

107TH CONGRESS  
2D SESSION

# S. 997

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## 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 establish a Sudden Oak Death Syndrome Advisory Committee.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Sudden Oak Death  
5        Syndrome Control Act of 2002”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

8 (2) the die-off of those trees, as a result of the  
9 exotic *Phytophthora* fungus, is approaching epidemic  
10 proportions;

11 (3) very little is known about the new species  
12 of *Phytophthora*, and scientists are struggling to un-  
13 derstand the causes of sudden oak death syndrome,  
14 the methods of transmittal, and how sudden oak  
15 death syndrome can best be treated;

16 (4) the *Phytophthora* fungus has been found  
17 on—

18 (A) *Rhododendron* plants in nurseries in  
19 California; and

20 (B) wild huckleberry plants, potentially en-  
21 dangering the commercial blueberry and cran-  
22 berry industries;

23 (5) sudden oak death syndrome threatens to  
24 create major economic and environmental problems  
25 in California, the Pacific Northwest, and other re-  
26 gions, including—

1 (A) the increased threat of fire and fallen  
2 trees;

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

5 (C) loss of revenue due to—

6 (i) restrictions on imports of oak  
7 products and nursery stock; and

8 (ii) the impact on the commercial rho-  
9 dodendron, blueberry, and cranberry indus-  
10 tries; and

11 (6) Oregon and Canada have imposed an emer-  
12 gency quarantine on the importation of oak trees,  
13 oak products, and certain nursery plants from Cali-  
14 fornia.

15 **SEC. 3. RESEARCH, MONITORING, AND TREATMENT OF**  
16 **SUDDEN OAK DEATH SYNDROME.**

17 (a) IN GENERAL.—The Secretary of Agriculture (re-  
18 ferred to in this Act as the “Secretary”) shall carry out  
19 a sudden oak death syndrome research, monitoring, and  
20 treatment program to develop methods to control, manage,  
21 or eradicate sudden oak death syndrome from oak trees  
22 on both public and private land.

23 (b) RESEARCH, MONITORING, AND TREATMENT AC-  
24 TIVITIES.—In carrying out the program under subsection

25 (a), the Secretary may—

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

3           (2) provide monitoring technique workshops;

4           (3) develop baseline information on the dis-  
5 tribution, condition, and mortality rates of oaks in  
6 California and the Pacific Northwest;

7           (4) maintain a geographic information system  
8 database;

9           (5) conduct research activities, including re-  
10 search on forest pathology, *Phytophthora* ecology,  
11 forest insects associated with oak decline, urban for-  
12 estry, arboriculture, forest ecology, fire management,  
13 silviculture, landscape ecology, and epidemiology;

14           (6) evaluate the susceptibility of oaks and other  
15 vulnerable species throughout the United States; and

16           (7) develop and apply treatments.

17 **SEC. 4. MANAGEMENT, REGULATION, AND FIRE PREVEN-**  
18 **TION.**

19           (a) **IN GENERAL.**—The Secretary shall conduct sud-  
20 den oak death syndrome management, regulation, and fire  
21 prevention activities to reduce the threat of fire and fallen  
22 trees killed by sudden oak death syndrome.

23           (b) **MANAGEMENT, REGULATION, AND FIRE PRE-**  
24 **VENTION ACTIVITIES.**—In carrying out subsection (a), the  
25 Secretary may—

- 1           (1) conduct hazard tree assessments;
- 2           (2) provide grants to local units of government  
3 for hazard tree removal, disposal and recycling, as-  
4 sessment and management of restoration and miti-  
5 gation projects, green waste treatment facilities, re-  
6 forestation, resistant tree breeding, and exotic weed  
7 control;
- 8           (3) increase and improve firefighting and emer-  
9 gency response capabilities in areas where fire haz-  
10 ard has increased due to oak die-off;
- 11          (4) treat vegetation to prevent fire, and assess-  
12 ment of fire risk, in areas heavily infected with sud-  
13 den oak death syndrome;
- 14          (5) conduct national surveys and inspections  
15 of—
  - 16           (A) commercial rhododendron and blue-  
17 berry nurseries; and
  - 18           (B) native rhododendron and huckleberry  
19 plants;
- 20          (6) provide for monitoring of oaks and other  
21 vulnerable species throughout the United States to  
22 ensure early detection; and
- 23          (7) provide diagnostic services.

1 **SEC. 5. EDUCATION AND OUTREACH.**

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

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

7 (1) develop and distribute educational materials  
8 for homeowners, arborists, urban foresters, park  
9 managers, public works personnel, recreationists,  
10 nursery workers, landscapers, naturalists, firefighting  
11 personnel, and other individuals, as the Secretary  
12 determines appropriate;

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

15 (3) provide financial and technical support to  
16 States, local governments, and nonprofit organiza-  
17 tions providing information on sudden oak death  
18 syndrome.

19 **SEC. 6. SUDDEN OAK DEATH SYNDROME ADVISORY COM-**  
20 **MITTEE.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Secretary shall establish  
23 a Sudden Oak Death Syndrome Advisory Committee  
24 (referred to in this section as the “Committee”) to  
25 assist the Secretary in carrying out this Act.

26 (2) MEMBERSHIP.—

1 (A) COMPOSITION.—The Committee shall  
2 consist of—

3 (i) 1 representative of the Animal and  
4 Plant Health Inspection Service, to be ap-  
5 pointed by the Administrator of the Ani-  
6 mal and Plant Health Inspection Service;

7 (ii) 1 representative of the Forest  
8 Service, to be appointed by the Chief of the  
9 Forest Service;

10 (iii) 2 individuals appointed by the  
11 Secretary from each of the States affected  
12 by sudden oak death syndrome; and

13 (iv) any individual, to be appointed by  
14 the Secretary, in consultation with the  
15 Governors of the affected States, that the  
16 Secretary determines—

17 (I) has an interest or expertise in  
18 sudden oak death syndrome; and

19 (II) would contribute to the Com-  
20 mittee.

21 (B) DATE OF APPOINTMENTS.—The ap-  
22 pointment of a member of the Committee shall  
23 be made not later than 90 days after the enact-  
24 ment of this Act.

1           (3) INITIAL MEETING.—Not later than 30 days  
2 after the date on which all members of the Com-  
3 mittee have been appointed, the Committee shall  
4 hold the initial meeting of the Committee.

5 (b) DUTIES.—

6           (1) IMPLEMENTATION PLAN.—The Committee  
7 shall prepare a comprehensive implementation plan  
8 to address the management, control, and eradication  
9 of sudden oak death syndrome.

10          (2) REPORTS.—

11           (A) INTERIM REPORT.—Not later than 1  
12 year after the date of enactment of this Act, the  
13 Committee shall submit to Congress the imple-  
14 mentation plan prepared under paragraph (1).

15           (B) FINAL REPORT.—Not later than 3  
16 years after the date of enactment of this Act,  
17 the Committee shall submit to Congress a re-  
18 port that contains—

19           (i) a summary of the activities of the  
20 Committee;

21           (ii) an accounting of funds received  
22 and expended by the Committee; and

23           (iii) findings and recommendations of  
24 the Committee.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated for each of  
3 fiscal years 2002 through 2007—

4           (1) to carry out section 3, \$7,500,000, of which  
5       up to \$1,500,000 shall be used for treatment;

6           (2) to carry out section 4, \$6,000,000;

7           (3) to carry out section 5, \$500,000; and

8           (4) to carry out section 6, \$250,000.

Passed the Senate July 10, 2002.

Attest:

*Secretary.*

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