterile media grown in enclosed greenhouses dedicated for such, (c)- other plants evaluated by USDA/APHIS/PPQ and determined not to be hosts or associated hosts for *P. ramorum*, (d)- plants, such as certain bedding plants, determined by the Commissioner not to be a threat without testing and (e)- commercial roses, except *Rosa gymnocarpa*, which are grown in methyl bromide fumigated or sterilized plant beds and shipped bare rooted.

(2) In addition to meeting requirements of testing noted in II (1) above, acceptable plants shall only be allowed entry if certified as complying with the following: (i)- as being grown at a distance greater than 30 feet from known host plants or associated host plants; (ii)- that water used to irrigate said plants is tested within 90 days of shipment to insure that it is free of *P. ramorum* and (iii)- that they are grown in sterile potting media certified and tested as being free of *P. ramorum*. However, for woody nursery stock, including roses, the nursery’s inventory, including known hosts and associated host plants, must also be sampled, tested as outlined in Section IV below and determined to be free of *P. ramorum*. Should a nursery not have host and associated host plants in inventory the above acceptable plants must be tested and found free of *P. ramorum* as outlined in Section IV before entry is allowed. Detection of *P. ramorum* in any nursery shall be reason to prohibit said nursery from shipping any plants to Mississippi.

(3) After compliance with (1) and (2) above has been met, a certificate of quarantine compliance issued by state officials in state of origin as specified above must be faxed or electronically transferred from the nursery in advance of the shipment to the Bureau of Plant Industry. For plants from California, this may be done as a part of the “State Phytosanitary Export Certificate” already required for brown garden snail certification. A declaration as follows must be on the certificate of compliance: “These plants have been propagated at a distance greater than 30 feet from known sudden oak death host or associated host plants, the irrigation water has been tested within 90 days of shipment and each shipment of potting media received has been tested or fumigated and found to be free of *P. ramorum*”. Or in the case of roses may read; “These rose plants have been propagated in methyl bromide fumigated or sterilized beds, the irrigation water has been tested within 90 days of shipment and are packaged bare rooted”. Also, a statement of origin must be included, such as, “This shipment of plants originated in (County) (State). A certificate of compliance/origin must accompany all shipments going to distributors, mail order companies, and suppliers in other states which ship said plants to Mississippi, of which a copy must accompany shipments into Mississippi.
IV. Testing Procedures and Protocols: In conjunction with Section III (2) above, a nursery may be certified to ship non-host or associated non-host woody plants and/or roses once sampled and tested as follows: A minimum of 40 samples must be tested per nursery location. One sample may contain more than one leaf, but no more than one sample per plant. Samples will be taken from symptomatic plants unless no symptomatic plants are present. In that case, asymptomatic plants will be sampled. Sampling shall be biased to hosts, associated articles, and nearby plants. The inspector should take nursery fungicide programs into consideration and conduct inspections at times when the best expression of symptoms are anticipated.

Samples must be analyzed using a methodology approved by APHIS and/or the Bureau of Plant at a laboratory approved by APHIS and/or The Bureau of Plant Industry.

ELISA prescreening:
ELISA prescreening of plant samples may be used to determine the presence of Phytophthora.

- If all samples from a single nursery are found to be negative through ELISA prescreening, no further testing is required. The nursery may be considered free of evidence of *P. ramorum*, and the nursery is eligible for the interstate movement of acceptable plants into Mississippi provided that it is operating under a compliance agreement with the Bureau of Plant Industry. However, detection of *P. ramorum* prohibits said nursery from shipping any plants into Mississippi.

- If ELISA prescreening reveals the presence of Phytophthora in any plants, plants must continue to be held from shipment, and each sample that returns positive ELISA results must be tested using the test protocol described below. If ELISA prescreening is not performed, or if results of ELISA prescreening are positive for Phytophthora, plant samples must be analyzed using either the APHIS approved nested PCR or culture test. Samples will be considered positive for *P. ramorum* based on positive results of a nested PCR test or positive results of a culture test. Positive nested PCR tests do not require confirmatory culture tests, nor do positive culture tests require confirmatory nested PCR tests. Note, however, that if culture tests return negative results, a nested PCR test must be conducted, as described below. No culture test is required if a nested PCR test returns negative results.

Culture Test:
- If the results of culture tests detect *P. ramorum* for any samples taken from a single nursery, plants in the nursery must continue to be held, and each plant sample in which *P. ramorum* is detected must be tested again using the nested PCR test, as described above.
• If any culture tests detect *P. ramorum*, the nursery from which they originate is prohibited from moving any plants into Mississippi until PCR testing is completed.

**Nested PCR Test:**
• If the results of nested PCR tests detect no *P. ramorum* for all samples in a nursery, acceptable plants within the nursery may be certified, provided they meet the criteria outlined in Section III(2) and (3) and a compliance agreement is in effect with the Bureau of Plant Industry.

• If any samples tested using the nested PCR protocol detect *P. ramorum*, the nursery from which they originate is prohibited from shipping any plants into Mississippi.

These testing protocols are described in detail at: ww.aphis.usda.gov/ppq/ispn/sod/survey.html. Additional test methods may be approved by APHIS in the future.

V. **Disposition of articles found in violation:** All regulated articles found in violation shall be immediately declared under stop-sale order and subject to testing. Destruction, either by burning or burial at least 3 feet in an approved site shall result if test results are positive for *P. ramorum*. However, if under the judgment of the Commissioner, said articles pose an imminent threat to the agricultural or horticultural industries or to the health of the environment said articles may be destroyed without laboratory testing. The owner of the plants shall pay all costs incurred for destruction and/or testing of the plants found in violation.

VI. **Removal of Quarantine:** Said quarantine may be lifted or regulated areas deregulated only if eradication measures are successful in regulated areas described above, or if the Commissioner determines that *P. ramorum* is endemic and no regulatory mechanisms will prove effective in preventing further dissemination, or if the Commissioner determines that costs are prohibitive to enforcing regulatory restrictions to prevent further dissemination. Verification that eradication has been accomplished and regulated articles can be shipped to Mississippi free of *P. ramorum* must be submitted in writing by state and/or federal officials before quarantines can be removed. A state must remain free of *P. ramorum* for no less than one year after eradication is proclaimed before quarantines can be lifted.

VII. **Penalties:** Persons found in violation shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars ($1,000) per violation or by imprisonment for not more than six (6) months or by both such fine and imprisonment at the discretion of the court having jurisdiction. Each shipment or sale transaction resulting in the entry of a prohibited article into the state shall be considered a separate violation and subject to prosecution accordingly. Furthermore, persons holding such regulated articles found in violation must pay for
any costs associated with destruction and/or testing of said articles to determine the presence of *P. ramorum*.

For persons found guilty of knowingly violating any provisions of this article the Commissioner may suspend and/or revoke his or her Nursery Dealers Certificate and Compliance Agreement disallowing them to purchase and sell plants in the state. Appeals may be addressed to the Advisory Board of the Bureau of Plant Industry.

VIII. Said quarantine shall be effective for 120 days, unless otherwise adopted as final by the Advisory Board of the Bureau of Plant Industry.

Adopted: 

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