May 24, 2002

To: House Agriculture and Livestock Committee
Texas House of Representatives

From: Eddy Edmondson, President
Texas Nursery & Landscape Association

Re: Interim Charge 1: Study the effects of exotic pests on Texas agriculture. Consider risk pathways, control strategies and potential impacts on the agricultural economy. Identify partnerships involving the private sector along with state and local governments.

I am Eddy Edmondson, President of the Texas Nursery & Landscape Association (TNLA).

TNLA is a trade organization representing all segments of the nursery/landscape industry in Texas: wholesale production, retail, landscape, and allied businesses. The sales volume of nursery/landscape products and services in Texas is in excess of $14 billion annually. Our grower producers have been classified by the United States Department of Agriculture's Agricultural Statistics Service as the second largest agricultural commodity in the State of Texas. We appreciate this opportunity to make comment on behalf of our industry.

One of the major challenges in approaching the invasive species issue is definitions. What is "exotic" what is a "pest" what is "invasive" and what is "native"? In the absence of agreed upon science-based definitions, even the best-intentioned responses can be economically detrimental and ineffective.

The Council for Agricultural Science and Technology (CAST), an outstanding group of scientists who study agricultural issues, has been working on the invasive pest issue and this March produced an issue paper. In the introduction CAST stated, "Agriculture in the United States relies on a myriad of native and non-native species of plants, insects, fish, and animals.

Throughout the past 250 years, non-native organisms have been introduced both accidentally and intentionally. Economic, sport, or aesthetic introductions have capitalized on available habitats and markets. ... Even the staple crops corn and potatoes were brought from subtropical areas of the American continents. ... The introduction of food sources such as cattle, wheat, honeybees, kiwi fruit, and soybeans and ornamental plants such as tulips, chrysanthemums and dawn redwoods has produced sizeable economic benefits."

Past economic benefit from these introduced species clearly indicates that any discussion of invasive pests and diseases must take into consideration a risk/benefit analysis.

The nursery/landscape industry is both the beneficiary and the victim of introduced species. Texas growers need protection to prevent our state from being a dumping ground for infested or invasive plant material. Dumping diseased or infested material in Texas causes other states to quarantine our products and generates economic hardship. The industry is also at risk from overzealous and uncoordinated efforts to control or ban potentially harmful species.

One specific example of a pest causing economic hardship is the Japanese beetle. Before it had been identified as a major threat, this pest enhanced its journey into Texas by traveling in nursery stock that was not required to be inspected or certified at the point of shipping. Unifested states began enacting quarantines and Texas nursery growers were unable to ship into their states. Thanks to a national coordinated program, the Japanese beetle harmonization plan, a unified set of rules was adopted with treatment regimes defined to qualify Texas growers to ship out of state. However, growers still experience economic hardship because they must carry out these treatments. In addition, this plan is only voluntary. Some states have chosen to break ranks and enact their own more stringent quarantines. Clearly, invasive pests are an economic danger to the nursery/landscape industry. In addition to the Japanese beetle we find the Asian long-horned beetle, fire ant, Africanized honeybee, Dutch elm disease, chestnut blight, white pine blister rust, and citrus canker.

Another kind of economic damage occurs when plant material that has become a staple of the industry is suddenly declared to be "invasive." In Connecticut the proposed invasive plant list included barberry and euonymus, products which in that state grossed between $10 and 20 million annually for nurseries.

TNLA, speaking for the Green Industry in Texas, wants to be part of the solution in this area. With our counterparts across the country, we are studying how we may best do that. Nationally, the Green Industry is actively participating in finding the middle road on this issue – the balance between risk and benefit.

Today I want to outline several resources and basic principles for your further consideration. TNLA requests as you study this issue further and as you develop recommendations, that we as the representatives of the Green Industry in Texas be included as a stakeholder representative in discussions and in any panels or commissions that will be established.

The Green Industry has already developed many resources. I have mentioned the CAST report.

In December 2001, horticultural experts from across the globe met in St. Louis, Missouri to explore and develop workable voluntary approaches. The workshop was convened by the Missouri Botanical Garden and the Royal Botanic Gardens, Kew, England. From that conference came a "code of conduct" for each of the participants in the problem: government, nursery professionals, the gardening public, landscape architects, botanic gardens and arboreta.

In Florida the University of Florida, working with the state nursery/landscape association, has developed an invasive assessment protocol which is currently in rule-making phase in conjunction with the Florida Department of Agriculture.

In 1999, the United States Department of Agriculture Animal and Plant Health Inspection Service (APHIS) held a stakeholder review and issued a summary of issues, findings and recommendations on the issue of safeguarding systems for American plant resources.

These many resources have some points in common, and those points clearly indicate direction for analysis and development of solutions. TNLA presents them for your consideration with our full commitment to assisting in their implementation.

