PPA 7721 Suggestion – Final A Novel Approach to Enforcement
8/21/2020

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| **Cooperator:** | **Washington State Department of Agriculture** | | | |
| **State**: | WA | | | |
| **Project Title**: | **A Novel Approach to Enforcement of WSDA Plant Health Quarantines** | | | |
| **Project funding source:** | PPA 7721 Goal 2 | | | |
| **Project Coordinator**: | Cindy Cooper | | | |
| **Agreement Number** | TBD | | | |
| **Time Period** | July 1, 2021 to June 30, 2022 | | | |
| **Contact Information:** | **Address:** | WSDA<br>PO Box 42560, Olympia WA 984504-2560 | | |
| | **Phone:** | 360-902-2062 | **Fax:** | **360-902-2094** |
| | **Email Address:** | ccooper@agr.wa.gov | | |


**Abstract**

The recent high profile example of seed shipments from China being sent to consumers in many states without proper phytosanitary documentation illustrates that numerous violations of plant pest quarantines occur every day on the internet, often undiscovered by officials tasked with enforcement. Domestic internet sales of plants and seeds is a vulnerable point in our interstate quarantine compliance system. A July 2018 article in nurserymag.com cites a 25% rise in online plant and garden sales over 2017 levels. This huge increase has gone unchallenged by states with limited resources for monitoring and enforcement. By funding one additional full time inspector dedicated to directly communicating with hundreds of domestic internet sites offering plants or seeds for sale, WSDA seeks to address this gap in compliance before infested plants are shipped into Washington State, greatly reducing the potential for harmful pest introductions.

Proposed objectives and methods include:

- Enhance current enforcement of twenty four state plant pest quarantines, through increased monitoring of domestic internet sites offering plants for interstate sale.
- Prevent pest introductions and violations before plants are shipped, through proactive communication with online sellers.
- Publish educational guidance for online use by plant and seed sellers, to ensure interstate phytosanitary requirements are met prior to shipping.
- Share findings with regulators in neighboring states with which we trade nursery stock. Report successes to industry stakeholders and agriculture associations.

The work of this project will not overlap with the work of USDA staff who monitor foreign internet sites to enforce federal import regulations. WSDA work will focus strictly on identifying potential violations of domestic state pest quarantines on interstate shipments. USDA does not enforce state level quarantine rules and WSDA activities are under the separate authority of RCW 15.13 and RCW 17.24.

A pilot effort launched in June by WSDA demonstrated that online enforcement is a viable tool for state inspectors. One inspector spent several hours monitoring sites for blueberry plant sales, and identified twelve potentially violating our state Blueberry Scorch Virus quarantine. After contacting the sites, nine of the shippers updated their websites to show they cannot ship blueberry plants into Washington. Funding for additional inspector time for this novel enforcement approach will be extremely effective in protecting the specialty crop industries of Washington. Since our state produces over 300 specialty crops, including tree fruits, wine grapes, hops, and organic crops, millions of dollars are spent annually

to protect them from harmful pest introductions. The Washington Invasive Species Council supports this initiative and estimates that the introduction and establishment of invasive species costs Americans $137 Billion each year. Eradication is not always possible, leaving growers with high management costs, and leading to environmental degradation. Besides strengthening the ability of state inspectors to identify violations and enforce state plant quarantines at a vulnerable point in our safeguarding continuum, this approach to online enforcement will enhance communication and understanding of interstate regulations between agriculture officials in states that trade nursery stock. This will lead to a reduction of harmful pest introductions.

## PART I: Purpose

This project directly supports Goal 2, (target domestic inspection activities at vulnerable points in the safeguarding continuum that result from the movement of products and commodities potentially carrying pests of regulatory significance), Objective 3, (promote increased levels of inspection for regulated articles for interstate movement). The Washington State Noxious Weed Control Board, WSDA SPRO and our state plant health director all support this project, along with the Washington Invasive Species Council and other industry associations and commissions.

