



The mission of the Florida Native Plant Society is to promote the preservation, conservation, and restoration of the native plants and native plant communities of Florida.

October 20, 2009

Secretary Tom Vilsack
United States Department of Agriculture
Washington, D.C. 20500

c/o Dr. Arnold Tschanz
PPQ, APHIS
4700 River Road, Unit 140
Riverdale, Maryland 20737-1231

Subject: Revisions to 7 CFR part 319 and 7 CFR part 360, i.e. the "Q-37" Regulations

Dear Secretary Vilsack:

The Florida Native Plant Society has previously expressed its support for revisions to the "Q-37" regulations in letters to both you (dated 3/27/09) and your predecessor Secretary Schafer (dated 8/28/08). We asked for expedited action on the consensus recommendations of the Continental Dialogue on Non-Native Forest Insects and Diseases. So we are very pleased to now express our support for implementation of the proposed revisions as published in the Federal Register (Vol. 74, No. 140).

Implementation of the revised regulations by the USDA's Animal and Plant Health Inspection Service (APHIS) would represent a huge step forward in the establishment of proactive measures to prevent the introduction of non-native plant pests and potentially invasive non-native plant species. The absence of effective regulations, at a time when the United States is importing more than 500 million plants each year from countries all over the world, is simply no longer acceptable.

APHIS noted in the Implementation Plan for Section 10201 of the Food, Conservation and Energy Act of 2008 that 212 new plant pests were reported in the US between 2001 and 2008, accounting for an average of more than 2 new pests each and every month. The environmental and economic consequences of such introductions have been devastating to the United States and have been especially severe in Florida, where we might now be facing the extirpation of all native bay species due to infection by Laurel Bay Wilt Disease – the result of just one of those 212 new plant pests introduced since 2001.

The same is true for the introduction of invasive non-native plants. Expenditures to control invasive plants in Florida amounted to more than \$50 million in fiscal year 2004, and that accounts solely for the expenditures by state agencies to control plants on

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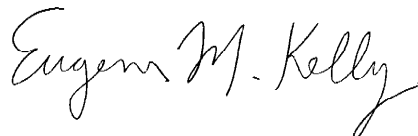
state-controlled lands. Frighteningly, that level of annual expenditure is inadequate to achieve effective control on even that small subset of the invaded lands.

As pleased as we are to support implementation of the revised regulations, we advise that this be considered the first-step towards adopting an even more comprehensive approach to preventing invasions through importation. Some specific concerns include:

- 1) The revised regulation defines "quarantine pest" on the basis of potential economic impacts. The definition should be more expansive and account for potentially negative impacts to the environment and public health.
- 2) The Not Authorized for Importation Pending Plant Risk Assessment (NAPPRA) provisions will be of such fundamental importance to the success of the regulations that additional clarification on how APHIS will place taxa on the NAPPRA list is called for. All "unprecedented taxa", i.e., those taxa that have never previously been imported to the US, should be placed on NAPPRA. This will require a clear definition and listing of those taxa considered "precedented" if such species are to be considered exempt from the screening of a risk assessment. APHIS must begin developing a database to document precedent species and we advise a highly transparent process that would post on-line the full list of species evaluated for NAPPRA listing, and also allow the public to suggest species that should be considered for addition to the NAPPRA list.
- 3) The regulation would apparently allow the importation of up to 12 propagules of a species on the NAPPRA list. This is a loophole that should be closed entirely by prohibiting the importation of any propagules of a NAPPRA-listed species.

FNPS applauds the efforts by USDA APHIS to strengthen the "Q-37" regulations and appreciates the opportunity to review and comment on the proposed revisions. We urge timely implementation. We are also prepared to assist you in any way possible. Please feel free to contact us at any time.

Sincerely,



Eugene M. Kelly, President
Florida Native Plant Society

pc: Commissioner Charles Bronson, Florida Department of Agriculture