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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603
DEPARTMENT OF AGRICULTURE

FILED
04/15/2021 1:52 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Quarantine Against Allium Leaf Miner

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Helmuth Rogg
503-986-4662
hrogg@oda.state.or.us

635 Capitol St. NE
Salem, OR 97301

Filed By:
Amy Bingham
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/19/2021

TIME: 9:00 AM

OFFICER: Helmuth Rogg

ADDRESS: Virtual Hearing:

GoToMeeting

635 Capitol St. NE

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Allium leafminer rule meeting

Wed, May 19, 2021 9:00 AM - 10:00

AM (PDT)

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NEED FOR THE RULE(S):

A quarantine is established against the allium pest, the Allium leafminer, *Phytomyza gymnostoma* Loew, 1858 (Diptera: Agromyzidae), native to Germany and Poland and found in the United States in Pennsylvania in 2015. It is not known from Oregon. The allium leafminer is one of the most important Allium (garlic, leek, and onion) pests in Europe. The larvae feed on the leaves and can cause the death of small plants and leaves to twist.

This quarantine is part of the federal program FRSMP (Federally Recognized State Managed Phytosanitary Program) that protects Oregon from potential allium shipments coming from overseas. However, the FRSMP does not protect us from potentially infested shipments within the US from states where this invasive pest, allium leafminer, is already present.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ODA requested a FRSMP (Federally Regulated State Managed Phytosanitary Program) to protect Oregon from foreign allium products infested with the Allium leaf miner, an invasive pest not known to occur in Oregon.

FISCAL AND ECONOMIC IMPACT:

No fiscal and economic impact for Oregon's allium industry caused by this quarantine.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Oregon Department of Agriculture is implementing and enforcing this quarantine to protect Oregon's allium industry from this invasive pest. Survey of pest is conducted as part of general pest survey activities. No impact on small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

An advisory committee was consulted in the preparation of this quarantine rule. The allium industry requested that ODA implements a quarantine to protect the industry from this invasive pest.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

ADOPT: 603-052-1400

RULE SUMMARY: A quarantine will be established against the Allium Leafminer, ALM. Areas under quarantine will include any parts of the United States where ALM is known to exist. Allium spp. host material from these areas will be prohibited unless conditions are met that prevent the introduction of ALM into Oregon. Additionally, importers will be required to notify the Department prior to import of Allium spp. host materials from these areas to enable ODA to inspect material entering the state.

CHANGES TO RULE:

603-052-1400

Quarantine Against Allium leafminer

(1) A quarantine will be established against the Allium leafminer, ALM. Areas under quarantine will include any parts of the United States where ALM is known to exist. Allium spp. host material from these areas will be prohibited unless conditions are met that prevent the introduction of ALM into Oregon. Additionally, importers will be required to notify the Department prior to import of Allium spp. host materials from these areas to enable ODA to inspect material entering the state.

(2) Establishing a Quarantine. A quarantine is established against the allium pest, the Allium leafminer, *Phytomyza gymnostoma* Loew, 1858 (Diptera: Agromyzidae), native to Germany and Poland and found in the United States in Pennsylvania in 2015. The Allium leafminer is one of the most important Allium (garlic, leek, and onion) pests in Europe. The larvae feed on the leaves and can cause the death of small plants and leaves to twist.

(3) Area Under Quarantine: All infested states and territories in the United States.

(4) Articles and Commodities Covered: All plant material from hosts listed below:

(a) Garlic (*Allium sativum*)

(b) Onion, green onion, shallots (*Allium cepa* and varieties)

(c) Leek (*Allium ampeloprasum*)

(d) Chives (*Allium schoenoprasum*)

(e) Ornamental Allium (including *A. caeruleum*, *A. flavum*, *A. giganteum*, *A. hollandicum*, and *A. rosenorum*)

(5) Restrictions:

(a) Certification Required. Articles and commodities covered, which are produced in or shipped from the area under quarantine are prohibited entry into the state of Oregon unless each lot or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the article or commodity is shipped evidencing compliance with subsections (c) and (d) of this section.

(b) Reshipments of commodities grown outside the area under quarantine. Commodities in original unopened containers may be reshipped to this state from any point within an area under quarantine. Containers shall bear labels or other identifying marks, which clearly indicate that commodities originate from outside a quarantined area.

(c) Certification required for Admission of Repacked Commodities Grown Outside of Area Under Quarantine. Provided each lot or shipment is certified by an authorized agricultural official to have been grown outside the area under quarantine and that continued identity has been maintained while within the area under quarantine, the commodities may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall set forth the state in which commodities were grown, point of repacking and reshipment, amount and kind of commodities comprising the lot or shipment, and the names and addresses of the shipper and consignee.

(d) Commodities treated with approved insecticides. Commodities treated with approved insecticides may be admitted into Oregon provided treatment is approved by the proper authorities in the state of origin and further provided each lot or shipment of such commodities to Oregon is accompanied by a certificate, as stated in subsection (a) of this section, evidencing compliance with the minimum requirements of this section;

(e) Notification of regulated commodity shipments of Allium spp. host material is required. The Department may require that shipments be held until inspected and released. Notification shall be send via mail, FAX, or e-mail to the Nursery Program, Plant Protection and Conservation Program Area, Oregon Department of Agriculture, 635 Capitol St. NE, Salem, OR 97301; FAX 503-986-4564; quarantine@oda.state.or.us. Recipients shall notify the Department prior to arrival, the following shipment information;

(A) the shipment volume;

(B) shipper's name and address;

(C) the consignee's name and address;

(D) the approximate date of delivery; and

(E) applicable copies of phytosanitary certificates and lab reports.

Statutory/Other Authority: ORS 561, ORS 570.305

Statutes/Other Implemented: ORS 570.305, ORS 561.190, ORS 5610510-561.600, ORS 570.405, ORS 570.410, ORS 570.415