

108TH CONGRESS
2D SESSION

S. 2575

AN ACT

To direct the Secretary of Agriculture to conduct research, monitoring, management, treatment, and outreach activities relating to sudden oak death syndrome and to convene regular meetings of, or conduct regular consultations with, Federal, State, tribal, and local government officials to provide recommendations on how to carry out those activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sudden Oak Death
3 Syndrome Control Act of 2004”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) tan oak, coast live oak, Shreve’s oak, and
7 black oak trees are among the most beloved features
8 of the topography of California and the Pacific
9 Northwest and efforts should be made to protect
10 those trees from disease;

11 (2) the die-off of those trees, as a result of the
12 exotic fungal pathogen *Phytophthora ramorum*, is
13 approaching epidemic proportions;

14 (3) native plants and forests must be protected
15 from *Phytophthora ramorum*;

16 (4) more information is needed on—

17 (A) *Phytophthora ramorum*, including the
18 existence of *Phytophthora ramorum* throughout
19 the United States; and

20 (B) sudden oak death syndrome,
21 including—

22 (i) the causes;

23 (ii) the methods of transmittal; and

24 (iii) the best methods of treatment;

25 (5) the host list for *Phytophthora ramorum* in-
26 cludes 60 plant species in 32 genera, including—

1 (A) some of the most popular and economi-
 2 cally important landscape and garden plants in
 3 the United States; and

4 (B) wild huckleberry plants, potentially en-
 5 dangering the commercial blueberry and cran-
 6 berry industries;

7 (6) sudden oak death syndrome threatens to
 8 create major economic and environmental problems
 9 in California, the Pacific Northwest, and other re-
 10 gions, including—

11 (A) the increased threat of fire and fallen
 12 trees;

13 (B) the cost of tree removal and a reduc-
 14 tion in property values; and

15 (C) loss of revenue due to—

16 (i) restrictions on the movement of
 17 forest products and nursery stock; and

18 (ii) the impact on the commercial
 19 nursery and small fruit industries;

20 (7) in 2002, the Secretary of Agriculture im-
 21 posed a quarantine on the exportation from 10 coun-
 22 ties in northern California and Curry County, Or-
 23 egon, of oak trees and nursery plants that serve as
 24 hosts for *Phytophthora ramorum*;

(8) on April 9, 2004, after the discovery of
Phytophthora ramorum in 2 nurseries in southern
California—

(A) restrictions were placed on the inter-
state movement of species that could potentially
serve as hosts to Phytophthora ramorum; and

(B) new restrictions were implemented on
the interstate movement of host plants and po-
tential host plants from all commercial nurs-
eries in the State of California that are outside
the 10 quarantined counties;

(9) on April 22, 2004, the restrictions referred
to in paragraph (8)(B) were expanded to include—

(A) all plants in the same genus as host
and potential host plants; and

(B) plants growing within 10 meters of a
host or potential host plant; and

(10) several States and Canada have placed re-
strictions on the importation of nursery plants from
California.

**SEC. 3. RESEARCH, MONITORING, AND REGULATION OF
SUDDEN OAK DEATH SYNDROME.**

(a) IN GENERAL.—The Secretary of Agriculture (re-
ferred to in this Act as the “Secretary”) shall carry out
a sudden oak death syndrome research, monitoring, and

1 regulation program to develop methods to control, man-
 2 age, or eradicate sudden oak death syndrome from—

3 (1) trees and shrubs on both public and private
 4 land; and

5 (2) host plants and potential host plants from
 6 commercial nurseries.

7 (b) RESEARCH, MONITORING, AND REGULATION AC-
 8 TIVITIES.—In carrying out the program under subsection
 9 (a), the Secretary may—

10 (1) conduct open space, roadside, and aerial
 11 surveys;

12 (2) provide monitoring technique workshops
 13 with respect to—

14 (A) *Phytophthora ramorum* in wildland
 15 and urban areas; and

16 (B) *Phytophthora ramorum* infestations in
 17 nurseries;

18 (3) conduct a comprehensive and biologically
 19 sound national survey of forests, plant nurseries,
 20 and landscapes that may have been exposed to
 21 *Phytophthora ramorum*, with priority given to sur-
 22 veying and inspecting plants at commercial nurseries
 23 and adjacent wildlands throughout the United
 24 States;

