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Plant quarantine conference - May 15, 19

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PLANT QUARANTINE CONFERENCE--MAY 15, 1922.

For the information of the conference there is presented herewith an analysis of the general subject which is before it for consideration, namely, the necessity, if any, of modification of the classes of plants permitted entry under Regulation 3 of Quarantine 37, either as to additions or deductions. This portion of the circular amounts merely to a statement of the problem, leaving the decision as to future action to follow any constructive suggestions which may develop at the conference. There is, however, included in subsequent pages of this circular a discussion of a number of subjects which have a direct bearing on Quarantine 37 and its administration.

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G. L. MARLATT,
Chairman, Federal Horticultural Board.

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PLANT QUARANTINE CONFERENCE--MAY 15, 1922.

PURPOSE OF CONFERENCE

In the first place, as the call indicated, this is a conference of the interested public with this Department and not a formal hearing under the Plant Quarantine Act.

Constructive Suggestions Wanted.

As has been frequently stated, this Department has no program of recommendations, but has asked you to come together to discuss the advisability of any modifications of the classes of plants permitted entry under permit for immediate sale under Regulation 3 of Quarantine 37, either as to additions or deductions, and hopes from this discussion to secure from the conference information that will clearly justify the existing status or indicate necessary changes.

To give some direction to the discussion, however, it seems desirable to state the case.

Basic Principle of Quarantine 37.

Fundamental to this conference and to Quarantine 37 and to the protection of the country from the entry of new pests, is an understanding and we hope acceptance of the general principle on which Quarantine 37 is based. This principle has been variously stated, but it is fairly well expressed in the following working which has been widely exploited and often criticized:

The general principle underlying Quarantine 37 is as rapidly as possible to make this country independent of foreign supplies with the object of ultimately reaching a condition where entry of foreign plants will be limited to new plants and to such plants as are not capable of production in the United States.

Wherever this or similar statements have been used in pronouncements by this Department, the context has plainly indicated that this policy had the single object of reducing the risk of further entry of dangerous plant pests.

All Importations Involve Risk.

The quarantine recognizes the fact that any importation of plants is attended with a risk of bringing in new enemies. Some of the worst pests have come in with very insignificant importations. A single trivial importation of Japanese iris brought in the Japanese beetle; a few Japanese flowering cherry trees introduced the Oriental fruit worm; the San Jose scale was brought in, in like manner, with a small importation of Chinese flowering peaches; a very unnecessary importation from Holland of blue spruce--a native American tree--established the gipsy moth widely in New Jersey; the brown-tail moth was introduced through an importation of roses probably from Holland or France; and an importation of seedlings of the American white pine, propagated in Germany, introduced the pine blister rust which now threatens to wipe out our white pine forests. The chestnut blight, similarly introduced with a trivial importation of Oriental chestnut trees, very possibly to complete some collection of the chestnuts of the world, bids fair to rapidly exterminate the native American chestnut which has hitherto constituted a very considerable element of the forests of the eastern half of the United States.

To illustrate the rapidity with which such plant enemies were coming into the United States, it may be noted that during the period of four years (1909-1912) which it took, on account of opposition, to secure this legislation, the following pests of major importance secured entry and became established, namely: the Oriental fruit worm, Japanese beetle, citrus canker, potato wart, and European corn borer.

No important pest is known to have become established in the United States since the passage of the Act.

Provisions for Plant Importations.

Circular Letters 105 and 145, which are available here and which probably most of you have seen, point out the provisions for unrestricted entry of certain classes of seeds and plant products under Regulation 2 of the quarantine, of unlimited entry as to quantity or importer of certain other classes of plants under Regulation 3, and of entry restricted only to the necessities of introduction, propagation, or experimental or scientific needs of all other classes of plants under Regulation 14; in other words, provision for the entry of any necessary or useful plant whatsoever in quantities sufficient to meet any reasonable need.

Under Regulation 14, therefore, any unavailable plant may be imported in any quantity which is reasonable for the establishment of reproduction plantings on any legitimate commercial scale or for entry of any new varieties or for any plants which may be necessary for experimental or scientific purposes. Except as to introductions for technical purposes, it is anticipated that the plants introduced will be multiplied and increased so that ultimately further introductions

of these particular varieties will be unnecessary; in other words, that there will be a gradual reduction in the need for importations and of the attendant risk of new enemies.

The quarantine, however, recognizes the need of a door perpetually open to new varieties and to any other plants which are not capable of production in the United States.

Classes of Plants Open to Unlimited Importation.

Taking up the main subject of this conference, namely, the various classes of plants now included under Regulation 3, there are five items under this regulation, but perhaps only three of them need to be seriously considered at this time, namely, the items of bulbs, fruit stocks, cuttings, buds, etc., and rose stocks. Fruit and tree seeds are not involved so far as this Department is concerned. Some risk, known in some instances, and unknown as to others, attends the importation of such seeds, but such risk can in large part be eliminated by disinfection or, where necessary, by holding and propagating under quarantine.

The Bulb Subject.

With respect to bulbs, any change in that schedule should be based on availability and this factor should govern both in the matter of additions to the list or to deductions therefrom. With respect to the bulb item, the Department merely wishes to be advised and to act justly on the facts of the situation.

Fruit Stocks, etc.

The subject of American production of fruit stocks is not a new one. It has been seriously debated in recent years by nursery interests and, at the request and with the support before Congress of these interests, a Federal appropriation of \$20,000 was secured in 1920, and has since been continued to investigate the subject. This purpose is plainly indicated in the wording of the appropriation, as follows:

"For investigating, in cooperation with States or privately owned nurseries, methods of propagating fruit trees, ornamental and other plants, the study of stocks used in propagating such plants and methods of growing stocks, for the purpose of providing American sources of stocks, cuttings, or other propagating materials, \$20,000."

It is, therefore, desired to take stock of this work and to determine, so far as is now possible, a program for the future.

That there is a large risk in connection with the importation of fruit stocks, and also rose stocks, has been strikingly demonstrated, particularly during the last two seasons. In the case of both of these stocks now permitted unlimited importation, there has been during these years an unusually heavy infestation with the larval nests of the brown-tail moth and also with the similar but smaller larval nests of the white tree pierid, an insect new to the United States, which may very possibly prove to be a serious enemy to the horticulture of this country. Most of this infestation has been on French stock and, in response to a second and serious presentation of the case to the French inspection authorities, this Department has been advised that important changes have been made in the inspection service of that country and assurances have been given that every effort will be made to eliminate any future cause for such complaint.

Rose Stocks.

As to rose stocks, these, at the time of the hearing in 1918, preliminary to the quarantine, were represented by prominent rose growers of the country as a necessity for the time being at least. Since the promulgation of the quarantine many prominent rose growers and experts have advised the Department that the inclusion of rose stocks under Regulation 3 was unnecessary and an error, and that rose stocks could be produced in this country as well as abroad, and that the risk from the entry of this class of importations could be and should be eliminated. The Board wants this subject, therefore, discussed and wishes the advice of the rose interests on the matter.

Other Ornamentals.

I have already pointed out that the Department believes that Regulation 14 will meet the introduction needs of ornamental plants, both herbaceous and woody, but if any such ornamentals can not be produced in this country with the ample provisions made for the entry of propagating stock, it is proper and desirable that such items should be brought up for discussion at this time for inclusion under the conditions of Regulation 3.

This analysis covers the general subject for your consideration and, as already indicated, the Department hopes to secure from the conference constructive suggestions as to desirable changes which can be made without material increase of the risk of entry of pests.

There is, however, included in subsequent pages of this circular, drafted for the information of the conference, a discussion of a number of subjects which have a direct bearing on Quarantine 37 and its administration.

STEPS LEADING TO THE CONFERENCE.

Such a conference as the one now called has been under consideration for a long time, and, in fact, was suggested by the Chairman of the Federal Horticultural Board in August, 1919, in his address before the Society of American Florists and Ornamental Horticulturists at its annual session of that year in Detroit, as indicated by the following extracts taken from the shorthand report of the convention published in the American Florist and in other florist journals:

We are perfectly willing to correct anything in the quarantine that is unnecessary, and the bulb matter may be one of those.

We will be glad to have your bulb men come in committee or conference at any time at Washington. We would like to go over the whole subject of bulbs because if there is any weak spot in the quarantine it is in the matter of bulbs.

In the same connection, referring to the subject of orchids, he said:

We will be glad to receive a delegation with whom we will go over that matter. As to orchids, we acted on information from our expert advisers. If there has been a mistake there it can be corrected.

This quarantine is not necessarily final, but it is final in my judgment as to the main lines or recommendations.

The orchid interests, or rather a faction of it, after various failures to reach an agreement with the opposing faction, asked for a conference, which was promptly granted. The division of opinion continued at this conference, fully half of the attendance strongly supporting the quarantine features as they stood and the other half objecting to them, but practically all admitted in the end that under the provisions for entry of necessary propagating stock, production of orchids from seed or otherwise in this country was entirely possible. There seemed to be no justification, therefore, for any change in the orchid item.

No action by the bulb interests was, or has been, taken as to the suggested conference. The Board, however, held two conferences in September, 1919, with the bulb experts of the Bureau of Plant Industry of this Department and, while the general feeling was that no change in the quarantine as to this item was necessary or desirable, at the request of the Board, a call for a public conference was drafted by the Bureau of Plant Industry. This call was not immediately issued and in the meantime the information coming to the Board from various sources indicated a lack of public interest in the subject. In other words, the possibility

of importing the restricted bulbs under special permit for the establishment of bulb farms in this country had been so liberally and widely taken advantage of that it was thought that the announcement of a conference by the Department without special outside demand, would have an unfortunate effect on the public confidence in the stability of the quarantine and on the existing very large development of home production.

In May and June, 1921, delegations respectively of Belgian and Dutch horticulturists discussed with the Board particularly bulb importations and were promised that a public conference on the subject would be called at some future date. After further discussion with the experts of the Bureau of Plant Industry of the Department the Board determined to call the conference early in 1922 but decided to open for discussion the whole subject of plant importation under Regulation 3. The reasons for the various changes of date of the conference have been indicated in the announcements.

The Board has held other conferences relative to Quarantine 37, publicly announced or by request of special groups, and action favorable to the conferees has been taken several times following such conferences. As indicated above, the board has always welcomed such conference and no requests of that kind have ever been refused.

As indicating the policy of the Board and Department concerning any future changes in the quarantine, there is quoted below a portion of a letter written to the editor of the Florists' Exchange January 4, 1922, and published in that Journal and in other trade papers. This letter was called forth by rumors, for which the board was not responsible, that additional restrictions were contemplated with respect to the entry of bulbs and other classes of plants listed under Regulation 3 of Quarantine 37. This statement pointed out that no formal action had been taken by the Board and that if any action were to be taken in the future it would be after open conference on the subject and with the intention to give ample time--years if necessary--for readjustment, as indicated in the following quotation from the letter:

If, as a result of such conference, it should be determined to be desirable to still further restrict entry of such articles, before such restrictions are enforced ample time will be given for any necessary readjustments, both with respect to the home and foreign growers of such plants. In other words, the notice to foreign growers will be such as will be deemed adequate to meet the new conditions and restrictions, if any, dependent on the character of the plant concerned--one to several years. The intention would be to give the foreign grower opportunity to curtail his production and dispose of supplies which he has already under way for the American market and at the same time to give opportunity for the American grower to prepare to meet home needs. Naturally, any such curtailment, if determined upon, will not be taken until it is clearly shown that American production can within a reasonable time replace the stock theretofore imported.

SELECTIVE FEATURES, THE REAL DIFFICULTY WITH QUARANTINE 37.

The Department is enforcing 24 foreign plant quarantines and 15 domestic plant quarantines, and all of these are working as smoothly as quarantines ordinarily work, and all are accepted without serious question except Quarantine 37. It is therefore worth while to attempt to determine wherein Quarantine 37 differs from the others. A brief study of the matter, I think, makes it plain that the difficulty is due practically altogether to the selective features involved in this quarantine both as to the restrictions on the entry of foreign plants and as to the restrictions on the issuance of permits to import plants, in both instances with the object of reducing the volume of importations and consequent risk of entry of any pests and yet to provide for all essential introduction and propagating needs. These selective features are as follows:

1. As to plants, Quarantine 37 is selective in that it permits certain classes to be freely imported, and restricts the importation of other classes.
2. As to the restricted plants, it is again selective as to varieties and quantities, based on availability or need.
3. As to permittees with respect to restricted plants, it is selective on the basis of the public service to be rendered with the plants imported.

