

Plant and Pollinator Protection Act Talking Points for Stakeholders

Plant and Pollinator Protection Act

- Since 1921, Pennsylvania has had a Bee Law to protect bees from American Foulbrood, a bacterial disease that remains a major economic issue for the apiary industry. Pennsylvania has had a Plant Pest Act since 1937 to protect the Commonwealth's plant resources from pests.
- Both laws have been important to the health of Pennsylvania's plants and pollinators. Since their passing however, there have been many changes in trade practices, the science of plant and pollinator health, the Department of Agriculture's enforcement authority, and the cost of simply doing business.
- The proposed Plant and Pollinator Protection Act combines the Bee Law and Plant Pest Act to create a modern regulatory framework that reflects the needs of the horticulture and apiary industries. Combining the Bee Law and the Plant Pest Act is preferred because they are mutually dependent.
- The Plant and Pollinator Protection Act will establish a new risk-based assessment for inspections, continue to improve plant and pollinator health, and establish opportunities to provide state approved verification programs.
- The proposed risk-based program would increase the frequency of inspections at businesses that have a higher risk of spreading plant diseases and pests, including invasive species. The risk-based program would create an early detection system for pests and invasive species. The Center for Rural Pennsylvania estimates the annual impact of invasive species in Pennsylvania is over \$100 million. A risk-based program would help reduce those costs over time by identifying pests in the green industries before they spread further.
- It has been 30 years since fees were last increased, which has caused a deficit in the number and quality of services the Bureau of Plant Industry can provide. These fees fund services like apiary and plant inspections. The Plant and Pollinator Protection Act will generate more revenue to cover the costs of the Bureau of Plant Industry's expenses and allow them to maintain the level of service the industry expects.
- Extensive stakeholder outreach was involved in the drafting of the Plant and Pollinator Protection Act. Industry groups were integral in crafting the language in this new bill, and it has strong stakeholder and industry support. It was driven and initiated by stakeholders over many years.

Pollinator Considerations in the Plant and Pollinator Protection Act

- Managed pollinators have expanded to include more than the honeybee.
- A Plant and Pollinator Protection Committee will be established to address plant and pollinator health challenges and advise the Department of Agriculture. Members will be appointed by the Secretary.
- Living managed pollinators would not be able to be imported from another country without following federal rules for importation.

- Managed pollinators coming into Pennsylvania from another state must have a Certificate of Inspection signed by a state apiarist or Department of Agriculture-approved third-party equivalent.

State Approved Verification Programs

- In addition to the plant and pollinator modernization provisions noted above, this proposal also includes the addition and authority for new state approved verification programs.
- The state approved verification programs would be a fee-for-service model that plant and apiary industries could use to open new domestic and international market opportunities for Pennsylvania growers. This would:
 - Ensure that the Department of Agriculture could provide highly requested services to the industry.
 - Create more appeal for Pennsylvania products in local and external markets.
 - Help generate revenue for businesses and for the Bureau of Plant Industry to improve customer service and maintain the level of service the industry expects.
 - Make Pennsylvania appealing to new businesses interested in marketing products to more trading partners.
- Multiple industry groups have requested state approved verification programs, including Apiary, Greenhouse, Nursery, Potato growers, Seed producers, and weed-free forage producers.
- The state approved verification programs are often federal programs that establish specific standards that companies must meet to be able to participate in certain trade activities. States must establish compliance agreements to offer these programs to companies. This requires trained state employees to verify that products grown within the state meet those individual program standards. Pennsylvania does not currently have the personnel required to enter into many of the compliance agreements that would allow companies to ship to other states and internationally.
- This additional verification would be an advantage in the marketplace and allow Pennsylvania producers to charge a premium for their certified products, if desired.
- Most of the verification programs the Department of Agriculture currently offers are federally funded and do not generate additional revenue. The Department of Agriculture would like to move away from this grant-led funding arrangement.
- The Department of Agriculture will charge a percentage of gross sales of certified products to generate revenue to support state approved verification programs.

State Approved Verification Program Examples

- Pennsylvania offers the Fruit Tree Improvement Program. It sets standards for pathogen testing of fruit tree nursery stock, weeds in fields with the stock plants, and other tests as designated. Programs like this are the most effective way to produce nursery trees that are free from viruses of concern. This program charges 1% of gross sales. It currently generates \$50,000-\$60,000 per year.
- Pennsylvania offers the Systems Approach to Nursery Certification. This is a national program done in partnership with the National Plant Board and USDA for nursery and greenhouse growers and prevents the spread of pests and pathogens. This program sets a higher standard

for nursery stock production, providing a healthier product. It does not currently provide any revenue to the state.

- Pennsylvania offers a Xylella Free Certification to meet EU requirements for shipping. It ensures plants are free from Xylella, a widely dispersed pathogen with no known cure. This work is currently funded by a USDA grant but does not provide any revenue to the state.
- The Weed Free Forage and Straw program ensures invasive/noxious plants are not accidentally harvested and shipped in plant material intended for forage. The Department of Agriculture does not currently offer this service, but it has been requested by Pennsylvania suppliers.
 - Some agencies like PennDOT recommend certified weed free straw for their planting programs.
 - Weed free forage is required in many Western states that are concerned about invasive weeds.
- U.S.-Canada Greenhouse Certification Program is a USDA program. It allows greenhouse producers to ship more freely into Canada and not require a Federal Phytosanitary Certificate and inspection for each shipment. The Department of Agriculture does not currently offer this service, but it has been requested by Pennsylvania suppliers.