

D-12-01: Phytosanitary requirements to prevent the introduction of plants regulated as pests in Canada

Effective Date: May 30, 2013
(Original)

Updated: February 1, 2019

This directive has been amended to:

- clarify specific import requirements and treatments
- update the list of plants currently regulated as pests
- accommodate minor editorial changes

Subject

This directive outlines the general phytosanitary requirements to prevent the introduction and spread of invasive plants in Canada that are regulated as pests by the Canadian Food Inspection Agency (CFIA) under the *Plant Protection Act*.

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Review

This directive will be updated as required. The Canadian Food Inspection Agency (CFIA) will amend this directive in response to any changes made to the regulatory status of plants. For further information or clarification, please contact the CFIA.

1.0 Legislative authority

- [Plant Protection](#) (1990, c. 22)
- [Plant Protection Regulations](#) (SORS/95-212)

- [Canadian Food Inspection Agency](#)
- Canadian Food Inspection Agency Fees Notice [Agriculture and Agri-Food Administrative - Monetary Penalties](#) (S.C. 1995, c. 40)
- [Agriculture and Agri-Food Administrative Monetary Penalties Regulations](#) (SOR/2000-187)

2.0 Definitions, abbreviations and acronyms

Definitions of terms used in this Directive can be found in the [International Standard for Phytosanitary Measures 5: Glossary of phytosanitary terms](#) or the [Plant health glossary of terms](#).

3.0 Introduction

All Canadians have a role to play in preventing the introduction and spread of invasive species in Canada, including the responsibility to report to the CFIA any known, suspected or potentially regulated pest plants. Phytosanitary measures taken with respect to regulated pest plants depend on the pathway by which the plant can enter or spread within Canada, the intended end-use, and the risk mitigation measures that are available.

Under the *Plant Protection Act*, the CFIA has the authority to restrict the import, sale, possession and movement of pest plants including weed seeds into and within Canada. Several of the species listed in this directive are also regulated as prohibited noxious weed seeds under the *Weed Seeds Order*, 2016 of the *Seeds Act*.

This directive communicates phytosanitary requirements intended to prevent the introduction and spread of plants regulated as pests by the CFIA. Introduction could include intentional pathways such as traditional food and medicine, plants for planting and seed, and unintentional pathways such as contaminants in seed, hay and straw, grain crops, crop residues, soil, machinery and equipment (for example, vehicle parts, metal products), handicrafts, and fresh produce. The CFIA's Invasive Plants Program was developed in recognition of the threats posed by pest plants to Canada's economy, society and environment.

Pest risk analyses provided the scientific rationale for regulating the pest plants included in this directive (listed in Appendix 1). Regulatory decisions are based on the best science that is available at the time and can be revised as more information about the species becomes available.

If a plant presents a significant risk to Canada's plant resource base, it will be considered for regulation using the pest risk analysis process. Stakeholders are encouraged to provide input on the plant species and on proposed regulatory options for risk management. Before a decision is made to regulate a plant as a pest, the CFIA will inform stakeholders throughout the process.

4.0 Scope

4.1 Regulated pest

All regulated pest plant species/taxa, including all propagative parts, are listed under Appendix 1 of this Directive. This includes plant species in and of themselves or as contaminants associated with other pathways.

4.2 Regulated articles

Regulated articles include plants designated as pests and anything contaminated or that could be contaminated by such pest plants, including but not limited to seed, general cargo, shipping materials, conveyances etc., will be subject to regulatory control or action.

4.3 Regulated areas

Regulatory measures may be in place wherever regulated pests are or may be located in Canada, from small properties to entire provinces. Areas concerned and associated measures may be specified in [legislative notices](#) issued by the CFIA to the owners or to persons in possession, care or control of a pest or commodity.

Regulated areas may also be defined in [Ministerial Orders](#) made under the *Plant Protection Act*, or be specified in the [schedules to the Plant Protection Regulations](#). As needed, this directive will be updated to further communicate regulated areas, as well as any associated prohibitions or restrictions.

Notwithstanding the above, note that the general prohibition specified in subsection 6(1) of the *Plant Protection Act* applies to the regulated pests and articles that are within the scope of this directive:

"Except as permitted under this Act or the regulations, no person shall move, grow, raise, culture or produce any thing that there are reasonable grounds to believe is a pest, that is or could be infested with a pest or that constitutes or could constitute a biological obstacle to the control of a pest."

5.0 Purpose

This directive is intended for use by importers, individuals handling or moving these regulated articles in regulated areas, agricultural, horticultural and forestry industries, the Canada Border Services Agency, the CFIA, other government departments and the public.

6.0 General requirements

Individuals or companies can confirm the phytosanitary requirements with the CFIA through one or more of the following means:

- contacting their local CFIA office
- apply for an import permit
- consulting the List of Pests Regulated by Canada [Footnote 1](#)
- consulting the Automated Import Reference System [Footnote 1](#)

Plant species that have previously been imported into Canada, but that have since been determined by the CFIA to be regulated pests, may be subject to import and domestic movement restrictions.

The phytosanitary requirements stipulated in this directive are specific to controlling the entry and spread of regulated pest plants only. Additional requirements may exist for other pests and commodities under other federal, provincial or municipal regulations.

6.1 Importation

All imported shipments must be free from regulated pest plants and meet Canadian phytosanitary requirements. Importation of regulated pest plants and their propagative parts is prohibited unless authorized in a CFIA-issued Import Permit.

Import of devitalized material may be accepted if regulated pest plants or plant parts have been rendered non-viable. Prior approval is required before import, an application should be presented to the CFIA in accordance with policy directive [D-97-04: Application, procedures, issuance and use of a permit to import under the Plant Protection Act](#). An acceptable treatment method should result in complete devitalization. Any devitalization treatment proposed should be done at origin prior to importation and proof of treatment must accompany the shipment.

6.2 Domestic movement

Domestic movement of regulated pest plants and their propagative parts is prohibited, without prior CFIA approval. Things contaminated with such species are also subject to domestic phytosanitary measures. These measures may include movement restrictions, restriction of use, treatment, surveillance and monitoring. For requests related to pest plants sourced within Canada, please contact the CFIA's Invasive Alien Species and Domestic Programs at: cfia.ias-eee.acia@canada.ca.

6.3 Special purposes

The CFIA may consider and authorize in writing the import, domestic transfer or conduct of other activities in respect of a regulated pest plant for scientific research, educational, processing, industrial or exhibition purposes. The determination by the CFIA to permit such activities will include consideration of an applicant's ability and willingness to comply with phytosanitary conditions and to take every precaution to prevent the spread of the pest plants.

To request the import of pest plants, an application should be presented to the CFIA in accordance with policy directive [D-97-04: Application, procedures, issuance and use of a permit to import under the *Plant Protection Act*](#), and to request a domestic movement of a pest plant please contact the CFIA's Invasive Alien Species and Domestic Programs at: cfia.ias-eee.acia@canada.ca.

7.0 Non-compliance

Pest plants or consignments that are contaminated with regulated plants or otherwise non-compliant may be subject to CFIA regulatory action. This may include, the shipment being removed from Canada, destroyed or ordered to be treated to prevent the spread of pests prior to disposal. Import permits and written authorizations may be revoked if the person to whom a permit or authorization has been issued does not comply with the conditions of the permit or authorization or the provisions of the *Plant Protection Act* and Regulations. The importer is responsible for any and all costs relating to treatment, disposal, removal or re-routing, including costs incurred by the CFIA to monitor the action taken.

Notifications of non-compliance will be issued to the exporting country for imports found to be non-compliant.

8.0 References

8.1 Other legislative authorities that may apply

In addition to authorities specified in section 1.0, importation of plants and plant products may also be subject to other Acts and Regulations. These may include:

CFIA Acts and Regulations:

- [Seeds Act](#) and [Seeds Regulations](#), [Weed Seeds Order](#)
- [Feeds Act](#) and [Feeds Regulations](#), and
- [Health of Animals Act](#) and [Health of Animals Regulations](#)

Other federal Acts and Regulations:

- [Canada Grain Act](#) and [Canada Grain Regulations](#)
- [Species at Risk Act](#)
- [Canadian Environmental Protection Act](#)

- [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act](#) and [Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Regulations](#)
- [Pest Control Products Act](#)

It is the responsibility of the importer to adhere to any requirements. Importers wishing to know more about these acts and regulations should contact the appropriate organization. Additionally, municipalities, provinces and territories may have legislation relating to pest plants (for example, *Weed Control Acts*) and should be contacted for information on that legislation.

8.2 Fees

The CFIA charges fees in accordance with the Canadian Food Inspection Agency Fees Notice. For information regarding fees associated with imported products, please contact your [local CFIA office](#), or visit the CFIA's [Fees Notice](#) website.