The basis of the selections exercised by this Department, both with respect to plants and individuals, is indicated in the quarantine and regulations and is more fully explained in Circular Letters 105 and 145 issued by the Board.

It can easily be appreciated that these selective features afford ample opportunity for difference of opinion, and this difficulty is inherent in any quarantine of this nature and could not be avoided by any change in the machinery of administration.

The records in the possession of the Department fully demonstrate that importations of all classes of plants are attended with a greater or lesser risk of bringing in new enemies in spite of any practicable safeguards of inspection or even disinfection. The protection which the country needs and demands, therefore, involves the exclusion of all stock not absolutely essential to the horticultural, floricultural and forestry needs of the United States, and that is just what Quarantine 37 attempts to do.

The only remedy which suggests itself appears to be impracticable, namely, to declare a "really and truly" embargo against the introduction of all foreign plants except as to entries made through the Department of Agriculture. Such a quarantine would not only give the most perfect protection from the entry of foreign plant pests but would probably eliminate most of the complaints because of the finality of the action. The assumption of such importations by the Department, however, would seem to involve such an enormous Governmental enterprise as

to be unwieldy and undesirable. Unless some other and better plan, therefore, is suggested, it seems necessary to proceed with a selective quarantine, along the lines of Quarantine 37.

REASONS FOR RESTRICTIONS ON ISSUANCE OF SPECIAL PERMITS TO AMATEURS.

The policy of the Board and Department relative to issuance to amateurs of special permits under Regulation 14 for the importation of restricted plants is given in Board Circular Letters 105 and 145, which have been fairly widely distributed and published either in whole or in part in various horticultural and trade journals.

The principal objections of the amateur plant grower to Quarantine 37 come from the selective feature already discussed involved in the policy of the issuance of special permits for the importation of the restricted plants on the basis of the public service rendered. The amateur plant grower, more than any other group, is affected by this policy and, unfortunately, as elsewhere indicated, it furnishes a subject for complaint which seems to be unavoidable.

The Department thoroughly appreciates and sympathizes with the perfectly natural desire of plant lovers and enthusiasts to import for their personal use and the adornment of their estates or gardens any new or old variety which they may wish to secure. The reasons for the restrictions on the issuance of special permits to such persons is discussed in Circular Letter 145, as follows:

The Federal Horticultural Board and the Department of Agriculture would be only too glad to meet the wishes of such persons, and their name is legion, if it were not realized that this action would practically nullify the quarantine. Persons of this general type interested in plants are found in numbers in every town and hamlet in the United States, and to permit any or all of them to import plants for personal use in such condition that they could grow them, would mean not only that the plants would have to come, in many cases, in earth ready for immediate planting--involving dangers of plant pest introductions which can not be safeguarded by inspection or treatment--but that it would be absolutely impossible for this Department to handle the tens of thousands of small importations which would result, or to follow them up to destinations throughout the country with any subsequent safeguards. There would rarely be any public service of real value in connection with such importations, such as making the new plants generally available or utilizing them for breeding or other work. Some essential service of this sort should be the basis for the entry of the various classes of plants which are not open to unlimited importation. The mere personal gratification of hundreds or

thousands of individuals who might wish to make their own importations would be small justification for the risk of carriage of new pests to every part of the United States--a risk which would be vastly greater than before Quarantine 37 was established.

This situation led to the exclusion of importations for mere personal use or gratification, and to the limitation of the issuance of special permits for the entry of new or unavailable plants chiefly to plant propagators who will agree to utilize the plants imported for the purpose of reproducing additional stocks for a period of one to five years, based on the time needed for such multiplication or reproduction. The immediate sale of plants thus imported is not permitted, but no restrictions are placed on the sale of the plants produced from the imported stock except that the importer will be expected to maintain a sufficient supply to meet his future needs.

