



Healthy Plants • Healthy World

April 19, 2017

Docket No. APHIS -2008-0076
Colin D. Steward, Assistant Director
Pests, Pathogens, and BioControl
Permits Branch, Plant Health Programs
PPQ APHIS
4700 River Road, Unit 133
Riverdale, MD 20737-1236

SUBJECT: The American Phytopathological Society (APS) Comments on Proposed Rule that Revises Requirements for Importation and Interstate Movement of Plant Pests, Biocontrol Agents, and Soil

On January 19, 2017, APHIS proposed to revise regulations on the movement of plant pests. The updated provision is located in 7 CFR Parts 318, 319, 330, and 352. The intended revisions will have no effect on current permits. APHIS proposed to redefine the criteria “*regarding the movement and environmental release of biological control organisms,*” and “*to establish regulations to allow the importation and movement in interstate commerce of certain types of plant pests without restrictions by granting exceptions from permitting requirements for those pests*”. APHIS also proposed revisions related to the movement of soil.

APHIS indicated the purposes of this rule change were to 1) *Clarify the risk-based criteria to determine if an organism is a plant pest and to evaluate and issue permits,* 2) *Revise the definition of a plant pest to include organisms of unknown risk if those organisms are similar to known plant pests, and* 3) *Put in place a notice-based process to establish and maintain a list of pests exempted from standard permit requirements. The exempted list would include plant pests that are established throughout their geographical range in the United States; low risk; or commercially available and under purview of another Federal agency, such as the Environmental Protection Agency.* Lastly, it was suggested by the agency that the use of a general web-based permit application process could simplify importation and interstate movement of certain low risk pests.

Overall, the changed rule would 1) *Establish criteria regarding the movement and release of certain biological control agents in the continental United States,* and 2) *Establish exemptions for certain biological control organisms similar to what is being proposed for widely prevalent, low-risk plant pests. It would also update the regulations to more appropriately reflect the risk from soil that accompanies a plant pest by updating and clarifying the definition of soil.*

The American Phytopathological Society is a non-profit, professional scientific organization representing nearly 5,000 scientists and practitioners of plant pathology dedicated to the study and management of plant disease, especially as it relates to feeding the ever-growing world population.

APS is the premier society dedicated to high quality, innovative plant disease research and management. APS is driven by a distinctive community of scientists who come from academia, industry, government and private practice whose commitment is to the judicious use of sound science to shape public policy as it relates to management of plant diseases.

The APS applauds the effort by APHIS to provide an option for corporate permits, making it easier for organizations to manage the permits rather than specific individuals while emphasizing that the corporation as a whole is responsible for the permitted materials. To the extent that this change simplifies permitting, we support this expansion and suggest it be available to other non-governmental or corporate entities and laboratories, such as research institutions or universities. The APS also supports the generation of a web-based permit application process as another strategy for simplification.

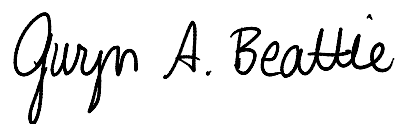
The APS supports the clarification of risk-based criteria for regulations as a positive change, and the inclusion of “derivatives” to clarify the regulation of microbes that result from sexual reproduction, genetic manipulation, or unanticipated alterations of the genetic material in a strain.

The APS fully supports the establishment of a process by which biological control organisms can be added to the list of organisms granted exceptions from permitting requirements. The APS is concerned that the requirement for inclusion of publication in the Federal Register with a comment period may make the proposed process sufficiently onerous as to effectively limit its use, and suggests that establishing a Technical Advisory Group for biological control organisms may expedite the listing process.

The APS is concerned that regulating organisms because they are similar to other regulated organisms could result in unintended consequences. These issues may be mitigated, at least in part, by moving toward using diverse tools, including modern molecular evaluations, to determine similarities among organisms.

Finally, as a scientific society, the APS encourages decision-making based on sound scientific principles and encourages the use of science-based regulations to promote research on plant protection in a manner that also protects our agricultural productivity and sustainability.

Sincerely,

A handwritten signature in black ink that reads "Gwyn A. Beattie". The signature is written in a cursive, flowing style.

Gwyn A. Beattie
APS Public Policy Board Chair

