

# Laws and Regulations of Pest Exclusion

Prepared by Courtney Albrecht

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# What is Pest Exclusion?

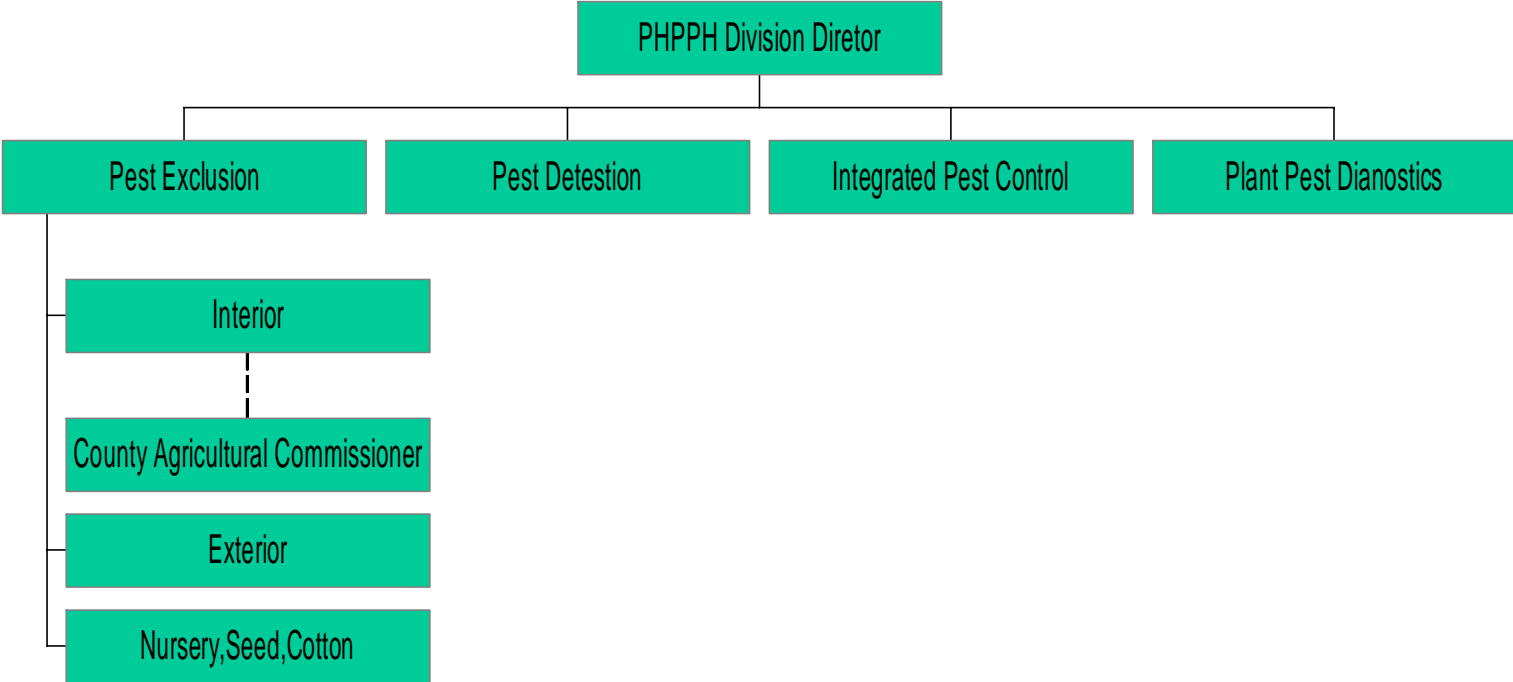


# Goal of Pest Exclusion

To prevent the entry and establishment of exotic pests and limit the spread of newly discovered pests.



# CDFA Plant Health and Pest Prevention Services (PHPPS)



# Laws and Regulations

## ■ Laws

- ✓ enacted through legislation
- ✓ Food and Agricultural Codes (FAC)

[www.leginfo.ca.gov](http://www.leginfo.ca.gov)

## ■ Regulations

- ✓ promulgated by a Department pursuant to legislative authority
- ✓ Intended to interpret and specify Legislation
- ✓ California Code of Regulations (CCR)
- ✓ Summarized in Plant Quarantine Manual

[www.cdffa.ca.gov/phppps/](http://www.cdffa.ca.gov/phppps/)

# CDFA Defines Noxious Weed

**"Noxious weed"** means any species of plant that is, or is liable to be, troublesome, aggressive, intrusive, detrimental, or destructive to agriculture, silviculture, or important native species, and difficult to control or eradicate, which the director, by regulation, designates to be a noxious weed.

In determining whether or not a species shall be designated a noxious weed for the purposes of protecting silviculture or important native plant species, the director shall not make that designation if the designation will be detrimental to agriculture.

Food and Ag Code Section 5004

# What are Agricultural Pests?

"Pest" means any of the following things that is, or is liable to be, dangerous or detrimental to the agricultural industry of the state:

(a) Any infectious, transmissible, or contagious **disease** of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.

