

AGREEMENT NUMBER 09-0410
REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:
 STATE AGENCY'S NAME
DEPARTMENT OF FOOD AND AGRICULTURE
 CONTRACTOR'S NAME
COUNTY OF LOS ANGELES
2. The term of this Agreement is: July 1, 2009 Through June 30, 2010
3. The maximum amount of this Agreement is: \$192,616.13
 One Hundred Ninety-two Thousand Six Hundred Sixteen Dollars and Thirteen Cents
4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement:

Exhibit A – Scope of Work Attachment 1	1 Page(s) 98 Page(s)
Exhibit B – Budget Detail and Payment Provision Attachment 1	1 Page(s) 2 Page(s)
Exhibit C – General Terms and Conditions - GTC 307	3 Pages

- Check mark one item below as Exhibit D:
- Exhibit D-Special Terms and Conditions
 (Attached hereto as part of this Agreement)
- Exhibit D*-Special Terms and Conditions

1 Page(s)
*Approved as to form 9/22/09
 Maya Lee, Deputy County Counsel.*

5. Name of Program: Phytophthora ramorum

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR	
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) COUNTY OF LOS ANGELES	
BY (Authorized Signature) —	DATE SIGNED
PRINTED NAME AND TITLE OF PERSON SIGNING	
ADDRESS 12300 Lower Azusa Road Arcadia, CA 91006-5872	
STATE OF CALIFORNIA	
AGENCY NAME DEPARTMENT OF FOOD AND AGRICULTURE	
BY (Authorized Signature) —	DATE SIGNED
PRINTED NAME AND TITLE OF PERSON SIGNING JANICE L. PRICE, CONTRACTS MANAGER	
ADDRESS 1220 N STREET, ROOM 115, SACRAMENTO, CA 95814	

California Department of General Services Use Only

Exempt per:

**EXHIBIT A
(County Agreement)**

SCOPE OF WORK

1. Contractor agrees to provide the services described herein:

Cooperative agreement between CDFA and regulated county for the purpose of reimbursing the County for costs incurred during the statewide emergency response to the detection of Phytophthora ramorum (Sudden Oak Death).

Services shall be performed in and throughout the County of Los Angeles.

Total Contract Amount for 09-0410: \$192,616.13

2. The program contract managers for this Agreement are:

FOR CDFA, THE PROGRAM CONTRACT MANAGER IS:	FOR CONTRACTOR:
Name: Carl Baum	Name: Kurt Floren
Section/Unit: PHPPS/Pest Exclusion	Section/Unit: County Agricultural Commissioner
Address: 1220 N Street, Room A-372	Address: 12300 Lower Azusa Road
City/Zip: Sacramento, CA 95814	City/Zip: Arcadia, CA 91006-5872
Phone: 916-654-0312	Phone: 626-575-5451

3. See Attachment 1 to this Scope of Work for a detailed description of work to be performed and duties of all parties.

Scope of Work

Sudden Oak Death Contract for Regulated Counties July 1, 2009-June 30, 2010 FY 2009/2010

Contractor agrees to provide the services described herein:

The County agrees to perform the listed activities in order to:

- Implement Federal Domestic Quarantine 7 CFR 301.92
- Conduct emergency response activities as a result of detections of *Phytophthora ramorum* in nurseries

For each county, the scope of work will include, as appropriate, the activities described below:

1. Eradication
2. Trace-Forward/Trace-Back Investigation
3. Quarantine Enforcement
4. Other (communication, training, administrative support)

1) Eradication

All detections of *P. ramorum* in production/wholesale nurseries in regulated counties must be eradicated following the procedures outlined in the USDA Confirmed Nursery Protocol (**Appendix A** or most recent version). Eradication activities include destruction, delimitation, and sanitation procedures, and trace-forward and trace-back record auditing. Trace-forward procedures and eradication procedures at *P. ramorum*-positive nurseries are outlined in Pest Exclusion Advisories 07-2008 and the USDA Trace Forward Protocol (**Appendix B** or most recent documents).

