EXECUTIVE NOTE

THE PLANT HEALTH (*PHYTOPHTHORA RAMORUM*) (SCOTLAND) (AMENDMENT) ORDER 2007 SSI 2007/416

Introduction

1. The above instrument is made by the Scottish Ministers in exercise of powers conferred by sections 2, 3(1), (2), (3) and (4) and 4(1) of the Plant Health Act 1967, as read with section 20 of the Agriculture (Miscellaneous Provisions) Act 1972, and all other powers enabling them to do so. The instrument is subject to negative resolution procedure.

Policy Objective

2. The purpose of this Order, so far as Scotland is concerned, is to amend the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004 ('the principal Order') (SSI 2004/488) which contains measures to prevent the introduction and spread of *Phytophthora ramorum*, a fungus-like pathogen which has caused widespread damage to trees and a range of native plants in California and Oregon, USA. It implements Commission Decision 2007/201/EC (O.J. No L90, 30.3.2007, p83) and corrects minor transposition errors in the principal Order.

3. *P. ramorum* is a fungus-like pathogen which has caused widespread damage to trees and a range of native plants in California and Oregon, USA. It has affected ornamental plants in many northern US states and also in Canada. In America the disease is referred to as 'Sudden Oak Death'. In Europe, the pathogen has largely been identified on ornamental plants in nurseries, but has also been found on a few individual trees and some established plantings of shrub hosts (mainly *Rhododendron*.) The fungus was detected in plants moving in trade for the first time in the UK in April 2002 and in Scotland in May 2002. In the UK it has mainly been found on *Rhododendron*, *Viburnum* and *Camellia* plants, causing infection of shoots and leaves. Other species affected include bay laurel (*Laurus nobilis*), Californian bay laurel (*Umbellularia californica*), *Griselinia*, ironwood (*Parrotia persica*), Kalmia, lilac (*Syringa*), *Leucothoe*, *Magnolia* spp., *Pieris*, pot-grown yew (*Taxus*), witch hazel (*Hamamelis virginiana*), Chinese witch hazel (*Hamamelis mollis*), and Winter's bark (*Drimys winteri*). The pathogen has also been detected in rivers and streams near some outbreak sites. It is thought to be spread locally by rain splash, wind-driven rain, irrigation or ground water. It has been recovered throughout the year from plant debris, watercourses, and soil up to a depth of 15cm, at infected sites. Long distance spread may be by movement of contaminated plant material and growing media, and in soil carried on vehicles, machinery, footwear or animals.

4. Emergency legislation against the threat of *P. ramorum* was introduced in Scotland in May 2002 (The Plant Health (*Phytophthora ramorum*)(Scotland) Order 2002 (SSI 2002/223)) and was replaced by legislation implementing EC-wide emergency measures (Commission Decision 2002/757/EC) in November 2002 (The Plant Health (*Phytophthora ramorum*)(Scotland)(No.2) Order 2002 (SSI 2002/483). This was subsequently revised by the Plant Health (*Phytophthora ramorum*) (Scotland) Order 2004. Measures include controls on the export of susceptible plants from the USA, the movement of specific species of susceptible plants within the Community to be accompanied by plant passports, official inspection of specific species of susceptible plants in places of production, eradication measures on outbreak sites and an annual survey to assess the extent of spread of the organism.

5. Commission Decision 2007/201/EC amends Commission Decision 2002/757/EC which sets out detailed measures to be taken within Member States against *Phytophthora ramorum* in order to locate the organism, determine its distribution and prevent its occurrence and spread. Decision 2007/201/EC amends the list of plants, wood and bark susceptible to *P. ramorum* on the basis of recent scientific information on the possible damage caused by the organism. It also increases from one to two the number of official inspections of specific species of susceptible plants in places of production and extends eradication measures to cover growing media, plant debris and the surface upon which plants have been standing.

Financial Impact

6. The new measures will not have a significant effect on Scottish businesses. As a result there are no economic implications for Scottish businesses. In such circumstances no Regulatory Impact Assessment has been prepared.

Rural Directorate - Agriculture Division

29 August 2007