(b) Any form of **animal life**

(c) Any form of **vegetable life**

Food and Ag Code Sec 5006

# State Laws Enforced

- Exclusion

- ✓ FAC Section 5030, 5341 (Inspection authority, stop vehicles, inspection stations)
- ✓ FAC Sec 5346 (unlawful to conceal plants/articles or fail to present for inspection)
- ✓ FAC Section 408 (authority to enter premises)
- ✓ FAC Section 5701 (Hold Notices)
- ✓ FAC Section 5301 (Secretary may establish...regulations ...to prevent spread of pests to protect California's agricultural industry)
- ✓ FAC Section 6301.1 (CDFA enforces Federal regulations)



# More State Laws Enforced

- Exclusion
  - ✓ FAC Section 6421 (requires package markings)
  - ✓ FAC Section 5021 (treatment at expense of owner)
  - ✓ FAC Section 9 (violation of the Code is a misdemeanor)
  - ✓ FAC Section 2281 (places joint responsibility on CAC)
  - ✓ FAC 6501-6506 (requires nursery stock to be held for inspection)
  - ✓ FAC Section 6461.5 (Live pests)

# Federal Regulations Enforced

- ✓ CFR 360-Federal Noxious Weeds
- ✓ Federal Plant Protect Act
- ✓ CFR 301.80- Witchweed Federal Domestic Quarantine

# State Regulation Enforced

- ✓ CCR 3281-Hydrilla State Exterior Quarantine
- ✓ CCR 3410-Hydrilla State Interior Quarantine

# Policies Enforced

## Policies

- ✓ A and Q-rated weeds
- ✓ B and C-rated weeds
- ✓ Weeds in feed grain shipments
- ✓ Weeds in hay shipments

# Responsibilities

- **USDA/APHIS**
  - ✓ Federal Foreign and Domestic Quarantines (CFR)
- **CDFA Exterior** (border stations)
  - ✓ Food and Agricultural Codes (FAC)
  - ✓ State Exterior Quarantines (CCR)
  - ✓ Federal Domestic Quarantines (CFR)
  - ✓ Some policies
- **CDFA Interior** (CDFA biologists) and **County Agricultural Commissioner** (CAC)
  - ✓ State Interior Quarantines (CCR)
  - ✓ Food and Agricultural Codes (FAC)
  - ✓ State Exterior Quarantines (CCR)
  - ✓ Federal Domestic Quarantines (CFR)
  - ✓ Policies

# Pathways



- Foreign Plant Shipments
- Private Automobiles/Boats
- Commercial Truck Shipments
  - ✓ Nursery Stock
  - ✓ Hay
  - ✓ Bee colonies/equipment/pallets
  - ✓ Bulk Seed and Grain
- Parcel Carriers (UPS, FedEx, USPS, etc)
- Rail (bulk seed/feed/grain)

# Private Auto/Boat Inspections



# Commercial Truck Inspections

(Exterior)





# Nursery Stock Inspection

(CAC)



# Incoming Nursery Stock Inspection (CAC)



# Weed Contamination in Nursery Stock





# Hay Inspection

(Exterior)



# Infested Hay Destroyed





# Parcel Inspections

(CAC)



# Hydrilla Interception



# Unmarked Parcels





# Art and Craft Supplies in Parcels



# Nursery Inspection (Incoming and Production) (CAC)

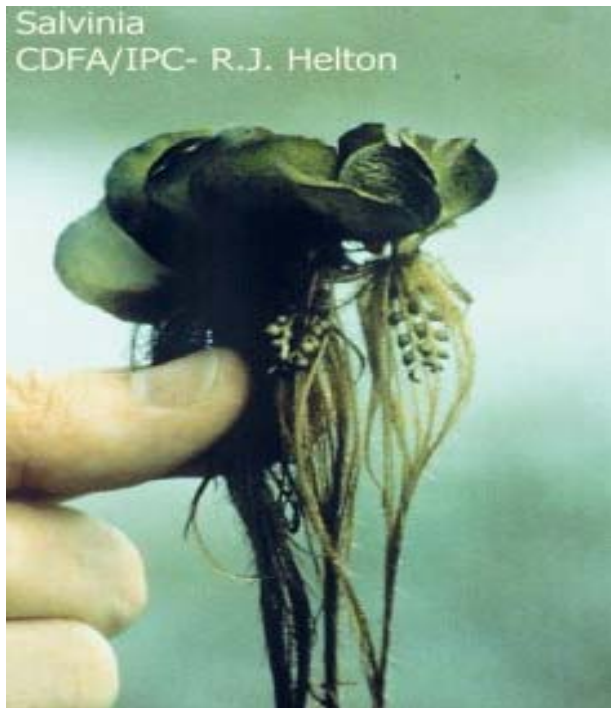


# Weed Rejection at Nursery





# Nursery Interceptions



# Pet Store Inspections

(CAC)



# Action-Oriented Rating System

- "A" and "Q"
  - ✓ must be rejected
- "B"
  - ✓ rejected when found in a nursery
- "C"
  - ✓ rejected at discretion of CAC

# Procedure to Change a Pest Rating

- "Q" pests to be reviewed every year
- Request from any interested person to change an existing "A", "B", "C" or "D"
- Convene a Pest Study Team
- Review supporting documentation
- Consult with other affected agencies
- Propose new rating to CAC, 30-day comment period
- Final ratings published

# Exclusion Forms

(issued by CAC or CDFA)

- Pest and Damage Record
  - ✓ goes with specimen to lab
- Notice of Rejection
  - ✓ lists pest, commodity, authority (FAC, CCR, CFR), disposition
- Emergency Action Notification (PPQ Form 523)
  - ✓ For federal pests
- Hold Notice
  - ✓ lists commodity and authority



# A Pest Exclusion Motto

If you want to catch beasts you don't see every day,  
You have to go to places quite out-of-the-way.  
You have to go to places no others can get to.  
You have to get cold and you have to get wet, too.

*If I Ran the Zoo* by Dr. Seuss  
New York: Random House  
1950