It is expected, therefore, that importations under Regulation 14 will be largely by persons who will propagate the imported stock as a commercial enterprise and thus perform a public service by making such plants generally available. The only exceptions are the issuance of permits to provide for the needs of botanic gardens, agricultural colleges, experiment stations, and other similar public institutions, and to those few amateurs who are widely or nationally known as maintaining collections of real merit and open to the public, or engaged in work of public benefit with the plants concerned. If such persons are not known to the experts of this Department, they will be required to furnish evidence of their status.

In the event, however, that the authorized agencies, commercial or other, do not bring in varieties of plants which enthusiastic plant lovers may wish, the Department has made special provision for the entry through its Office of Plant Introduction of any neglected or overlooked new varieties and, incidentally, this Office has been undoubtedly the principal agency for the importation of new plants into the United States for the last twenty years.

To recapitulate, the existing provisions for the entry of new or unavailable plants under Regulation 14 include (1) all the importations which any commercial grower is willing to make, and such commercial growers include persons of world-wide recognition as plant specialists and breeders; (2) importations by botanic gardens and some hundred experiment stations and other public institutions with enthusiastic experts in horticulture and floriculture; (3) importations by the leading and recognized amateurs of the country, and (4) importations through the Office of Foreign Seed and Plant Introduction of the Department of Agriculture.

Under the plan, therefore, of Quarantine 37, it becomes

necessary for persons who are neither commercial growers of plants, or amateurs who are recognized as maintaining collections of real merit, or engaged in research or other work of distinct public benefit with the plants concerned--in other words, the ordinary plant lover who wants the plants for his own garden or the adornment of his own estate--to secure new varieties from home sources, and the Department has endeavored, through the means enumerated, to make available such new varieties of plants under methods which involve the least risk to the horticulture and agriculture of the country.

The status as to public service of the amateur is determined as follows:

All requests for permits from amateurs who believe their collections are of real merit, and of distinct service to the public, or who represent that they are engaged in work of general public benefit with the plants concerned, are first submitted to the Bureau of Plant Industry of this Department for examination and recommendation and the status of the applicants is further determined by endorsements submitted by the applicants themselves or by information obtained by the Department from all available sources.

The opportunity for criticism of such determinations is fully realized, but the Board has endeavored, from the sources indicated, to secure and file data with respect to all applicants which may convince any fair-minded person of the reasonableness of the action taken.

Inasmuch as the enforcement of the Plant Quarantine Act is specifically placed on the Department of Agriculture, it would seem that determinations of this sort, involving an appreciation of the merits and service character of the work of any amateur, are best safeguarded by being submitted for decision to the many plant experts of the Bureau of Plant Industry with their wide acquaintance with ornamental horticulture, and that such decision should be supported by all available endorsement and information obtainable from public sources or from persons closely in touch with the activities of the applicants. The gates can not be thrown wide open, otherwise, as already indicated, we would have no quarantine and no protection, but it is highly desirable to recognize the important, but fairly limited, class of amateurs who will perform a public service of real value with the plants imported, and this has been the policy of the Board from the outset.

DESIGNATION OF NEW VARIETIES.

Various questions have been asked relative to the determination by the Department of new varieties for the purpose of authorizing their importation under Regulation 14. At the outset the Board undertook to take the word and judgment of the importer as to new varieties. But, unfortunately, it soon developed that some

foreign exporters and some American importers were quite ready and did take advantage of this liberality to import common and abundantly available stock under false designations. Many such fraudulent attempts made it necessary for the Board to surround the designation of new varieties with certain safeguards and, incidentally, a good many of the restrictions on the importation of plants, such as the bond, for example, and other precautions which the Department has been forced to adopt, are due to just such attempts to violate the quarantine. Unfortunately, as is always the case, the innocent must be restricted and made to bear burdens on account of the guilty.

The Bureau of Plant Industry cooperates with the Board in the making of all decisions relative to determination of the status of such new varieties, and all such requests are first referred to that Bureau for recommendation.

This action is taken not only with respect to varieties which have been officially recognized, either abroad or in this country as of merit, but also in the case of any new varieties which have not been so recognized. With respect to the latter, the following order has been issued by the Board:

To aid the experts of the Department in passing on applications for special permits to import new varieties of plants which have not been officially recognized, either abroad or in this country as of merit, the Board ruled that the applicant shall be required to furnish a technical description of such new variety, such as would be published in exploiting it in a florists' journal or similar publication. Where a variety has already been rejected as lacking special merit by a foreign society, before granting a permit a further statement is to be secured from the applicant as to his reasons for desiring it.

There are occasional instances when this information can not be furnished and to meet such cases the Board has authorized the issuance of permits for limited numbers of new varieties for which neither names nor numbers or other designations can be furnished in advance by the would-be importer, on the condition that the foreign grower or originator shall submit for the information of the Board, with the shipment, such data as is required by the Board with respect to such new varieties.

AMENDMENTS TO THE PLANT QUARANTINE ACT.

The Plant Quarantine Act of 1912 has been amended three times, as follows:

March 4, 1913.--To include the second proviso to Section 7, which provides for importations by the Department of Agriculture of prohibited plants.

March 4, 1917.--Various changes were made in Section 8 for the purpose of making it possible to control, under the Act, the movement of any product which might carry a pest; in other words, it was shown that quarry products, railroad ties, etc., were perhaps the most dangerous source of carriage of gipsy moth eggs. In addition, the Act was changed to make possible regional quarantines, the specific object being the possibility of quarantining the eastern half of the United States on account of the white pine blister rust for the protection of the white or five-needle pines of the Rocky Mountain and Pacific Coast ranges; in other words, to make it possible to quarantine a region irrespective of infestation throughout for the protection of any other region. Use of this amendment has been made not only in the case of the white pine blister rust, but also for the control of the black stem rust of wheat in connection with the barberry rust campaign.

May 31, 1920.--Section 15 was added to the Act to provide for the control of plant movement and plant diseases in the District of Columbia. Prior to that time the District of Columbia was a sort of an oasis in the United States, without legal authority for any plant disease or pest control whatsoever.

PLANT IMPORTATIONS--POLICY OF THE DEPARTMENT.

An effort has been made to make it appear that Plant Quarantine 37 contemplates a total embargo against the introduction into the United States of "any newly discovered, rare, interesting, especially exotic, fruit or ornamental plant, whether species or hybrids." That the Department has no wish or intention, now or at any future time, to make it impossible to provide for the entry, under proper safeguards, of any plant whatsoever, for which a real need can be shown, and that ample provision has been made for such importations under Quarantine 37, will be at once apparent from any examination of the quarantine and regulations and of the records of importations thereunder.

This misapprehension as to the policy of the Department is fairly plainly traceable to an exploitation of alleged sentences from official letters or publications of the Federal Horticultural Board which, by elimination of all qualifying clauses, are made to indicate a meaning almost the exact opposite of that plainly conveyed by the sentence as a whole. For example, the sentence quoted below has been widely exploited, but omitting the portions which are now italicized, making it appear that a future embargo was contemplated. The complete sentence as it was issued is a perfectly proper epitomized statement of the purpose of Plant Quarantine 37, with the object of reducing to the lowest minimum of necessity plant importations, and thereby lessening the risk of further entry

of dangerous plant pests:

Naturally, however, the whole spirit of Quarantine 37 is to as rapidly as possible make this country independent of foreign supplies, in the hope that some day we will reach a condition where no entry of foreign plants will be necessary, other than to make adequate introductions of new plants and perhaps, occasionally, old plants which are needed for the establishment of new propagation enterprises and which are not commercially available here.

This principle underlying Quarantine 37 has been repeatedly stated in substantially the same terms, or at least with the same meaning, for a period well antedating the quarantine, and throughout the administration of the quarantine in practically every informing document on the subject which the Board has issued. It was the underlying thought in the discussions and resolutions urging the quarantine for a period of years, participated in by the official and other representatives of various State and national societies related to the development and protection of our agriculture and forestry. For example, without going back to the earlier pronouncements of the Department and the various associations on the subject, the following language occurs in the statement issued by the Board February 1, 1919, four months before the quarantine went into effect:

It (the quarantine) voices the belief that the policy of practical exclusion of all stock not absolutely essential to the horticultural and floricultural and forestry needs of the United States is the only one that will give adequate protection against additional introductions of dangerous plant diseases and insects.