2) Trace-Forward/Trace-Back Investigation

Whenever *P. ramorum* is detected in a nursery, county agricultural commissioners will be supplied with trace-back records in an effort to determine the source of the infection. Trace-back activities include inspection of source nurseries for symptomatic plants, collection and submission of samples, and any other regulatory activities, such as issuing hold notices and submitting inspection results to Sacramento Pest Exclusion. Trace-forward requirements are outlined in USDA Trace-Forward Protocol (**Appendix C** or most recent protocol).

3) Quarantine Enforcement

The Federal Domestic Quarantine 7 CFR 301.92 (**Appendix D**) requires that all nurseries that ship plants interstate be inspected for symptoms of Sudden Oak Death (SOD) and, if shipping hosts and associated hosts, must be sampled and tested for *P. ramorum*. Regulatory activities associated with inspecting and sampling include issuing hold notices, processing samples for submission to the Plant Pest Diagnostics Laboratory through the Laboratory Reservation System (instructions contained in Pest Exclusion Advisory 33-2004, **Appendix E**) and entering data into PDR database.

Qualifying host shipping nurseries will be issued a compliance agreement to ship hosts and associated hosts interstate. Qualifying non-host shipping nurseries may be provided an informational document regarding their authorization to ship non-hosts interstate. All nursery information will be entered into the Nursery Inspection Survey Data System (NISDS). Instructions for entering nursery information are contained in Pest Exclusion Advisory 33-2004 (**Appendix E**).

On-going compliance inspections and record monitoring will be necessary for all nurseries under a compliance agreement, and on-going monitoring will be required for all nurseries authorized to ship non-hosts interstate.

4) Other (Reporting)

County agricultural commissioners shall submit the following two items on a monthly basis to CDFA:

- a. Monthly Report (**Appendix F**). County agricultural commissioners enter monthly activity into the County Monthly Reporting on-line database at:
<https://secure.cdfa.ca.gov/egov/crs/login.aspx>
- b. Itemized invoice on county letterhead (**Appendix G**)

California Department of Food and Agriculture
Attn: Carl Baum
Pest Exclusion
1220 N Street, Room A-372
Sacramento, CA 95814

**Scope of Work for *Phytophthora ramorum*
(Sudden Oak Death)
In Regulated Counties
July 1, 2009-June 30, 2010
FY 2009/2010**

Appendix A

USDA Confirmed Nursery Protocol



United States Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine



**Official Regulatory Protocol for Wholesale and Production Nurseries
Containing Plants Infected with *Phytophthora ramorum***

**Confirmed Nursery Protocol: Version 8.0
Revised: July 20, 2007
(Appendices 1, 3, 6 & 7 updated June 26, 2008)**

**United States Department of Agriculture (USDA)
Animal Plant Health Inspection Service (APHIS)
Plant Protection and Quarantine (PPQ)**

**Center for Plant Health Science and Technology (CPHST)
Emergency and Domestic Programs (EDP)
Eastern Region (ER)
Western Region (WR)**

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INTENDED USE

In February 2005, USDA Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) published an interim rule revising federal domestic regulations for *Phytophthora ramorum* (7 CFR 301.92). The complete text and other information may be found at the USDA APHIS PPQ web site:

http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/

Since the regulations were first published in 2002, *P. ramorum* has been detected in a significant number of nurseries. These detections prompted the need for a standard protocol for use by state and federal regulators to respond to finds of *P. ramorum* in nurseries. To ensure that there is consistency in responding to infestations of *P. ramorum*, this protocol describes the official activities performed within and around nurseries by USDA APHIS staff in cooperation with state agriculture regulatory officials.

The goal of this protocol is to ensure that any infestations of this serious pathogen are consistently and effectively addressed, mitigated, and eradicated. Cooperation by nursery management personnel is essential. Early detection and reporting of *P. ramorum* finds are critical to ensure that the infestation is contained and spread is minimized. The strategies employed in this protocol are consistent with those of the European Union, Canada, and other areas where eradications are being carried out with measures that ensure rapid suppression of infection, and which prevent the spread of the pathogen.

P. ramorum infestations in nurseries may be introduced via three critical pathways.

- The movement of infected plant material from one nursery to another;
- The natural environmental movement of spores from a nursery or infected wild plants to infect plants in a nursery;
- The transmission of the pathogen from non-plant pathways to plant material (e.g. the introduction of infested soil, water, growing media, equipment, etc.)

Other pathways are possible, but are not yet known.