1 (4) develop a comprehensive risk assessment of
2 the threat posed by *Phytophthora ramorum* to nat-
3 ural and managed plant resources in the United
4 States, including modes of transmission and the risk
5 of infestation;

6 (5) conduct a study of a representative sample
7 of nursery plants imported into the United States
8 from Europe, where *Phytophthora ramorum* is
9 known to be found;

10 (6) develop baseline information on the dis-
11 tribution, condition, and mortality rates of oaks with
12 *Phytophthora ramorum* infestation;

13 (7) maintain a geographic information system
14 database of *Phytophthora ramorum* occurrences;

15 (8) conduct research on *Phytophthora ramorum*
16 ecology, pathology, and management in wildland,
17 urban, and nursery settings;

18 (9) evaluate the susceptibility of oak and other
19 vulnerable species in the United States, with priority
20 given to evaluating the susceptibility of commercially
21 important nursery species;

22 (10) conduct assessments of trees that could
23 pose a hazard due to infestation of *Phytophthora*
24 *ramorum*; and

25 (11) provide diagnostic services.

1 **SEC. 4. MANAGEMENT, TREATMENT, AND FIRE PREVEN-**
2 **TION.**

3 (a) IN GENERAL.—The Secretary shall conduct sud-
4 den oak death syndrome management, treatment, and fire
5 prevention activities.

6 (b) MANAGEMENT, TREATMENT, AND FIRE PREVEN-
7 TION ACTIVITIES.—In carrying out subsection (a), the
8 Secretary shall—

9 (1) carry out activities to reduce the threat of
10 fire and fallen trees killed by sudden oak death syn-
11 drome;

12 (2) increase and improve firefighting and emer-
13 gency response capabilities in areas where fire haz-
14 ard has increased due to tree die-off;

15 (3) treat vegetation to prevent fire in areas
16 heavily infected with sudden oak death syndrome;
17 and

18 (4) provide grants to local units of government
19 for hazard tree removal, disposal and recycling, as-
20 sessment and management of restoration and miti-
21 gation projects, green waste treatment facilities, re-
22 forestation, and resistant tree breeding.

23 **SEC. 5. EDUCATION AND OUTREACH.**

24 (a) IN GENERAL.—The Secretary shall conduct edu-
25 cation and outreach activities to make information avail-
26 able to the public on sudden death oak syndrome.

1 (b) EDUCATION AND OUTREACH ACTIVITIES.—In
 2 carrying out subsection (a), the Secretary may—

3 (1) develop and distribute educational materials
 4 for homeowners, arborists, urban foresters, park
 5 managers, public works personnel, recreationists,
 6 nursery workers, landscapers, naturists, firefighting
 7 personnel, and other individuals, as the Secretary
 8 determines appropriate;

9 (2) design and maintain a website to provide in-
 10 formation on sudden oak death syndrome; and

11 (3) provide financial and technical support to
 12 States, local governments, and nonprofit organiza-
 13 tions providing information on sudden oak death
 14 syndrome.

15 **SEC. 6. INTERGOVERNMENTAL COMMUNICATION.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
 17 gress that close communication between the affected agen-
 18 cies at all levels of government is required for the pro-
 19 grams authorized under this Act to be effective.

20 (b) REGULAR MEETINGS OR CONSULTATIONS.—

21 (1) IN GENERAL.—In accordance with section
 22 204(a) of the Unfunded Mandates Reform Act of
 23 1995 (2 U.S.C. 1534(a)), the Secretary shall con-
 24 vene regular meetings of, or conduct regular con-
 25 sultations with, Federal, State, tribal, and local gov-

ernment officials for the purpose of providing a means of exchanging information and recommendations on how to carry out this Act effectively.

(2) REQUIREMENTS.—Meetings or consultations conducted under paragraph (1) shall—

(A) be conducted in a manner that ensures that the various regions of the United States are represented; and

(B) include—

(i) representatives from the Animal and Plant Health Inspection Service;

(ii) representatives from the Agriculture Research Service;

(iii) representatives from the Cooperative State Research, Education, and Extension Service;

(iv) representatives from the Forest Service;

(v) representatives from State forester offices; and

(vi) State representatives from the National Plant Board.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each of fiscal years 2005 through 2009—

- 1 (1) to carry out section 3, \$25,000,000;
- 2 (2) to carry out section 4, \$18,500,000; and
- 3 (3) to carry out section 5, \$700,000.

Passed the Senate December 8, 2004.

Attest:

Secretary.

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