The primary purpose of this project is to support effective enforcement of WSDA pest and disease quarantines on plants shipped interstate through internet sites, before they enter Washington State in violation of state regulations. Domestic internet sales and distribution of plants has largely been unregulated and is the most vulnerable point in our interstate compliance system. WSDA will close this compliance gap and decrease the potential for pest introductions into Washington by raising industry and public awareness for our twenty four state plant health quarantines. We will investigate and monitor domestic websites offering plants for sale, for possible violations and educate shippers on WSDA quarantine requirements. We will develop compliance information and email it to website hosts, growers and nurseries to educate them. We will issue violations when non-compliant shipments are received in Washington. Increasing compliance with state quarantines will lower the risk of introducing harmful pests into our state and strengthen the interstate plant quarantine system.

**Objectives:**

1. Decrease the potential for harmful pest introductions into Washington, through effective online quarantine enforcement.
2. Increase compliance and awareness of state plant health regulations with Washington nurseries who import nursery stock, growers in other states who ship domestically and the public, through targeted communication and education.
3. Maximize effectiveness of online domestic quarantine enforcement by sharing our findings with other state departments of agriculture and agriculture industry associations.

**Accomplishments:**

WSDA estimates that this preventative approach will annually stop many thousands of potentially infested plants and prohibited species from moving interstate before they leave the point of origin, and create an open channel of communication between regulators and growers in shipping and receiving states, with lasting benefits. Preventing just one quarantine pest from establishing here will save hundreds of thousands of dollars in eradication costs. Currently, WSDA allocates over $3.7 Million annually to survey, prevent and eradicate harmful insect pests and plant diseases in our state, to avoid their establishment here. Reducing the number of potentially unmitigated pest introductions is necessary.

The results from this year long project will enlighten and focus future enforcement activities, by identifying the main online sources of prohibited plant species and non-compliant plants entering our state. WSDA will quantify our findings, sharing them through articles in both WA and OR nursery industry publications. We will communicate to other states a summary of common quarantine violations found on websites offering plants for sale interstate. This will help other states' target investigations and gain website compliance with their own state quarantines, and close their compliance gaps in interstate quarantine enforcement.

A pilot project launched during this past year produced stunning results. As expected, every day new potential violations of state quarantine laws were identified. Over just a few hours of monitoring, twelve violations were identified and mitigated, through direct outreach to the offending website manager or nursery. We were able to correct nine instances

where a website allowed sales and shipping of prohibited or non-compliant plants to Washington. Inspectors gained valuable experience with communicating our quarantine requirements through emails and web chats with the site managers, who made the requested changes. If funded, this project will give WSDA a powerful tool to enforce state pest quarantines. As demonstrated over the past year, we would expect to find and correct at least five violations per day spent on active monitoring of websites.

Although current inspectors have little time available for new activities, WSDA has been able to develop a model and method for monitoring online sites offering plants for sale, identifying potential violations of state quarantines on those sites, and effectively communicating with site managers, resulting in corrective proactive action. Though our current inspector resources do not allow much time for regulatory surveillance, we were able to launch some online monitoring over the past year, due to covid restrictions limiting our activities in public spaces. In June, one inspector reports that she "followed up on her online quarantine outreach for blueberry shippers. Nine of the shippers she previously contacted have now updated their websites stating that they are no longer shipping blueberry plants into Washington State."

## PART II: Prior Experience

The Plant Services Program employs ten inspectors statewide, experienced in plant identification, pest and disease symptoms, and plant health quarantine enforcement. They conduct visual inspections of plants for sale, and monitor phytosanitary documentation of incoming nursery stock from other states. We conduct over 700 physical nursery inspections each year, and provide educational outreach to over 5,000 nursery licensees, to improve compliance with our 24 plant health quarantines. Additional outreach and enforcement of internet sales will greatly increase our effectiveness at this vulnerable, under regulated point in our interstate quarantine system.

