



Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

COUNTY OF LOS ANGELES

Department of Agricultural Commissioner/ Weights and Measures

12300 Lower Azusa Road
Arcadia, California 91006-5872
<http://acwm.lacounty.gov>



Richard K. Iizuka
Chief Deputy

January 13, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**AGRICULTURAL COMMISSIONER/WEIGHTS AND MEASURES: APPROVAL OF
AGREEMENT #08-0524 WITH THE CALIFORNIA DEPARTMENT OF FOOD AND
AGRICULTURE FOR SUDDEN OAK DEATH CONTROL AND STATEWIDE
EMERGENCY RESPONSE ACTIVITIES
(ALL DISTRICTS) (3-VOTES)**

SUBJECT:

The Sudden Oak Death (SOD) Program provides for the detection, eradication, trace forward/trace back investigation, quarantine enforcement, administrative support, and training for the identification of *Pythophthora ramorum*, the fungus that causes SOD. Inspections are made at commercial nurseries. Early detection is the primary defense against the spread of the fungus that causes SOD. There is no County cost associated with this program.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve and instruct the Agricultural Commissioner/Director of Weights and Measures (Commissioner) to sign the attached agreement #08-0524 in the amount of \$225,240 with the California Department of Food and Agriculture (CDFA). This funding is to support the Department of Agricultural Commissioner/Weights and Measures' (ACWM) SOD Program.
2. Authorize the Commissioner to amend the agreement in an amount not to exceed 15 percent of the original contract, subject to review and approval by County Counsel and the Chief Executive Office and notification to the Board offices.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

Your Board has approved similar agreements with the CDFA since 2004. Approval of the recommended actions will enable the ACWM to continue the SOD Control Program to prevent the spread of SOD within and from Los Angeles County (County). The SOD Control Program, which calls for the inspection of nursery stock destined for interstate shipment, significantly affects plant growing nurseries, the County's number one agricultural industry. Without inspection and certification, nursery growers would be prohibited from shipping SOD host material interstate from California, resulting in a substantial financial loss to the County's plant producing nurseries.

ACWM has consulted and worked collaboratively with all the shipping nurseries to assist in controlling the spread of this disease.

Implementation of Strategic Plan Goals:

This agreement supports the Countywide Strategic Plan Goal 1: Service Excellence. The SOD Control Program significantly enhances ACWM's ability to certify nursery plants shipped from the County. The United States Department of Agriculture (USDA) requires inspection of commercial nurseries moving plants interstate from California. Our timely response to shipping requests benefits the County's agricultural industry.

FISCAL IMPACT/FINANCING:

Under this agreement, CDFA will provide funding in the amount of \$225,240 for work performed by ACWM from July 1, 2008 through June 30, 2009. As the ACWM will use existing staff to perform the inspection work, which will be performed to the level of funding provided by the current agreement, the program will allow for full cost recovery and has no effect on net County cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

The agreement is for the period of July 1, 2008 through June 30, 2009.

Pursuant to the Plant Protection Act, the USDA issued a quarantine on April 9, 2004, to prevent the spread of SOD to non-infested areas of the United States. Nurseries may not ship regulated host plants interstate to uninfested areas until they have been inspected and it is determined there is no evidence of SOD infestation.

This agreement has been reviewed by County Counsel and is approved as to form.

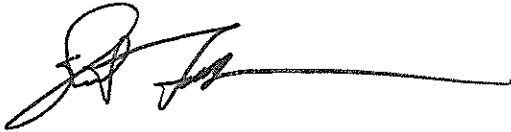
IMPACT ON CURRENT SERVICES:

The recommended Board action will support the program services for the entire 2008-2009 fiscal year.

CONCLUSION:

Upon approval, it is requested that the Executive Office/Clerk of the Board return to the ACWM the original standard agreement #08-0524 and the minute order authorizing the Commissioner to sign. The ACWM will forward copies of the documents to the CDFA Contracts Office.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt E. Floren', with a long horizontal line extending to the right.

KURT E. FLOREN
Agricultural Commissioner
Director of Weights and Measures

KEF:RKI:PD:sl

Attachment

c: Maya Lee, County Counsel
Auditor Controller

AGREEMENT NUMBER 08-0524
REGISTRATION NUMBER

- 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
- The term of this Agreement is: July 1, 2008 Through June 30, 2009
- The maximum amount of this Agreement is: \$225,240.54
 Two Hundred Twenty-five Thousand Two Hundred Forty Dollars and Fifty-four Cents
- 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
 RAYMOND G FORTNER, JR., County Counsel

5. Name of Program: Regulated County SOD activities
 By *Nayahel*
 Deputy

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

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

Exempt per:

AGREEMENT NUMBER 08-0524
REGISTRATION NUMBER

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- CONTRACTOR'S NAME
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- 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

APPROVED AS TO FORM
 1 Page(s)
 RAYMOND G FORTNER, JR., County Counsel

5. Name of Program: Regulated County SOD activities

By Ray Price
 Deputy

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

CONTRACTOR		California Department of General Services Use Only <input type="checkbox"/> Exempt per:
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		
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		

**EXHIBIT A
(County Agreement)**

SCOPE OF WORK

1. Contractor agrees to provide the services described herein:

Regulated County Sudden Oak Death (SOD) activities.

2. The program contract managers for this Agreement are:

FOR CDFA, THE PROGRAM CONTRACT MANAGER IS:	FOR CONTRACTOR:
Name: Courtney Albrecht	Name: Kurt Floren
Section/Unit: Pest Exclusion Branch	Section/Unit: COUNTY OF LOS ANGELES
Address: 1220 N Street, Room A-372	Address: 12300 Lower Azusa Road
City/Zip: Sacramento, CA 95814	City/Zip: Arcadia, CA 91006
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, 2008-June 30, 2009 FY 2008/2009

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 and C** 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 (Communication, Training, and Reporting)

County agricultural commissioners are responsible for providing training for their staff for all activities associated with the eradication of *P. ramorum* and the enforcement of 7 CFR 301.92. County agricultural commissioners are responsible for public outreach at the local level, communicating the federal restrictions to industry members in their county, and must attend conference calls with CDFA Pest Exclusion staff to learn of policy decisions and changes.

County agricultural commissioners must report the following three items on a monthly basis to CDFA:

- a. Monthly Report (**Appendix F**). The county has the option of mailing the Monthly Report to the address below or entering 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**)
- c. USDA/APHIS/PPQ Tracking Log (**Appendix H**) for each nursery operating under a compliance agreement

Submit to: The Department of Food and Agriculture
Attn: Carol Gentry
Strategic Services Unit
1220 N Street, Room A-316
Sacramento, CA 95814.

**Scope of Work for *Phytophthora ramorum*
(Sudden Oak Death)
In Regulated Counties
July 1, 2008-June 30, 2009
FY 2008/2009**

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)