



Dear APS Members,

The newly formed APS Advisory Committee on Threatening Plant Diseases (which advises the APS President and Executive Council on emerging biosecurity issues) has taken on the task of identifying and mobilizing APS members to write comments in response to the revised Select Agent List.

The new Proposed Rule was published in the Federal Register August 28, 2007, and is accessible as a downloadable pdf at <http://www.regulations.gov>. Using the “Search for Documents Open for Comment” function, select “Animal and Plant Health Inspection Service”: from the agency drop-down menu, then click on “Submit.” In the Docket ID column, select APHIS-2007-0033 and download the pdf.

In the proposed Rule, APHIS proposes to:

- 1) remove *Candidatus Liberibacter asiaticus*
- 2) add *Candidatus Liberibacter americanus*
- 3) regulate *all *pathovars of *Xanthomonas oryzae*
- 4) add *Phoma glycinicola*
- 5) add *Phytophthora kernoviae*
- 6) add *Rathayibacter toxicus*
- 7) add *P. sacchari*

Thus the new list of agents would consist of:

- 1) *Candidatus Liberibacter africanus*
- 2) *Candidatus Liberibacter americanus*
- 3) *Peronosclerospora philippinensis* (*Peronosclerospora sacchari*)
- 4) *Phoma glycinicola* (formerly *Pyrenochaeta glycines*)
- 5) *Phytophthora kernoviae*;
- 6) *Ralstonia solanacearum*, race 3, biovar 2;
- 7) *Rathayibacter toxicus*;
- 8) *Sclerophthora rayssiae* var. *zeae*;
- 9) *Synchytrium endobioticum*;
- 10) *Xanthomonas oryzae*;
- 11) *Xylella fastidiosa* (citrus variegated chlorosis strain).

USDA has requested comments on the new proposed Rule, and the revised list of pathogens covered under the Rule. Comments must be received within 60 days of publication of the Proposed Rule (i.e. Oct. 29) Previous responses to publication of the list by APS members have been minimal, and we feel that the Society has an obligation to aid members in responding to the new Rule and list. It is worth noting that APS takes no position on the listing as Select Agents of plant pathogens by USDA APHIS.

If you do decide to respond, the Society would appreciate notification that you have submitted a response, so that we may track the scope and extent of the response. To notify APS of the submission of a response, please reply to this email, and, if permitted by your institution or department, provide a copy of the response letter.

Please consider the following guidelines in formulating the letter.

- 1) General format should be that of a Letter or “Communications Arising” to Nature <http://www.nature.com/nature/authors/gta/commsarising.html>, making specific points about the Rule or listed pathogen with regard to selection criteria (which are listed in the Proposed Rule) and supporting information published in the Proposed Rule.

- 2) Explain your views as clearly as possible.
- 3) Where possible and appropriate, the letter should provide references from peer-reviewed publications to document points made.
- 4) Provide copies of any technical information and/or data you used that support your views.
- 5) Describe any assumptions that you used.
- 6) If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
- 7) Provide specific examples to illustrate your concerns.
- 8) Offer alternative ways to improve the notice or collection activity.
- 9) Make sure to submit your comments by the deadline in this document.
- 10) To ensure proper receipt by USDA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response.
- 11) You may also provide the name, date, and Federal Register citation.

APHIS instructions for comment submission are reproduced below from the published Proposed Rule:

You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to <http://www.regulations.gov>, select “Animal and Plant Health Inspection Service” from the agency drop-down menu, then click “Submit.” In the Docket ID column, select APHIS–2007–0033 to submit or view public comments and to view supporting and related materials available electronically. Please state that your comment refers to Docket APHIS–2007– 0033. Information on using [Regulations.gov](http://www.Regulations.gov), including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site’s “User Tips” link.

Postal Mail/Commercial Delivery:

Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2007–0033, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS– 2007–0033.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.