

National Plant Board ABC - Survey Summary March 2011

Carol Holko, Maryland Dept. of Agriculture (Questions 1, 3, 5, 7, 8)

Gary McAninch, Oregon Department of Agriculture (Questions 2, 4, 6, 9, 10)

Question #1. Would your state be open to implementing an audit based certification system (for shipping and receiving plant materials) that is based on critical control points, best management practices and quality control if this system were proven to lessen the risk of dangerous pests and diseases being transported across state lines on nursery stock?

87.2% Yes

12.8% No

Summary of Comments:

- Program should be at least cost/resource neutral to regulators and industry
- Must prove reduced risk
- Concerns with seasonal pests, new pests – suspend program?
- We are already doing it. Program should be as good as existing programs, and would require resources to replace them - lack of compliance in existing programs
 - Traditional Nursery Inspection Certification
 - Origin Inspection Programs
 - Master Permits
 - Compliance Agreement Programs
- Depends on integrity of system
 - Documentation
 - Who develops BMPs and how?
 - Who is managing the program? Certifying the nursery? QC?
- Nursery buy-in is critical, may be resistant to change
- States' perspectives are different – how will that work? (harmonization)
- Potential benefits:
 - To lessen the risk of dangerous pests and diseases being transported across state lines
 - More efficient process leading to higher quality product
- Could work as situational (specific firms, specific products) supplement to traditional regulatory inspection and licensing programs
- Should be consequences for non-compliance

Question #2. Would your state be willing to consider accepting nursery stock that would normally require additional certifications (phytosanitary certificates, CQC's or permits/compliance agreements, etc.) as a condition of entry if it was documented that the shipping nursery had followed a more rigorous set of national BMP's/standards that ensured to a greater degree that the plant material was free of State concern pests?

Seventy-nine percent of respondents answered yes to this question. However, almost all answering yes did so with caveats or the need for additional information. A brief summary of submitted comments include:

- From states answering yes
 - All states would need to adopt the same standards. (harmonization)
 - The certification program must be proven to work.

- Costs of any new process must be comparable to what's in place now.
- More information is needed.
- In some cases importation laws/rules would need changed.
- Comments from states answering no:
 - The risk is too great to rely on non-confirmable performance measures, such as treatment logs etc.
 - BMPs are not adequate for addressing quarantine pests.
 - Nurseries have no reason to buy into a program that will cost them additional dollars to implement.

Question #3. If so, (1 or 2 above) would this require changes to your regulations or law? (Comments – how long might a change to your law or regulations take to accommodate an audit based system?)

Most answers were conditional.

Yes	No	Maybe	Didn't really answer
7	3	9	13
Law change		Regulation change (includes quarantines)	
	9	8	
0 - 6 months	1-2 years	>2 years (to "never")	
6	12	3	

Conditions:

- Many states require “inspection” certificates – would audit based system provide that? E.g.: “a certificate showing that the contents have been inspected by a qualified State or government officer, and that the nursery stock is apparently free from any dangerously injurious plant pests”
- Can states reject shipments as appropriate?
- Reciprocity considerations
- Law changes can be political, not grounded in science

Question #4. In your opinion, what are the impediments to implementing an audit based certification system that is based on critical control points and best management practices?

1. State related impediments
 - a. Increased manpower needs could be prohibitive to states.
 - b. Vigorous oversight and training of program is needed to maintain uniformity between states.
 - c. Proof is needed that the new certification system works.
2. Industry related impediments
 - a. Increased costs to the industry to implement could be prohibitive.
 - b. Getting industry buy-in; monetary incentives needed
 - c. New certification system will not fit all nurseries, as a result it cannot replace existing system.

Question #5. How many licensed nursery stock producers operate in your state? How many ship into interstate commerce? How many ship out of the country (including Canada)?

People answered this to the best of their ability; several don't track domestic and/or international shipments.

Licensed Nursery Stock Producers	Domestic	International
0	200	0
10127	1250	799
799	150	20
2468	440	272
350	50	12
500	50	Daylilies to CAN
1500*	70	10
115	?	2
500	200	50
260	150	25
4500	?	?
700	200	50
350	20% of plants	34
500	200	100
314	20-30	6-12
740*	<100	<5
200	<20	0
1700	1000	300
425	<100 (both)	
187	27	0
1000	40	12-18
1100	100	20
970	50	<10
240	75	4
350	?	1
240	240	25
694	297	10-12
1100	150	20
840	266	29
2500	50	0
93	12-20	1
783	few	few
1500	30	25
1500	100	?
1500	200	80
700	120	15

* all licenses, not just nursery stock producers

Question #6. How many times per year are licensed nursery stock producers required to be inspected in your state for interstate shipping? For intrastate (within state) shipping? Does your state regulate perennials as nursery stock? Does your state regulate annuals or sod as nursery stock?