Nurseries found with *P. ramorum* infestations more than once

P. ramorum infestations in nurseries may also be re-introduced by the above means, or the effort to eradicate the disease may fail. In the event that a nursery has *P. ramorum* detected on site after the initial release from the Emergency Action Notification (EAN) or state equivalent, it is necessary to implement additional measures to ensure that the risks associated with *P. ramorum* are properly mitigated. See **Appendix 11** for details of these additional measures.

GOAL

The goal of this protocol is to find and eradicate the pathogen in nurseries. Any interpretation of this protocol or its procedures that are not consistent with this goal is a misinterpretation of this protocol

DISCLAIMERS

FIELD GROWN STOCK: We have received comments that this protocol fails to adequately address situations found in nurseries with field grown stock. We recognize this limitation and leave it to field personnel to properly adapt this protocol to those situations when they occur until appropriate modifications can be incorporated.

RETAIL SITES: We recognize that we need a protocol for retail nurseries. Until that can be issued, regulatory officials must use this protocol and apply it to each situation.

CHALLENGES: *P. ramorum* is a microorganism. Thus it can be elusive and difficult to detect and difficult to eradicate. It can infect plants, infest media, soil and water and persist despite best intentions and best efforts. It can wash into nearby waterways and can be expected to do so and be present during eradication and monitoring procedures. Scientists continue to learn and report on basic biology and enhanced detection and eradication techniques. We continue to learn from science and our successes and failures and those will be reflected in updated protocols and regulations.

DEFINITIONS

Associated plants:	Associated plants are those reported found naturally infected and from which <i>P. ramorum</i> has been cultured and/or detected using PCR (Polymerase Chain Reaction). For each of these, traditional Koch's postulates have not yet been completed or documented and reviewed. See Appendix 1.
Biosecurity measures:	Actions taken to reduce or mitigate the potential introduction or spread of <i>Phytophthora ramorum</i> from one area or site to another area or site of a nursery. See Appendix 9.
Compost pile:	A heap of mixture of decaying organic matter, as from leaves and manure, used to improve soil structure and provide nutrients.
Cull pile:	An area where discarded plant material is deposited. Also known as a waste or trash pile.
Delimitation survey:	A survey done to determine the extent of the infestation within a nursery site. The quarantine period begins when all delimitation sampling is completed.
Destruction block:	Block of plants to be destroyed. Within a nursery, this is a contiguous block of HAP containing one or more plants known to be infected with <i>P. ramorum</i> . The block will be considered contiguous until there is a 2 meter break of either no plants or no HAP.
Emergency Action Notification (EAN):	PPQ Form 523 or equivalent State document, is used to specify the regulatory actions to be taken within a nursery.
Free from:	Without pests (or a specific pest) in numbers or quantities that can be detected by the application of phytosanitary procedures. (ISPM Pub. No. 10, 1999)
HAP:	Host and associated host plants listed on the official APHIS List of Regulated Hosts and Plants Associated with <i>Phytophthora ramorum</i> .
Hold block:	This term no longer in use; See Quarantine Block.
Host plants:	Naturally infected plants verified with completion, documentation, review and acceptance of traditional Koch's postulates and listed in the "APHIS List of Regulated Hosts and Plants Associated with <i>Phytophthora ramorum</i> ".

Infected plants:	Plants officially confirmed as being infected with <i>P. ramorum</i> , based on the use of APHIS approved diagnostics, and following the PASS system.
Nursery/Facility:	Any location where nursery stock is grown, propagated, stored, or sold; or any location from which nursery stock is distributed, including locations that grow trees to be sold without roots, such as Christmas trees.
Nursery block:	A contiguous grouping of plants separated by at least two meters from other contiguous groupings of plants.
Nursery site:	A geographically separate location of a Nursery/Facility that has a distinct physical address and appropriate biosecurity measures (See Appendix 9) to prevent the movement of <i>P. ramorum</i> between locations.
Nursery site quarantine:	This is a period of time during which host plants and associated plants shall not be moved within or out of the quarantine block (see Appendix 2). This quarantine period begins when the <u>Nursery Delimitation Survey is completed</u> and lasts for 90 days during which proscribed activities must occur. During the quarantine period, inspection, sampling, and testing must reveal no further detection of <i>P. ramorum</i> . Conducive conditions exist when climatic conditions match <u>optimum disease etiology and are likely to express disease symptoms 50% or more of the time.</u>
Nursery stock:	Any plants for planting, including houseplants, propagative material that are grown in a nursery and tree seedlings for reforestation.
Parallel quarantine:	A quarantine or regulation imposed by a State or local plant regulatory authority that is essentially the same as a federally promulgated quarantine. These regulations can be more restrictive for intrastate movement and internal controls.
PASS (Potentially Actionable Suspect Sample):	A presumptive positive <i>P. ramorum</i> sample diagnosed or identified by a provisionally approved laboratory or diagnostician with identification authority that would require confirmatory testing by an official APHIS Laboratory due to the nature of the plant sampled and the necessity for Federal confirmation. (For more information see: "PASS System Policy" at http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/protocols.shtml)