Cindy Cooper is the program manager for Washington State Department of Agriculture's Plant Services Program, which employs 10 nursery inspection staff tasked with daily inspection of plants for sale in Washington nurseries, and the export certification of Washington agricultural commodities and specialty crops around the world. She holds a BS degree in Ornamental Horticulture from Washington State University, and worked in the nursery industry for two decades before joining the WSDA Plant Services Program in 2000, as an inspector.

In 2017 through the present, Cindy served as PI on a Specialty Crop Block grant titled, 'Enhancing Nursery Stock Exports by Establishing Pest Free Areas for *Xylella fastidiosa*'. Through this now completed three year effort, WSDA established 15 counties as Pest Free Areas recognized by The European Union, and reopened trade of host plants into those countries from Washington growers.

In 2016 through June of 2019, Cindy worked as a PI on a project with the WA Association of Wine Grape Growers, funded by USDA, to increase grower participation in Washington's grapevine virus certification program, and harmonize quarantine rules with neighboring states. The effort has resulted in rulemaking which moves us toward a regional approach to quarantine enforcement in grapevines, and identifying trade problems for growers accessing markets in neighboring states. Through education and outreach to the multistate industry, regulators have reduced pest movement in our region and increased quarantine compliance.

## PART III

### Budget

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| Personnel: | $61,224 |
| Fringe Ben: | $25,548 |
| Travel: | $0 |
| Equipment: | $0 |
| Supplies: | $2,600 |
| Contractual: | $0 |
| Other: | $0 |

Total Direct Costs: $89,372
Indirect Costs (not to exceed 15%): $13,406
**TOTAL BUDGET: $102,778**

Budget narrative-
Budget includes the salary and benefits for one full time Environmental Specialist 3 position, within the Plant Protection Division of the Washington State Department of Agriculture. The salary rate is $5,102/month for 12 months. The benefits rate is $2,129 per month for 12 months. This inspector will be based in a home office, requiring little expense to maintain, and no car or travel are needed. The budget includes the annual lease cost for a desk top computer and dedicated high speed internet connection for the home office. Existing WSDA inspectors and supervisors who will interact with this ES3 will be funded outside this grant proposal, by other WSDA local funds.

**PART IV: Technical Approach**
Using grant funds, WSDA will hire one additional full time Plant Services Program inspector who will dedicate their time 100% to investigating internet plant offerings and communicating plant quarantine regulations to interstate shippers who offer plants and seeds for sale to Washingtonians. Working from a home based office to lower expenses, the inspector will browse and monitor internet sites offering plants for sale, identify potential quarantine violations, such as prohibited invasive plant species offered for sale and shipment to Washington, or grape, hop and blueberry nursery stock that does not meet pest or disease certification requirements for shipping to Washington. Taking an educational approach, they will communicate directly with the shipper, nursery or website host on how to meet state quarantines, requesting website changes that indicate these requirements, and restrict sales into Washington by citing violations to our rules. The inspector will monitor these sites to ensure requested changes are made and quarantine compliance is achieved.

**Plan of Action**
1. Hire one full time Environmental Specialist 3 tasked with conducting daily internet searches for plants offered for sale or interstate distribution to Washington State.
2. Identify potential quarantine violations (i.e. prohibited invasive plant species available for shipment to WA, or nursery stock that does not meet pest or disease certification requirements for state quarantines).
3. Communicate directly with the shipper, nursery or website host on how to meet state quarantine requirements. Request site changes to avoid shipping violations. Monitor sites for compliance.
4. When received plant shipments are identified that violate state quarantines, inspector will notify the WSDA area inspector for appropriate action (detention of shipment, verification of quarantine compliance, or return order to origin state). Inspectors will issue a Facility Inspection Record through the existing PISCES database, capturing quarantine violations and corrections ordered.
5. Summarize and report findings weekly, to WSDA and officials in neighboring states with similar plant quarantines, to further the impact of the response, and avoid duplication of efforts to maximize effectiveness. Notify origin states' agriculture officials of actions taken to enforce state quarantines.
6. Publish outreach material to educate the public on common online quarantine violations found (i.e. Why can't I order allium bulbs from this website, for shipment to WA? Why can't I order grapevines from states other than OR, WA & CA?). Publish on the WSDA website and in Washington nursery publications.