- Number of inspections required for interstate shipments.
 - One = 27
 - Two = 5
 - As needed or risk based = 5
 - Biweekly/monthly = 1
 - Every 3 years = 1

- Number of inspections required for intrastate (within state) shipments.
 - One = 27
 - Two = 5
 - As needed or risk based = 4
 - Every 3 years = 1

- Does your state regulate annuals, perennials or sod as nursery stock?
 - Annuals: yes = 20; no = 15
 - Perennials: yes = 34; no = 2
 - Sod: yes = 21; no = 11

Question #7. Relative to training, who do you envision carrying out the producer training within your state if an audit based system were considered; the state certifying agency, Cooperative Extension, USDA, industry, some combination of these?

S=State certifying Agency

E=Extension

U=USDA

I=Industry

C=Combination (non specific)

S	C	S/E	?	E	S/U	S/I	S/U/I	S/U/E	S/E/I	U	I
13	8	4	3	2	2	2	2	2	1	0	0

Five respondents specifically mentioned that the state should take the lead. One thought there should be oversight by APHIS to ensure uniform adherence. One mentioned that Extension is reluctant to participate in regulatory programs

Question #8. What do your nurseries currently pay (fee structure) for certification (annual inspection, phytos, permit, CQC's, compliance certificates, etc.)

Raw input:

1. See website.
2. Annual certification/registration is based on plant inventory, minimum is \$25 and maximum is \$460
Phytosanitary Certificate is \$50 each per inspection, additional certificates same country are \$15 each
Special Inspections, for example US Canada Greenhouse are \$50 each
3. Growers - \$105 yearly license fee (+\$5 per acre sod, \$8 per acre field grown nursery stock, \$14 per acre greenhouse or container nursery stock)
Dealers (including Re-wholesalers) - \$125 yearly license fee
State Phytos - \$75 plus testing fees if needed
4. Fees for phytosanitary certification services are assessed by the certifying county. The range is from \$20 to \$100 per certificate depending upon the county. The nursery license fee is \$150 per year. The annual acreage fee structure starts at \$100 for nurseries between one and five acres and tops out at \$900 for nurseries over 500 acres.
5. \$75/year for nurseries 50 acres or less. Nurseries with over 50 acres pay the \$75 fee plus an additional \$1.50/acre for each acre over 50. Phytos are currently \$50/phyto.
6. \$40 plus \$1.50 per acre of production. No charge for a state phyto, federal rate for a federal certificate
7. Grower fee \$25 nursery application plus \$1 per sq ft greenhouse/shadehouse and \$1 acre. \$20 per state phyto; current federal rate for FPC plus \$25/hr inspection fee and mileage if applicable.
8. \$30 for nurseries, \$60 for nursery dealers
9. We charge \$40 per hour plus mileage and a certificate fee. Nurseries get 4 hours a free inspection time per year with their nursery license fee
10. Nursery & Greenhouses larger than 600 sq ft. = \$200.00 Nurseries and greenhouses less than 600 sq ft. = \$100.00. Phytos we go by what USDA charges. Permits, Compliance agreements, CQC = \$0
11. license fee is sliding scale based on nursery size, 20\$ minimum, 50\$ maximum, annually.

others are free, currently.
12. \$100 for biannual registration, \$25 per hour for additional services
13. income-based from \$75 to \$250 for commercial nurseries. Registration for hobbyists is currently free, but that is likely to change in near future.
14. Annual Inspection, nurseries: \$100 + acreage fee up to \$1000.
Annual Inspection, dealers/brokers: \$100
State Phytos: <=\$25
Federal phytos: Same as federal fee
Permits, e.g. PEQ, EAB compliance agreements free.
15. \$75 nursery license
Special inspections fee based on inspector time and mileage
Federal Phytos \$50
State Phyto: \$15
Origin of Inspection \$15
Compliance Certificates: dependent supply requirements, inspection time and mileage.

16. MN has a sliding scale based on acreage and sales. Also is different for dealers vs. growers.
17. Nursery stock growers pay a sliding fee based on growing acreage under application for field inspection. The fee scale ranges from \$150 for acreage less than 1/2A to \$1,500 + \$2/A over 500 for growers with more than 500 acres. Our inspection fee for additional certification (phytos, special certificates, etc) is currently \$50/hour (per inspector, which includes inspection and portal to portal travel time) + IRS mileage rate (portal to portal) currently 50 cents/mile. Our phytosanitary certificate fees are \$75 for shipments > \$250 and \$25 for shipments < \$250 (plus \$6 USDA surcharge). We charge \$25 for miscellaneous certificates.
18. \$25 per location
19. Licenses and Inspections - \$150 up depending on acres; phytos - state = \$15, federal = current rate; Compliance Certs - 0.
20. Nurseries currently pay a \$15 fee for each certificate issued. In addition, Oregon nursery license fees help offset the cost of conducting certification inspections. License fees for individual nurseries range from \$122 to \$20,000.
21. Growers are generally billed based on acreage for their first inspection. Additional inspections for follow-up or special regulatory activities, like trapping/survey work, are billed based on time and mileage. Costs associated with lab work or trapping/survey supplies are also billed back to the firm.
22. Graduated Gross Sale (\$) License Fee
- | | |
|-------------------------------|----------|
| \$0.00 - \$5,000.00 | \$20.00 |
| \$5,001.00 - \$100,000.00 | \$40.00 |
| \$100,001.00 - \$250,000.00 | \$60.00 |
| \$250,001.00 - \$500,000.00 | \$80.00 |
| \$500,001.00 - \$9,999,999.00 | \$100.00 |
- Phytos - \$50.00 per certificate plus expenses
23. Nursery Cert. Fee Schedule:
- | | |
|--|----------|
| 1 acre or less | \$25.00 |
| over 1 acre but less than or equal to 5 acres | \$30.00 |
| over 5 acres but less than or equal to 10 acres | \$40.00 |
| over 10 acres but less than or equal to 50 acres | \$50.00 |
| over 50 acres but less than or equal to 100 acres | \$75.00 |
| over 100 acres but less than or equal to 250 acres | \$150.00 |
| over 250 acres but less than or equal to 500 acres | \$180.00 |
| over 500 acres (per acre) | \$0.50 |
| Phyto's | \$75.00 |
- Other certificates including greenhouses (2X per year).
 \$25 per hour inspection fee plus travel time one way.
 Nursery Dealer Certs: \$50 per year
24. \$250 for certification
25. For a license they pay \$5 or \$25/year. We charge the federal rate for state or federal phytos. We do have the ability for charging for inspections of "other material".
26. Annual registration fee - \$90.
 Inspection is \$30 per hour with a minimum of one hour.
 Phytos are \$60 for a federal phyto and \$40 for a state phyto. Inspections for phytos are \$34 an hour, \$0.25 per mile and any per diem necessary.
 We don't charge for other certificates but we charge the same inspection charges as

- with phytos to issues these.
27. Phytos = \$85/phyto (fed fees come out of this price)
Nursery stock certificate/inspections = \$25 for certificate, \$10/acre for every acre inspected.
Everything else is free because it costs more to collect it than it's worth.
 28. \$100 annual fee
\$50.00 per hour plus mileage fee (\$0.50 per mile) around trip
 29. Annual certification fee - \$100 for nurseries >2500 sq. ft.; \$25 for nurseries <2500 sq. ft.
Phytos (state & federal) - same as the Federal fee, but no administrative fee for state phytos.
 30. 100 per location + 7 per acre field and 11 per acre intensive (pots, greenhouse).
Phytos 25\$, Compliance agreements 40\$
 31. \$75.00 base fee for the first 2 acres, plus \$4.00 for each acre or part thereof; \$50.00 fee for federal or state phyto for a commercial shipment, and \$20.00 for a non-commercial or low value (less than \$1250) shipment.
 32. It varies by size of the nursery (From \$110-\$180).
 33. State nursery inspection - no fee
also for phytos
 34. Annual license is \$100 for the first acre and \$3 for each additional acre.
We do not charge for state phyto certificates or for compliance agreements.
 35. Nurseries and dealers pay a \$40.00 annual registration fee. We charge \$25.00 per hour for issuance of FPCs. There are no other fees.
 36. \$100 per year
 37. All of our services are free of charge: inspections, phytos, permits, CA's, everything
 38. 1. Annual Inspection Fees: \$50 for the 1st acre and \$30 for each additional acre. This same rate is used for field as well as container grown operations (No charge for travel).
2. All other inspections are charged at an hourly rate of \$55 per hour including travel time plus mileage.
 39. It's a tiered nursery license fee - \$40 to \$1200 depending on gross annual sales. Phytos are \$50

Question #9. Do you feel that you know enough about audit based certification systems that are based on critical control points and best management practices to discuss them confidently with you industry or other regulators?

