

EXPLANATORY MEMORANDUM TO
THE PLANT HEALTH (*PHYTOPHTHORA RAMORUM*) (ENGLAND)
(AMENDMENT) ORDER 2007

2007 No. 2155

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

This Order amends the Plant Health (*Phytophthora ramorum*)(England) Order 2004 ('the principal Order') (S.I. 2004/2590) which contains measures to prevent the introduction and spread of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov.. It implements Commission Directive 2007/201/EC (O.J. No L90, 30.3.2007, p83) and corrects minor transposition errors in the principal Order.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

This Order corrects defective drafting in the Plant Health (*Phytophthora ramorum*) (England) Order 2004 (S.I. 2004/2590), reported by the Committee in its 33rd Report (Session 2003-2004).

- 4. Legislative Background**

- 4.1 Commission Directive 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. This Decision is implemented in England, using powers under the Plant Health Act 1967, by the Plant Health (*Phytophthora ramorum*) (England) Order 2004 as regards plants and planting material. Similar but separate legislation operates in Scotland, Wales and Northern Ireland. As regards forest trees, wood and wood products the Decision is implemented in Great Britain by the Plant Health (*Phytophthora ramorum*) (Forestry) (Great Britain) Order 2004. Similar but separate legislation operates in Northern Ireland.

- 5. Extent**

This instrument applies to England only.

- 6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 *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, *P. ramorum* 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*.) 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.
- 7.2 The first finding on a tree in the UK occurred in November 2003 on an American southern red oak (*Quercus falcata*). Since then other tree species infected include ash (*Fraxinus excelsior*), European beech (*Fagus sylvatica*), holm oak (*Quercus ilex*), horse chestnut (*Aesculus hippocastanum*), southern beech (*Nothofagus obliqua*), sweet chestnut (*Castanea sativa*), sycamore (*Acer pseudoplatanus*), and Turkey oak (*Quercus cerris*).
- 7.3 Emergency legislation against the threat was introduced in Great Britain in May 2002 (The Plant Health (*Phytophthora ramorum*)(England) Order 2002 (S.I. 2002/1299)), was replaced by legislation implementing EC-wide emergency measures (Decision 2002/757/EC) in November 2002 (The Plant Health (*Phytophthora ramorum*)(England)(No.2) Order 2002 (S.I. 2002/2573), and subsequently revised by the Plant Health (*Phytophthora ramorum*) (England) 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.
- 7.4 Defra's Plant Health Division has overall policy and legislative responsibility for *P. ramorum* relating to plants and plant produce in Great Britain. The Forestry Commission's Plant Health Service has overall policy and legislative responsibility for all aspects of *P. ramorum* relating to forest trees and wood.
- 7.5 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.

8. Impact

A regulatory impact assessment has not been prepared as the Order has no impact on the costs for business.

9. Contact

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