8.3 Supporting Documents

- Risk Management Documents are available upon request from: cfia.ias-eee.acia@canada.ca.
- [RMD-08-02 \(Eriochloa villosa - Woolly Cup Grass\)](#): Pest Risk Management Document
- [International Plant Protection Convention \(IPPC\)](#). 2006. International Standards for Phytosanitary Measures, Publications No. 1, 2, 7, 12. Secretariat of the International Plant Protection Convention, Food and Agriculture Organization of the United Nations (FAO), Rome, Italy.
- Directive D-98-06: Interim Import requirements of parasitic plants: *Cuscuta*, *Striga*, and *Orobanche*. CFIA, 1998
- Invasive Plants Policy. Canadian Food Inspection Agency, 2011.
- [D-97-04: Application, procedures, issuance and use of a permit to import under the Plant Protection Act](#).
- [RMD-13-04: Consolidated Pest Risk Management Document for pest plants regulated by Canada](#)
- [D-96-13: Import Requirements for Plants with Novel Traits, including Transgenic Plants and their Viable Plant Parts](#).
- [Invasive Plants Fact sheets](#)
- [Weed Seeds Fact Sheets](#)
- [Invasive Plants Field Guide](#)

For information on invasive plants please contact cfia.ias-eee.acia@canada.ca.

Appendix 1 Regulated Pest Plants

The following table lists regulated pest plants with their scientific name, common name, and synonyms. In addition to the pests listed below, shipments must be free from all other pests on the [List of Pests Regulated by Canada](#)^{Footnote 2}.

Scientific Name	Common Name
<i>Aegilops cylindrica</i>	jointed goatgrass
<i>Alopecurus myosuroides</i>	slender foxtail
<i>Arundo donax</i>	giant reed
<i>Centaurea iberica</i>	Iberian starthistle
<i>Centaurea solstitialis</i>	yellow starthistle

Scientific Name	Common Name
<i>Cuscuta</i> spp (except <i>C. campestris</i> , <i>C. cephalanthi</i> , <i>C. coryli</i> , <i>C. gronovii</i> , <i>C. indecora</i> , <i>C. pacifica</i> , <i>C. pentagona</i> , <i>C. polygonorum</i> and <i>C. umbrosa</i>) Table Note 3	dodder (except buttonbush dodder, hazel dodder, swamp dodder, large-fruited dodder, five-angled dodder, smartweed dodder and saltmarsh dodder)
<i>Crupina vulgaris</i>	common crupina
<i>Dioscorea polystachya</i>	Chinese yam
<i>Echium plantagineum</i>	Paterson's curse
<i>Eriochloa villosa</i>	woolly cup grass
<i>Microstegium vimineum</i>	Japanese stiltgrass
<i>Nassella trichotoma</i>	serrated tussock
<i>Orobanche</i> spp. and <i>Phelipanche</i> spp. (except <i>O. californica</i> , <i>O. corymbosa</i> , <i>O. fasciculata</i> , <i>O. ludoviciana</i> , <i>O. pinorum</i> and <i>O. uniflora</i>) Table Note 3	broomrape (except California broomrape, flat-topped broomrape, clustered broomrape, prairie broomrape, pine broomrape and one-flowered broomrape)
<i>Paspalum dilatatum</i>	Dallis grass
<i>Persicaria perfoliata</i>	devil's-tail tearthumb
<i>Pueraria montana</i>	Kudzu
<i>Senecio inaequidens</i>	South African ragwort
<i>Senecio madagascariensis</i>	Madagascar ragwort
<i>Solanum elaeagnifolium</i>	silverleaf nightshade
<i>Striga</i> spp Table Note 3	witchweeds
<i>Zygophyllum fabago</i>	Syrian bean-caper

Table Note

Table note 3

As individual specific distinguishability allows.

Footnotes

Footnote 1

If a particular species cannot be found on the List of Pests Regulated by Canada and/or on the Automated Import Reference System, assessment by the CFIA prior to import is required. Importers should contact the CFIA or apply for an Import permit if they are unsure about the

requirements, including whether a species is permitted into Canada. Importation is prohibited until the CFIA has evaluated the risk of the species.

Footnote 2

This appendix will be amended and additional plant species will be added as pest risk analyses and consultations are completed. The CFIA will notify stakeholders when additional plant species are listed. It is the importer's responsibility to ensure they are using the most up to date list.

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