The recognition, on the other hand, of the continuing need for the introduction of any new plants and also of other plants, has been many times restated. To quote from the circular letter of February 25, 1921:

"All the pronouncements of the Federal Horticultural Board and of the Department with respect to this quarantine are specific and clear, and indicate no purpose whatsoever now or at ^{other} any time of an intention to bar any foreign plant necessary for the establishment of any new or desirable fruit or ornamental;" and "With respect to such importations the Department has adopted a policy of great liberality with the point of view that it wishes to afford every reasonable means for the introduction for the purpose indicated of any plants not now available in this country;" and special permits "will be continued to be issued with respect to any plant until the Department of Agriculture is convinced that adequate stocks are commercially available in the United States."

The authority of decision for such plant importations must necessarily have some location and the Department of Agriculture, with its important bureaus relating to plant production, is undoubtedly the best agency for making such determinations. In point of fact, however, on the presentation of evidence by any importer or grower of the unavailability of any plant necessary for propagating purposes, that is, the impossibility of securing it from commercial sources in this country, a permit has always been issued. This has happened many times, and indicates that the Department's purpose in the whole administration of the quarantine is to be of service; in other words, to render every aid possible to the horticultural development of this country and, at the same time, give such protection as is absolutely necessary against entry of new pests.

RECORD OF CONFERENCES AND DISCUSSION AFFORDED
PRIOR TO PROMULGATION OF QUARANTINE 37.

Inasmuch as it has been asserted that Quarantine 37 was hastily promulgated without opportunity for conferences and came with an element of surprise to the trade and other interests involved, it seems desirable to give the facts of public record, indicating the ample opportunity afforded for consultation and conference and the publicity given to such opportunities preliminary to the quarantine, as follows:

(1) The necessity for restrictions similar to those involved under this quarantine had been the subject of discussion and recommendation by resolution over a period of several years at annual meetings of the various associations--national and regional.

(2) On the basis of such resolutions, the Bureau of Plant Industry of the Department was asked by the Board for advice with respect to such proposed quarantine, and the report of that Bureau recommending quarantine action was submitted to the Board February 26, 1918.

(3) The notice of public hearing for May 28, 1918, for the purpose of considering such quarantine was issued March 28, 1918, two months before the hearing, and was sent to all nurserymen, permittees or otherwise, on the mailing list of the Department, and was published in horticultural and trade papers.

(4) The hearing was well attended by official and other representatives of the principal trade societies related to horticulture, and with a wide State representation of technical and practical men, and the stenographic record on file indicates a practically unanimous point of view in favor of a quarantine even more drastic than the one actually later promulgated by this Department.

(5) Following this hearing, the Board in cooperation with the Bureau of Plant Industry made a thoroughgoing and country-wide investigation of the subject over a period of three months, consulting with prominent nurserymen and florists in different parts of the country.

(6) Following this period of investigation, Quarantine 37, with regulations, was provisionally drafted substantially along the lines in which it was afterwards promulgated and was sent in this form for consideration and criticism to the trade journals and societies represented at the hearing of May 28, 1918, and to all persons in attendance and to others who had manifested any interest in the subject, with a view to a later conference for the purpose of discussing the quarantine and the regulations thereunder.

(7) Such conference, after due notice, was held October 18, 1918, and resulted in developing a need, in the judgment of the Department, for only minor modifications of the quarantine and regulations as provisionally drafted.

(8) After an additional month of examination and conference, within and without the Department, the quarantine was promulgated November 18, 1918, and was made effective some six months later--June 1, 1919.

Omitting the preliminary discussion over a period of years before any action was taken by this Department, it appears that between the original notice of hearing as a basis for the quarantine and the actual promulgation of the quarantine, there elapsed a period of nearly eight months of publicity, hearing and conference, and the quarantine, as promulgated, did not become effective until some six months later.

A considerable number of conferences have been held subsequently relative to this quarantine as the basis for the minor changes which have been made in the requirements with respect to plant importations.

THE FEDERAL HORTICULTURAL BOARD--ITS FUNCTION.