WSDA has developed an agency-internal SharePoint site as a base of operations for inspectors to collect and coordinate internet monitoring and corrective actions. The site will be used by WSDA inspectors to coordinate their activities around internet policing. It includes a series of write ups to be used as templates for communicating with webpage owners about possible state quarantine violations found during monitoring, such as:
- WSDA Prohibited Plants offered for sale to WA (WAC 16-752)
- WSDA Apple Maggot Quarantine requirements for potted host plants (WAC 16-470-101)
- WSDA Blueberry Scorch Virus Quarantine (WAC 16-489)
- WSDA Grape Pest Quarantine (WAC 16-483)
- WSDA Hop Disease Quarantine (WAC 16-497)
- WSDA Onion White Rot Quarantine (WAC 16-470-300)
- WSDA Chestnut Quarantine (WAC 16-470-400)
- WSDA Eastern Filbert Blight Quarantine (WAC 16-474)
- WSDA Japanese Beetle Quarantine (WAC 16-470

Example of Template communication from inspector to potential online violator:
"The Washington State Department of Agriculture would like to take this opportunity to educate you about our Blueberry scorch virus quarantine (WAC-16-489). Your online business may be offering blueberry cultivars that are prohibited in Washington.

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Under Washington's Blueberry scorch virus quarantine (WAC 16-489), no person may sell, offer for sale or ship any cultivars or species of blueberry into Washington unless they are shown to be free of scorch virus through laboratory testing, or the plants originate from a pest free area. Blueberry plants offered for sale must be accompanied by an official certificate attesting to quarantine compliance.
Please stop the sale of all non-compliant species or cultivars of blueberry to Washington customers via mail order and your website. It may be helpful to add a text line in your catalog below these products that states, "cannot be shipped to Washington State".
*In addition, WSDA would like to remind you that all plants with soil from states regulated for Japanese beetle must comply with Federal and State quarantines. A Certificate of Quarantine Compliance is required for each shipment and pre-notification is required. For a list of Japanese beetle regulated states, click here.*
Thank you for taking the time to look into these matters. Please feel free to contact me with any questions or concerns."

Example of actual response received and online correction:
"Thank you for the quarantine information. As of this morning, blueberry sales and shipments to Washington have been ceased. I have added WA as a restricted state for shipment of blueberry plants to each blueberry related page of my website. There is a caution sign that lets customers know that we do not ship blueberry plants to CA or WA.
As to the Japanese Beetles, I have attached our compliance certificate from the State of GA. Dept. of Ag. We will be in full compliance with any regulation to protect the beautiful State of Washington from foreign pathogens."

**PART V: Milestones**

| **Milestone** | **Timeline Target** |
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| Hire a full time online enforcement inspector, set up home office. Begin internet searches. | July 2021 |
| Record violations found using Sharepoint database, issue inspection records requiring corrective action. Alert WSDA nursery inspectors to arrival of non-compliant shipments for action. | July 2021 – June 2022 |
| Communicate with website managers and shipping nurseries about quarantine requirements, monitor for corrected violations | July 2021- June 2022 |
| Inform WSDA & other states' regulators on our findings, for additional follow up. | Week-end report written throughout project |
| Create outreach material to guide website owners, and for posting by WSDA website, social media and associations. | October 2021, February, 2022 |
| Publish article on common online quarantine violations in the B&B magazine of WSNLA. | January 2022 |
| Write semiannual progress reports as required. | Per funding contract |