First, our statement of philosophy:
The efficient movement of beneficial plants, plant products, biological control organisms, or other articles into, out of, or within the United States is vital to the nation's economy and should be facilitated to the extent possible and reasonable. At the same time, it should be recognized that unregulated movement of organisms can present unacceptable risks. Current policies and processes must be evaluated. Unfortunately, the resources directed at intervention, quarantine, removal, and enforcement of even existing federal and state statues are woefully inadequate. Patchwork approaches across the U.S. weaken the effectiveness of existing regulations and create economic hardship for some while serving as protectionism for others, as I described earlier in the case of the Japanese beetle.

Our recommendations are based on the nine-point plan proposed by CAST.

1. Implement an aggressive public information program about the importance of this issue.

2. Adopt balanced, coherent, and realistic approaches to protecting plant, animal, and environmental resources.
    a. Maintain a constant monitoring system with prompt feedback among states and internationally.
    b. Ensure that exporting areas have a vested interest in minimizing pest introductions by using economic sanctions and incentives.
    c. Include forward-looking activities such as pest control assistance in source countries to minimize initial commodity exposure to pests.

d. Focus on certification programs at the site of shipping rather than interdiction at the port of entry.

3. Concentrate on the highest-risk pests – and define them – so that information is readily available about host commodities, world regions where the pests are located, and seasonal and environmental factors important for their introduction and establishment. Establish a nationally coordinated internet-base data network for this purpose.
   a. Update the definition of "pest" in Texas law and bring it into harmony with the one in the Plant Protection Act.
   b. Update the definition of "noxious weed".

4. Decrease biological uncertainties related to pests' present distribution, transit survival, establishment, and characteristics of potential losses.
   a. Upgrade resource lists and pest interception databases.
   b. Increase access to scientific literature.
   c. Develop reciprocal agreements for information sharing.
   d. Incorporate scientific consultation into the risk assessment development process.
   e. Fund needed research, particularly on invasion biology.

5. Coordinate efforts of federal, state, and private entities to ensure adequate support for research on high-risk pests' biology and taxonomy, economic effects, detection technologies, and interdiction pathways. Develop a methodology to adequately, consistently, and transparently assess, manage, and communicate all risk factors.
   a. Establish and fund a State Taxonomist position in the Texas Department of Agriculture as a co-created position with the Agricultural Extension Service.
   b. Establish adequate inspection systems to protect Texas' borders. [California spends $10 million from its state budget for this type of protection.]

6. Encourage private efforts with the view that protection is a shared responsibility.
   a. Communicate the importance of quarantine programs to the public, transportation and production industry personnel.
   b. Establish training programs for specialists in pest diagnosis, interception, eradication, and management.
   c. Give the Texas Department of Agriculture the authority and funding to enforce existing quarantines including education and training of specialists in pest diagnosis, interception, eradication, and management.
   d. Work with regional experts and stakeholders to determine which species are currently invasive or have the potential to become invasive and identify plants that could be suitable alternatives.
   e. Establish a stakeholder registry. Establish a process and criteria for assigning routine or non-routine status to decisions subject to rulemaking and a process for stakeholder collaboration under each to provide clear guidelines for stakeholder participation.

f. Develop and promote alternative plant material through plant selection and breeding.

7. Establish risk standards for proposed introductions, with a scientific basis for the standard regarding how much risk will be tolerated.
   a. Implement regular training of regulatory personnel to ensure unity of purpose among pre-clearance, international personnel, receiving port personnel, national and state/ local personnel.
   b. Pass legislation requiring that no local area may pass more stringent rules or definitions or plant lists than those developed by the state.
   c. Make the state plant lists and strategies consistent with national and international efforts.
   d. Divide the State of Texas into geographic, climatological, and terrain differences for the purpose of defining invasive potential for plants and pests.

8. Maintain and support emergency “strike force’ capability including vigorous investigation of the sources and pathways of infestations of exotic pests and an adequate supply of materials necessary to eradicate high-priority pests.
   a. Establish protocols for emergency use of current pesticides available to treat imports and those needed for effective response to new introductions.
   b. Establish a “no year fund” to fund emergency treatments.

9. Develop an active ongoing process for periodic evaluation and assessment of risks and regulatory programs with regular updates and reassessments in light of new knowledge and events.
   a. Establish stakeholders group to participate in this review.

The State of Texas can not solve this problem by itself. A nationally coordinated surveillance program that uses suitable technology and targets high risk areas, a seamless process including offshore and port of entry activities, domestic programs, and a continuous flow of information is essential. Regulatory requirements must be supported by scientifically-based risk assessment without being overly restrictive to trade. Because of its unique position as the state with the largest international border, and because of the economic importance of agriculture and in particular horticulture, Texas should cooperate with national efforts in this area, and take the lead in establishing cooperative efforts nationally and internationally.

Thank you for your exploration of this issue. TNLA offers its assistance in being part of the solution in this vitally important area.