



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

APR 30 2009

Mr. Eugene M. Kelly
President
Florida Native Plant Society
Post Office Box 278
Melbourne, Florida 32902

Dear Mr. Kelly:

Thank you for your letter of March 27, 2009, to Secretary Thomas J. Vilsack requesting that the Department of Agriculture (USDA) expedite rulemaking that would revise its regulations governing the importation of nursery stock, also known as plants for planting (PFP).

We share your concerns about the introduction of nonnative insects and plant diseases into the United States, and we deeply value the Florida Native Plant Society's work to protect your State's natural resources from these serious threats. We assure you that USDA remains committed to modernizing the "Q37 regulations" (title 7, part 319, section 37, of the *Code of Federal Regulations*) as part of our safeguarding efforts against nonnative pests and diseases. This is a comprehensive undertaking, and input from the Society and other stakeholders is vital as we move forward.

As we mentioned in our letter to you of September 16, 2008, USDA's Animal and Plant Health Inspection Service (APHIS) has been working on several Q37-related rules. While these rules are in various stages of planning and implementation, we are focusing initially on three significant proposed rules that would, respectively: create a new category of regulated plants whose importation is not authorized pending pest risk analysis (NAPPRA); revise our controlled import permit system, which currently allows small quantities of restricted plant material to be imported for research purposes; and structurally reorganize Q37 to establish a framework for listing standard measures that may be used to mitigate PFP-associated pest risks. In brief, the first proposed rule, which is considered the highest priority among the three, would authorize APHIS to add plant taxa to the NAPPRA list in situations where emergency action is not necessarily warranted, but scientific evidence indicates that a plant is potentially a quarantine pest plant or quarantine pest host. NAPPRA taxa could not be imported into the United States until a pest risk analysis is completed and appropriate mitigation measures implemented. APHIS officials are moving forward on this and the other proposed rules as expeditiously as possible.

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In the meantime, APHIS has taken other risk mitigation steps to address PFP concerns. APHIS issued a Federal Order, which became effective February 15, 2009, that prohibits the importation into the United States of certain PFP from specific countries. This order is intended to prevent the introduction and dissemination of citrus longhorned beetles and Asian longhorned beetles. APHIS also has identified countries that have a history of sending imports that present a high pest risk and is sending letters requesting that the appropriate National Plant Protection Organizations (NPPO) take necessary steps to ensure that their exports are pest-free. If an NPPO fails to satisfactorily reduce the risks associated with its exports, APHIS reserves the right to take more restrictive action.

USDA recognizes the very serious threat that invasive pests and pathogens pose to the native plants and native plant communities. We hope this information assures you of our commitment to maintaining robust trade while ensuring that PFP regulation is adequate to safeguard the plants and natural resources of Florida and the Nation.

Sincerely,



Cindy J. Smith
Acting Deputy Under Secretary
Marketing and Regulatory Programs