Largely on account of the somewhat misleading designation "Federal Horticultural Board" for the administrative body provided for in the Plant Quarantine Act, there has been a lot of criticism because this Board was not made up of horticulturists. As to this point of view it would seem proper to point out that the Federal Plant Quarantine Act is for the protection of all plants and plant products of the farm and forest whatsoever, and is therefore not merely, or even largely, a nursery stock or ornamental plant law. The designation "Horticultural Board" is, therefore, in a sense a misnomer, and a better designation would have been, following the title of the Act, "Plant Quarantine Board."

It has already been indicated that the Board is enforcing 24 foreign and 15 domestic quarantines, involving the protection of the major farm and forest resources of the nation, and that Quarantine 37 is only one of these. Furthermore, in addition to its quarantine powers, the Board, either directly or in cooperation with the appropriate bureaus, is concerned in the control under large Federal appropriations of such important pests already entered, but with limited foothold, as the pink bollworm of cotton, the white pine blister rust, the European corn borer, the potato wart, citrus canker, gipsy and brown-tail moths, Japanese beetle, and black stem rust and other grain diseases. Probably 90 per cent of the activities of the Federal Horticultural Board and more than 90 per cent of the funds which are expended by or in cooperation with it have relation to subjects other than horticulture, and in the case of all these subjects is involved, where necessary, control of entry of foreign products under foreign quarantines and interstate movement of domestic products under domestic quarantines.

Under the terms of the Act this Board must be appointed by the Secretary of Agriculture from the three bureaus of the Department (Plant Industry, Forestry and Entomology) having direct relation to the farm and forest resources of the nation from the standpoint both of production and of protection from losses due to insect pests or plant diseases, and, therefore, in its advisory function to the Secretary of Agriculture, represents these three important bureaus of the Department. As now constituted the membership of this Board involves two persons from the Bureau of Entomology, two from the Bureau of Plant Industry, and one from the Forest Service of this Department.

It would seem to require no argument that a plant quarantine Board for the administration of a plant quarantine act, having for its purpose the prevention of entry of diseases and insect pests of plants, should be technically expert on the subject of such plant enemies. For example, we do not have a Public Health Board consisting of mothers, school teachers, and merchants, nor is the exclusion of live stock diseases or the eradication of the foot and mouth disease, hog cholera, cattle fever, etc., turned over to a commission of breeders of live stock.

Any possible adjustments to safeguard commercial and other interests involved in such quarantine and control work should be secured by conferences with such interests, such, for example, as are provided for under the Plant Quarantine Act in the provision for public hearings after due notice at which interested parties may appear and be heard either in person or by attorney.

The ample opportunity for such conferences under the Plant Quarantine Act is indicated in the procedure with respect to all quarantines, as follows:

1. Presentation of the need of the quarantine to the Federal Horticultural Board by experts of the Department or others outside.
2. Preliminary conference conducted by the Board with the Department experts or any others available.
3. Open conference with the commercial and other

interests involved. (This is optional, but often availed of, as in Quarantine 37, for example.)

4. Formal notification of public hearing as required in the Act.

5. Public hearing.

6. Further conference of Board with Department experts and others to determine action based upon the hearing.

7. Drafting of quarantine and regulations by the Board.

8. Resubmittal of quarantine and regulations to trade and other interests for criticism and suggestions. (Optional, but often done, as in Quarantine 37, for example)

9. Review of the quarantine and regulations by the Solicitor of the Department.

10. Review of the quarantine and regulations by the Secretary and, if approved, their promulgation.

With respect to plant quarantines, the policy of the Department has been to act only after consultation with and on the advice of the experts and practical men in the various fields involved. In pursuance of this policy, the Department has acted with respect to horticultural matters on the advice of the many horticultural experts of the Department and with others outside; similarly, in grain matters, in cotton matters, in forest matters, in truck crop matters, etc.-- in each instance, with the corresponding group of experts and practical men.

The final decision, therefore, of the Department on all plant quarantine and related matters is based on the information and judgment of its own plant experts as well as on the facts presented at these public hearings and on all other available information, and all quarantines and regulations thereunder are operative only when approved and signed by the Secretary of Agriculture.