- Presumptive positive:** A preliminary diagnostic test result from a laboratory indicating *P. ramorum* is present.
- Quarantine block:** Area identified as a 10 meter radius around the destruction block (see Appendix 2) designed to determine if *P. ramorum* has spread beyond the destruction block. (Use of Quarantine block is an adaptation from the definition: “An area in which a specific pest does not occur, or occurs at a low level and is officially controlled, that either encloses or is adjacent to an infested area, an infested place of production, a pest-free area, a pest-free place of production or a pest-free production site, and in which phytosanitary measures are taken to prevent spread of the pest.” [ISPM Pub. No. 10, 1999]).
- Quarantine period:** A minimum of 90 days that begins when the Nursery Delimitation Survey is completed and lasts until such time as both plant parts and climatic conditions conducive to disease expression have occurred. During the **quarantine period**, inspection, sampling, and testing must reveal no further detection of *P. ramorum*. Conducive conditions exist when climatic conditions match optimum disease etiology and are likely to express disease symptoms 50% or more of the time.
- Quarantine release survey:** This is the second quarantine period inspection that occurs near the end of the quarantine period. This survey includes visually inspecting all HAP genera within the nursery and sampling any unhealthy plant tissue, soil of destruction and quarantine block(s) and drainage or recirculated irrigation water, as per Appendices 4, 6 and 7, respectively. When the quarantine period is completed and all plant, soil and water samples taken are negative for *P. ramorum* the nursery can be released.
- Regulated area:** Any state, or portion of a state, in which only nurseries that ship HAP interstate are regulated to prevent the spread of *P. ramorum* and the only regulated article is nursery stock. These areas are detailed in the regulations posted at http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/
- SPHD:** The State Plant Health Director of a particular state. Lead APHIS contact in each state responsible for overseeing all Plant Protection and Quarantine activities in that state.
- SPRO:** The State Plant Regulatory Official in any given state’s department of agriculture. This is the person primarily responsible for plant health programs in that state. SPROs can be found listed at: www.nationalplantboard.org/member/index.html

TRIGGER EVENTS FOR USE OF PROTOCOL

This protocol shall be implemented by APHIS-PPQ and/or its State Plant Regulatory cooperators when the presence of *P. ramorum* has been confirmed in a nursery from samples collected as part of a trace forward survey*, trace back survey*, *P. ramorum* nursery survey*, or found by other means. Confirmed samples must have been diagnosed using a methodology approved by USDA, APHIS, PPQ and consistent with the Potentially Actionable Suspect Sample (PASS) protocol*.

*See http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/ for links with details on trace forward survey, trace back survey, *P. ramorum* nursery survey, and the PASS protocol.

AUTHORITIES

- For states with quarantines equivalent to the Federal regulation, State personnel will conduct specific actions required by the protocol, within and around the nursery, under State authority with Federal support.
- For States without quarantines for *P. ramorum* equivalent to the Federal regulations, specific actions required by this protocol within and around the nursery will be conducted under Federal authority, in cooperation with State personnel.

