

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*;

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

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

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

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

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

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

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

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

23 (a) IN GENERAL.—The Secretary of Agriculture (re-
24 ferred to in this Act as the “Secretary”) shall carry out
25 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-

1 ernment officials for the purpose of providing a
2 means of exchanging information and recommenda-
3 tions on how to carry out this Act effectively.

4 (2) REQUIREMENTS.—Meetings or consulta-
5 tions conducted under paragraph (1) shall—

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

9 (B) include—

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

12 (ii) representatives from the Agri-
13 culture Research Service;

14 (iii) representatives from the Coopera-
15 tive State Research, Education, and Exten-
16 sion Service;

17 (iv) representatives from the Forest
18 Service;

19 (v) representatives from State forester
20 offices; and

21 (vi) State representatives from the
22 National Plant Board.

23 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

24 There are authorized to be appropriated for each of
25 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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