- Yes = 12
- No = 24
- Not sure = 2

Question #10. Is there anything else you would like to tell us?

Raw input, with minor edits for confidentiality:

- One state saw the benefit of an audit based certification system and would look forward to other states participating.
- What is the time involved on the state/federal side? How much time is required by the nursery? Can state/fed find enough time to complete all required audits?
- Just wondering when this may be implemented?

- These audit based programs are adequate for addressing quality pests but they're no substitute for serious quarantine mitigating measures such as registration and certification programs
- Any scheme would have to adhere fully with the tenets Gray Haun outlined in his email –
 - Not require State Plant Regulatory programs to expend more resources than it does at the present time.
 - Be better than or equal to existing certification programs regarding freedom from pests, plant quality, efficiencies, etc.
 - Be accepted by all states
 - Nurseries must have a reason to buy into the program (better quality, reduction in rejections, reduction in regulatory burdens.)
- Audit-based certification systems CAN be effective, but not all audit-based systems are good ones. All states that currently employ them actually grasp the concept. I.e. problems DO NOT have to "work themselves out of the system" over time if an audit-based system is employed properly. Target problems should be eliminated immediately.
- If this is a program that will benefit a very few very large nurseries across the country, I would not support it.
- Best intentions aside, I am not convinced that a national audit based certification system will prove to lessen the risk of plant pest introduction across state line. Per question 1, I accept its implementation only when it has proven to lessen the risk, not while under trial or with preliminary data. The existing preclearance program(s) with EU country(ies) has proven problematic and in my opinion unreliable. With that as my base line for audit based certification, I am concerned about a national audit-based certification program. Furthermore, my experience with many large nursery producers who ship into my state supports concerns I have about their willingness to fully comply with regulatory/certification requirements as these typically reduce the economic bottom line.
- It seems audit based programs are becoming a more popular option used in addressing regulatory oversight. Care needs to be taken to insure the regulated entities maintain a high level of quality control and not just maintain a surface appearance of compliance to facilitate movement of plant material.
- This program would be only as good as the inspection process and the uniformity of the national inspections.
- This is a fine idea with good intentions, but our nursery inspection staff is also entirely responsible for all pesticide regulation, registration, certification, and pesticide misuse investigations. We have a pretty full plate.
- Please be clear when you define federal and state roles as this venture moves forward. There will be a lot of sensitivities both from the state folks and the industry if there is a federal takeover of what has always been the basis for many state plant industry programs.
- I think the nursery inspection system has to change to allow us to move forward and meet the demands of industry with our reduced resources.
- Trust BUT verify. BMP/audit-based protocols are not good for bad actors and we can't even seem to get the bad actors in line with our current inspection protocols.

- This should not be mandatory for individual nurseries - only an option. Will there be standardized training materials to be utilized by all states? This may be essential for such a system to be applied uniformly across all states.
- Needs national buy-in from industry and regulators to work.
- Given that the scope, complexity and implications of what is being proposed are so broad, and details are so limited, it is difficult to comment on the proposal in a meaningful way.
- Unless there is some incentive for the nurseries (saved time, money, etc), I do not feel the nurseries will buy into this program. I do not feel there are many in NC that will benefit from the program. Most ship only along the east coast where there are fewer restrictions or quarantines to comply with.
- It's critical we explore industry partnerships in these times of limited and declining personnel and financial resources.
- Thanks for asking for input. I hope this survey is going to ANLA members as well.
- From my perspective an audit based system would probably not be adopted by many of our producers and in particular our small operators. An audit based system would benefit our larger, interstate shippers most and we would probably see 20 to 30 firms at most express interest initially. If the process can be streamlined over time and training is successful, significantly more interstate and intrastate producers might come on board.
- I don't think you will get buy in by some states and it may devolve into something akin to the JB Harmonization Plan.