COMMUNICATE AND NOTIFY

Communicate suspect finds using the bullets below as soon as one of the following has occurred:

1. A positive PCR determination
 2. A culture that matches the morphology for *P. ramorum* (i.e. isolation of *P. ramorum*)
- Immediately notify the State Plant Health Director (SPHD) and the State Plant Regulatory Official (SPRO) of the State in which the nursery is located. The SPHD will notify the Regional Office and National Headquarters Office. See Appendix 3, Resource and Contact List.
 - SPHD's and SPRO's, shall notify facilities within their states that are impacted by the trace backs and trace forwards and provide a list of these facilities to their PPQ Regional offices. See "Conduct Investigations" Section.
 - Laboratories need to notify, the SPHD, and the SPRO, the Regional Office, National Program Manager, and the submitter. Ideally the SPRO should notify the owner of the nursery, but either the SPRO (if State authority is used) or the SPHD (if Federal authority is used) may notify the owner of the nursery.
 - The SPRO and SPHD will use state channels, including public affairs offices to make any public announcements, as necessary. The SPHD will ensure that the USDA APHIS Office of Legislative and Public Affairs is aware of any pending release, via the Regional Office and National Headquarters Office.

CONDUCT INVESTIGATIONS

Trace Forward Investigation:

Initiate trace forward investigations. Identify all domestic and international HAP shipments within the 12 months prior to the first positive detection of *P. ramorum* at the nursery as per the protocol. [NOTE: For shipments to Canada provide a list of all HAP **genera** shipped within the 12 months prior to the first positive detection of *P. ramorum* at the nursery.] This information on shipments needs to be gathered, processed, and forwarded to Regional Office within 10 working days. If requested or necessary, Smuggling Interdiction and Trade Compliance (SITC) or Investigative and Enforcement Services (IES) may be asked to assist in the information gathering, as appropriate. The Regional Offices will forward these domestic lists to the States that have received plants. Headquarters will inform international trading partners of shipments to their countries. The plants sent to the receiving States need to be inspected at the receiving nurseries.

Use the Trace Forward Protocol posted at
http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/

Trace Back Investigation:

Implement the current Trace Back Protocol present on the *Phytophthora ramorum* website located at
http://www.aphis.usda.gov/plant_health/plant_pest_info/pram/

Nursery Sites:

Determine whether additional locations (nursery sites) are maintained by the same nursery personnel, or if HAP move to other sites or between sites.

- **Equipment:** Determine if equipment used at the site is shared with other nursery sites or field areas. Document any shared equipment utilization in different nursery sites or field areas. Equipment movement without appropriate biosecurity measures (See Appendix 9) between nursery sites requires that all nursery sites utilizing the equipment be included under this protocol.
- **Plants:** Determine if HAP move between sites. If so, than all sites receiving HAPs must be included under this protocol.

SECURE THE NURSERY

When the presence of *Phytophthora ramorum* has been confirmed in a nursery:

- All plants (including non-host plants) in the destruction block shall remain under regulatory control as per the Emergency Action Notification (EAN) or State equivalent document. All plants within the destruction block shall be cordoned off with no unauthorized access until delimitation survey is complete and all destruction block(s) is(are) defined.
- All HAP genera in the nursery are to be placed under regulatory control as per EAN. This action may also include any item that an inspector determines to present a risk of spreading *P. ramorum* within or from the nursery; and,
- A delimitation survey will take place on the nursery site as per this protocol; and,
- All HAP genera must be held until delimitation within the nursery is complete, that is, until the samples taken have diagnoses reported that allow release of blocks of HAP. This hold may also include “any other product or article that an inspector determines to present a risk of spreading *Phytophthora ramorum*, if an inspector notifies the person in possession of the product or article that it is subject to the restrictions in the regulations” (7CFR part 301.92-2) within the infested nursery site; and,
- Secure the cull pile until all testing is complete.
- Ensure that equipment used on nursery site is not moved from the site without proper disinfection.
- Any additional treatments and/or basic sanitary and precautionary measures shall be detailed on the EAN.
 - PPQ form 523, Emergency Action Notification will be used as the official Federal authorization of hold. The required treatments and/or basic sanitary and precautionary measures (e.g. bio-containment of suspected infected material, etc.) should be included in the PPQ form 523. If the State initiated action, then the appropriate State notification would be used. Stop Sales notices should be placed on the nursery by the appropriate State Regulatory Official.
- If any plants not on hold are showing symptoms consistent with diseases caused by *P. ramorum*:
 - These plants must be sampled and tested for the presence of *P. ramorum*.