

Congress of the United States
Washington, DC 20510

February 2, 2007

Mr. Burton Eller
Deputy Undersecretary, Marketing and Regulatory Programs
U.S. Department of Agriculture
14th Street and Independence Avenue, SE
Washington, DC 20510

Dear Mr. Eller:

It is our understanding that representatives from the Oregon Association of Nurseries (OAN) recently met with you and the leadership of the Animal and Plant Health Inspection Service. We appreciate your willingness to meet with our constituents. They described the meeting with you, Dr. DeHaven and Dr. Dunkle as very productive and worthwhile.

Nursery crops are Oregon's top agricultural product and Oregon ranks third in national nursery stock production. With over 75% of our production being shipped out of state, we are the top interstate exporter of plants and plant material. As you can understand, the Oregon industry's dependence on shipping out-of-state means plant pest and disease issues – including *Phytophthora ramorum* – are a top industry priority.

We believe OAN representatives communicated their support for the Emergency Order that provides for *P. ramorum* regulation in Oregon, California, and Washington as well as support for notice and comment rulemaking to codify this regulation as a standing rule. With approximately 1,450 nurseries in California, Oregon and Washington regulated by the EO it is important that industry and all stakeholders have access to a deliberate and transparent rulemaking process, which is not currently provided under the EO.

They also relayed to you the need for more comprehensive sampling and testing for *P. ramorum* and the problem of false-positive tests, based on USDA research and on-the-ground experience in Oregon. We are encouraged by the mutual commitments made to address these concerns and for the industry to continue to work collaboratively with the Department on the following:

- Providing for genetic fingerprinting or genotyping of positive *P. ramorum* finds to help determine the origin of these positives;
- Developing a clear and deliberate communications process between USDA, industry and the National Plant Board to provide for a clear statement of the effectiveness of

the current Emergency Order, and the necessity and goals of any future risk reduction measures to minimize the potential spread of *P. ramorum*;

- Improving the diagnostic protocol to remedy concerns regarding the problem of false-positive tests;
- Identifying additional funding sources for *P. ramorum* research aimed at finding better methodologies for testing and eradication; and,
- Establishing a joint task force to formulate an initiative focused on the development of 'systems' of nursery production and cohort programs of inspection and regulation aimed at prevention of and response to new plant pests and diseases.

We hope you will continue to work with the Oregon Association of Nurseries and our staff to implement these and other ideas. Over the long term, we believe that the industry, the Congress, and the agency can work together to develop a dynamic, science-based systems approach to plant pest and disease regulation. In the short term it is our hope that you would move forward with the initiatives you outlined with the industry in an effort to improve *P. ramorum* regulation by transitioning from the Emergency Order to a proposed rule for *P. ramorum* regulation.

Thank you again. We look forward to working with you.

Sincerely,



Gordon H. Smith
United States Senate



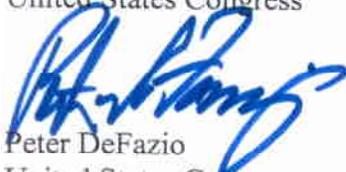
Ron Wyden
United States Senate



Earl Blumenauer
United States Congress



David Wu
United States Congress



Peter DeFazio
United States Congress



Darlene Hooley
United States Congress



Greg Walden
United States Congress