

603-052-0825

Hazelnut Nursery Stock Control Area

(1) A control area is established as authorized under ORS 561.510 and 570.405 to protect Oregon's hazelnut industry from the introduction of Eastern filbert blight, caused by the fungus *Anisogramma anomala*. Eastern filbert blight causes stem cankers in ornamental and commercial hazelnuts leading to a decline in productivity and eventual death of the plant. Eastern filbert blight does occur in the Pacific Northwest but new commercial varieties of hazelnut are resistant to the local strain. However, a more virulent strain of Eastern filbert blight occurs in other areas that would have a severe impact on Oregon's ornamental and commercial hazelnut industries if it were introduced into Oregon. The strains of Eastern filbert blight cannot be readily distinguished by standard laboratory testing methods.

(2) This control area includes the entire state of Oregon.

(3) The following definitions apply to ORS 603-052-0825:

(a) "Hazelnut plants" means plants and plant parts of *Corylus* species.

(b) "Pest Free Area" means an area where Eastern filbert blight does not occur as demonstrated by scientific evidence and, where appropriate, this condition is being officially maintained.

(c) "Director" means the director of the Oregon Department of Agriculture or the director's authorized representative.

(d) "Micropropagate" means plant propagation using aseptic laboratory techniques and an artificial culture medium.

(4) To prevent the introduction of Eastern filbert blight, hazelnut plants shown to be a host of Eastern filbert blight that are imported into the control area must meet at least one of the following conditions. A phytosanitary certificate with an additional declaration corresponding to one of the options below is required.

(a) The hazelnut plants must originate from a pest free area.

(b) The importer of the hazelnut plants agrees to the following conditions:

(A) A maximum of 25 plants of each cultivar will be imported.

(B) The plants will be segregated in a greenhouse or similar secure location for a post-entry quarantine period of two (2) years.

(C) An official inspector will inspect the plants twice per year during the post-entry quarantine period. At least one inspection will take place during the dormant season. Plants that pass all inspections will be released from post-entry quarantine with no further restrictions. Plants on which Eastern filbert blight is detected must be destroyed immediately at the importer's expense.

(c) The importer of the hazelnut plants will import a maximum of 25 plants of each cultivar for the specific purpose of micropropagation. The micropropagated plants may be released from post-entry quarantine provided an official inspection reveals no evidence of disease while the plants are growing in the artificial culture medium. Parent plants must be maintained as described in (4)(b) or destroyed.

(d) The hazelnut plants are micropropagated and are shipped in an artificial culture medium in sealed containers.

(e) Hazelnut nuts must be free of green twigs and other green plant debris before being imported into the control area. Notification and phytosanitary certificates are not required

for shipments of hazelnut nuts.

(5) Notification of regulated commodity shipment is required. The shipper shall mail, FAX or e-mail documents including the phytosanitary certificate of compliance, listing the type and quantity of plants, address of shipper, address of recipient, test results, contact numbers to: Nursery Program Supervisor, Plant Division, Oregon Department of Agriculture, 635 Capitol Street NE, Salem, Oregon 97301; FAX 503-986-4786; e-mail: quarantine@oda.state.or.us. The department may require that shipments be held until inspected and released. In addition, field grown plants may be required to be held for up to two years so they can be inspected for the disease as necessary before final release. ODA will contact importers within one business day of the receipt of notification, if the hazelnut plants must be held for inspection.

(6) Violation of the control area may result in a fine, if convicted, of not less than \$500 nor more than \$5,000 as provided by ORS 561.990. Violators may also be subject to civil penalties of up to \$10,000 as provided by 570.410, 570.990, and 570.995; nursery license suspension or nursery license revocation. Commodities shipped in violation may be treated, destroyed or returned to their point of origin at the importer's expense.

(7) The need for this control area and its effectiveness will be reviewed by the department and other interested parties biennially.

Stat. Auth.: ORS 570.405_Stats. Implemented: ORS 561.510_Hist.: