The
Slipper Orchid Alliance Newsletter

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CITES Reform: Consequences for Lady Slipper Afficionados

Eventually, every orchid enthusiast, particularly lady slipper orchid afficionados, will encounter what is commonly referred to as "CITES" (the United Nation's Convention on International Trade in Endangered Species of Wildlife Fauna and Flora). It appears that eventuality is now!

As orchid hobbyists, many of us have enjoyed the luxury of ignoring CITES because we did not import orchid plants ourselves. This is a luxury we no longer can afford, however. The new, revised CITES regulations recently proposed by the U.S. Fish and Wildlife Service (USFWS) probably apply to the lady slipper orchids in your private collection. We run the risk under these new USFWS regulations that the orchid species and some of the hybrids in our private orchid collections may be found "illegal" and, if so, confiscated. Because these new USFWS CITES regulations are likely to significantly affect all orchid growers and, in particular, the growers of lady slipper orchids species and their hybrids, beginning with this issue of the SOA Newsletter, we will present a series of articles on CITES and the more recently adopted United Nations Convention on Bio-diversity (which the United States has not ratified.)

This issue presents an overview of the history of CITES and how its implementation by the United States affects orchid growers.

Richard Grundy, SOA Executive Director

SOA Mission Statement

Promote broader understanding of all genera and species of slipper orchids including paphiopedilum, phragmipedium, and cypripedium, as well as their conservation in natural habitats and under cultivation. Promote member's exchange of information at regional, national and international forums or seminars and advance scientific and horticltural studies of slipper orchids and their hybrids.

CITES: A United Nations' Blueprint for Trade in Orchid Species

By Richard Grundy [1]

Introduction

This article presents a historical, legislative, and regulatory review of "trade in endangered orchid species." As will be obvious, the issues are complex, interrelated, and pose a regulatory nightmare. More importantly, the issues impact on all of us.

As dedicated orchid growers, we all agree with the spirit and intent of CITES – the conservation of orchid species and the preservation of their natural habitats. CITES was formulated to address the destructive removal of certain orchids from the wild and their export to other countries; namely, those horticulturally desirable species threatened with extinction – not all species of orchids. Consequently, the Treaty has far-reaching effects on anyone trading in orchid species, particularly specimens of lady slipper orchids.

After more than 25 years of experience with CITES regulation and enforcement, one of the problems with the entire CITES system is an apparent lack of uniformity in regulation and enforcement among the parties which facilitates "illegal" trade in orchid species. In addition, there is evidence that current CITES regulations effectively suppresses the artificial propagation of rare and endangered orchid species – in particular, lady slipper orchids, by their inclusion on CITES Appendix I. In the absence of evidence of their habitat destruction, or a record of extensive confiscation of illegal plant specimens, there is insufficient information and data to support their continued categorical listing on Appendix I.

This author contends that there is need for a reconciliation between actual circumstances of international trade in specimens of the genera paphiopedilum and phragmipedium and the threat to their natural habitats. The benefit of such a down-listing of these species on the basis of credible scientific and international trade data would be a significant reduction

in the administrative burden currently surrounding CITES regulation and enforcement.

Instead, the recently proposed USFWS rule would expand CITES regulations to require proof of the "legality" of the parents of artificially propagated plants as well as approximately 115,000 registered orchid hybrids. The proposed CITES rule thus will significantly affect all orchid growers, in particular the growers of lady slipper orchids species and their hybrids.

As the growers and hybridizers of lady slipper orchids, many of us no longer can afford the luxury of ignoring CITES regulation and enforcement as many of the orchid species and hybrids in our orchid collections are found "illegal" and, if so, no longer usable for hybridizing or artificial propagation, nor divisions saleable or tradeable to other for such purposes.

Historical overview

At a 1973 conference in Washington, D.C., delegates from 80 countries concluded negotiations on the Convention on International Trade in Endangered Species of Wild Fauna and Flora [commonly known as CITES]. The treaty was developed under the auspices of the United Nations Environmental Program because of concern that international trade in wildlife (animals and plants) caused massive declines in the numbers of many wildlife and plant species. The international treaty established the goals and objectives for a legal framework for the control and monitoring of international trade in wild plants and animals through a system of export and import permits.

The treaty was ratified by the United States on September 13, 1973 and came into force on July 1, 1975, after the required 10 countries ratified it. Currently, 151 countries have either ratified or acceded to CITES. The CITES Secretariat resides in the United Nations Environmental Programme in Geneva, Switzerland. At periodic meetings of the signatories (known as the "Conference of the Parties") numerous resolutions have been adopted that interpret the text of CITES. Between 1976 and 1994, at least 190 resolutions were adopted by the Parties. In 1994, the Parties began an effort to consolidate those resolutions on similar subjects and repeal those no longer relevant.

As a result of this process, there currently are 82 consolidated resolutions in effect that interpret and expand the original scope of the Treaty. Significantly, neither the Treaty nor the interpretive resolutions are self-executing, each country (Party) agreeing to the treaty must, in turn, adopt enabling domestic legislation. In the United States the our domestic legislation is the Endangered Species Act of 1973.

Nevertheless, the treaty has far reaching implications for anyone importing or exporting any orchid species – especially lady slipper orchids. Moreover, recently adopted resolutions support the extension of such regulation to orchid hybrids, as well. Possible additional trade restrictions are contained in the Bio-diversity Treaty which has not been ratified by the United States. [We hope to discuss this in a subsequent SOA newsletter.]

Equally important, CITES is just one component of a much broader portfolio being managed by the United Nations Environmental Programme (UNEP). The aims of CITES are now an integral part of what is known in international circles as, "Caring for the Earth, A Strategy for Sustainable Living." This initiative was launched in 1991 by the United Nations Environment Programme, along with the World Conservation Union, and the World Wide Fund for Nature [WWF], the largest private international conservation organization. Another component is the Bio-diversity Treaty which will further impact orchid hobbyists.

Endangered Species Act

Within the United States, authority to establish the extensive system of permits required by CITES stems from the Endangered Species Act of 1973 (ESA), which was enacted by the Congress to prevent the extinction of native and foreign animals and plants by providing measures to help alleviate the loss of species and their habitats within the United States. The Act also prohibits the damage or destruction of an endangered plant for areas under Federal jurisdiction, such as Federal lands, national parks or recreation areas. In addition, the ESA also prohibits the removal of any such plant (e.g., cypripediums) from any area under Federal jurisdiction.

An "endangered species" is an animal or plant listed by regulation as being in danger of extinction, such as the American alligator and the California condor. "Endangered species" permits are required for the following activities: scientific research; enhancement of propagation or survival of the species, including conservation education for living wildlife; incidental taking; and economic hardship situations. "Threatened species" permits may be issued for the above activities as well as zoological, horticultural, or botanical exhibition, educational, and special purposes consistent with the purposes of the ESA.

Hybrid offspring of animals and plants are regulated where at least one parent is regulated under the Act. However, hybrid offspring of animals bred or propagated in captivity are not protected by the Act.

Under the ESA, the U.S. Fish and Wildlife Service (USFWS) may take (confiscate) specimens of domestic endangered wildlife and plant species, the possession of which is in violation of the ESA, as well as "illegal" specimens of imported or exported orchids covered by such appropriate cooperative agreement as the CITES Treaty. When such "illegal" plants are confiscated they are transferred to plant rescue centers.

The CITES Treaty serves as a mutually agreed upon statement of goals and objectives which must be followed by the enactment of enabling domestic legislation. In this regard, the Treaty explicitly recognizes the rights of Parties to adopt stricter national measures to restrict or prohibit trade, taking,

Upcoming Events

October 19 - 22, 2000
45th EOC and AOS Fall Trustees Meeting
Williamsburg Marriott Hotel
Williamsburg, VA
Slipper Orchid Alliance steering committee meeting and speaker, Dr. Harold Koopowitz, sponsored by SOA.
Meeting hosted by Peninsula, Tidewater and Virginia Orchid Societies

November 4, 2000
3rd Annual Slipper Symposium
Ramada Plaza Hotel
Kissimmee, FL
The symposium will include lectures, sales, and an informal BBQ and SOA benefit auction on Saturday evening.
There will be an open house at Ratcliffe Orchids on Sunday, November 5.
Sponsored by Ratcliffe Orchids and A World of Orchids.

possession, or transport of any of their domestic wildlife or plant species.

U.S. administration of CITES

Within the United States, regulations implementing CITES took effect on May 23, 1977. Responsibility for the administration of an extensive system of permits required by CITES has been delegated by the Secretary of the Interior to the USFWS. In turn, this is accomplished through two USFWS offices: the Office of Management Authority and the Office of Scientific Authority for CITES. However, actual inspections at U. S. points of entry or export are performed by the APHIS.

The CITES Treaty relies on a extensive system of international permits and certificates to help ensure that trade in certain listed species (including parts and products) is legal and does not threaten the survival of wildlife or plant species in the wild. The Treaty refers to "permits" for the import and export of species listed under any of the CITES Appendices, as well as "certificates of origin" and "certificates" for the re-export, and exemptions, issued by any Management Authority. In addition to certain standardized information set forth in CITES, resolutions adopted by the Parties require further information based on experience in inspecting shipments and enforcing the treaty.

For the purpose of CITES regulation, species of plants and animals judged to be threatened with extinction are listed on one of three CITES Appendices: Appendix I, those species threatened with extinction, which are or may be affected by trade; Appendix II, those species which may be threatened with extinction if international trade is not regulated; and Appendix III, those species which any Party (country) identifies for regulation within its own jurisdiction.

Appendix I: CITES Appendix I lists those endangered species for which trade is prohibited, except under certain special circumstances. All Paphiopedilum and Phragmipedium species are defined by CITES as endangered, as well as Cattleya trianaei, Dendrobium cruentum, Laelia jongheana, Laelia lobata, Peristeria elata, Renanthera imschootiana, and Vanda coerulea.

Two permits are required for CITES Appendix I species – one from the importing country (obtained first) and one from the exporting country. CITES Import Permits may be obtained from the USFWS when (a) the purpose of the import will not be detrimental to the species' survival, (b) the import is not to be used for primarily commercial purposes, and (c) the importer is suitably equipped to house and care for the live orchid plants. CITES Import Permits for Appendix I specimens may only be granted by the USFWS upon its determination that the export will not be detrimental to the species' survival and the specimens were legally acquired. The burden of proof for showing that the intended use of specimens of Appendix I specimens is clearly **non-commercial** shall rest with the person or entity seeking to import such specimens. Import permits are valid for one-year, export permits for six-months. A CITES Export Permits also must be obtained from the country of origin; for example, a specimen of a Vietnam paphiopedilum must be accompanied by CITES documentation obtained from Vietnam, which reportedly has not issued any such documentation, to date. Hence such specimens are considered "illegal".

Importantly, the CITES Treaty does not define the term "primarily commercial purposes." In 1986 the Parties to the Convention agreed to describe an import or export as "commercial" if its purpose is to obtain economic benefit, including profit (whether in cash or in kind) and is directed toward resale, exchange, provision of a service or other form of economic use or benefit. The Parties also agreed that all uses whose non-commercial aspects do not clearly predominate shall be considered to be primarily commercial in nature with the result that

importation of Appendix I specimens should not be permitted.

The importation of specimens of Appendix I species for captive-breeding leads to special problems under CITES. Importation of such Appendix I specimens must be aimed as a priority at the long term protection of the affected species. CITES also requires that such captive-breeding program be aimed at the recovery of species and undertaken with the help of the Parties in whose territory the species originates. Such captive-breeding operations may sell surplus specimens to underwrite the cost of the captive-breeding program; however, any profit gained must be used to support the continuation of the captive-breeding program.

Appendix II: Appendix II of CITES lists **the genus Cypripedium and all other orchid species not on Appendix I.** While these species (some 24,000 species) are not presently threatened with extinction, the assumption incorporated in the CITES Treaty is that all orchid species may be threatened with extinction if not regulated.

An applicant may obtain a CITES import permit for species listed on CITES Appendix II. However, the applicant must show that the plant(s) was legally removed from the wild and that their removal was not detrimental to the existence of the species in the wild. It also must be shown that they are being grown successfully, and maintained in a manner that assures their long-term maintenance. Likewise, the Office of Scientific Authority has determined that to assure that the plants are maintained indefinitely, at least five plants of each species (or three plants if in general cultivation) must be maintained as a population.

Appendix III: Appendix III includes those native species that a Party to the Treaty lists in order to obtain international cooperation in controlling their trade. Since all orchid species are included in either Appendix I or II, this appendix currently is not applicable to any orchid species.

CITES Certificates of Exemption.

Artificially propagated specimens: The CITES Treaty recognizes that by making specimens readily available, artificial propagation may have a positive effect on the conservation of wild populations by reducing pressure from collection. The Treaty thus provides that specimens of Appendix-I species that are propagated for commercial purposes shall be treated as if they are listed on Appendix II, such as artificially propagated specimens of Paphiopedilum and Phragmipedium species. While trade in artificially propagated species listed on Appendix I is allowed, such orchid specimens must be accompanied by export documentation issued by the country of origin, as well as a CITES import permit. This requirement thus applies to all artificially propagated specimens of paphiopedilum and phragmipedium species.

Among the resolutions adopted by the CITES Parties is endorsement of an exemption for artificially propagated specimens of Appendix II and III species. This exemption is fairly specific, referring only to "live plants grown from seeds, divisions, ... or other plant tissues under controlled conditions." [CITES Resolution 9.18]. "Under controlled conditions" means in a non-natural environment that is intensively manipulated by human intervention for the purpose of producing selected species or hybrids. However, the exporting country must issue an "artificial propagation" certificate to that effect.

Currently, artificially propagated "flasked" seedlings of both Appendix I and II orchid species (including hybrids derived from such orchid species) are exempt from CITES regulation if sealed in sterile flasks.

However, under the recently proposed USFWS rule, to qualify for the "artificially propagated" exemption, the importer also will have to document that the parental breeding stock was "legally" removed from the wild and that its removal was not detrimental to the existence of the species in the wild.

Scientific exchange certificate: Under the CITES Treaty, scientific purposes may justify a special departure from general CITES procedures. Scientific institutions registered or otherwise acknowledged by the Management Agency of the country of import are eligible for this certificate, which authorizes import and export of museum and herbarium specimens. Such specimens must be shipped as non-commercial loans, donations or exchanges among scientific institutions registered with CITES. Appendix I specimens also may be imported by government agencies or non-profit institutions for the purpose of conservation, education or training; for example, to train Customs staff in effective CITES training.

Personal use exemption: The USFWS recognizes an exemption found in the CITES Treaty that allows for certain personal and household effects to be imported or exported without CITES permits. Except for Appendix I species, specimens of orchid plants, that are part of a household move, or are accompanying the owner and are intended for personal use, may be imported without CITES documentation, provided that the country of origin does not require a CITES export permit.

Notwithstanding this personal use exemption, specimens of Appendix I orchid species acquired abroad may not be imported into the United States without a CITES documentation from the country of origin.

However, the recently proposed CITES rule, if adopted, would repeal this exemption for live orchid plant specimens, and standard CITES documentation would be required.

In conclusion

In summary, the importation of orchid specimens, or their parts and products (including seed), requires CITES documentation from the exporting country. In the absence of such CITES permits the orchid specimens may be confiscated by U.S. Custom officials at the point of entry into or export from the United. If you are importing any orchid specimens from a country that is **not** a Party to CITES, you must obtain documents that contain all the information normally contained in CITES documentation.

In addition to CITES permits, imports of orchid specimens must be accompanied by an APHIS certificate issued by the U.S. Department of Agriculture at the port of entry into the United States.

[1] SOA Executive Director and member of the AOS Conservation Committee. A former senior professional staff member of the U.S. Senate Committee on Energy and Natural Resources and lobbyist with Alexandria Energy Associates, Alexandria, VA.

Review of New Paphiopedilum Species

By Richard Grundy

Earlier this year at the 33rd Paphiopedilum Guild Meeting in Shell Beach, CA, I was fortunate to hear a presentation by Dr. Leonid Aveyanov, of the Komarov Botanical Institute in St. Petersburg, Russia, which reviewed "New Discoveries in Vietnamese Paphiopedilum Species" based on recent discoveries. There followed an excellent overview by Dr. Harold Koopowitz of "New Paph Species and What We Are Going to Do About Them."

Among those less commonly seen Vietnam paphiopedilum species mentioned by Dr. Aveyanov as recent discoveries were:

Paph. villosum var. annamense
Paph. hangianum
Paph. helenae
Paph. hirsutissimum var. chiwuanum
Paph. malipoense var. jackii
Paph. malipoense var. hiepii
Paph. vietnamense

The review by Dr. Koopowitz was broader in scope and included such newer paphiopedilum species as:

Paph. anitum (syn. adductum var. anitum)
Paph. cerveranum (syn. Paph. appletonianum)
Paph. chaoi
Paph. gigantifolium
Paph. hangianum
Paph. helenae
Paph. hermanii (syn. x hermanii)
Paph. hiepii (syn. Paph. malipoense var. hiepii)
Paph. huonglaniae (syn. Paph. emersonii)
Paph. jackii (syn. Paph. malipoense var. jackii)
Paph. ooii
Paph. parnatanum (syn. Paph. usitanum)
Paph. potentianum (syn. Paph. callosum var. potentianum
Paph. striatum (syn. Paph. glanduliferum)
Paph. tranlienianum
Paph. vietnamense (syn. Paph. hilmarii, Paph. mirablie

AOS's response to USFWS's CITES Proposal

Commenting on the USFWS' proposed changes in CITES regulations, Lee Cooke, AOS Executive Director, commented, "This issue is the single most important issue affecting our membership." The AOS's website observes that, "While most of [the proposed changes by USFWS] are simply bureaucratic house-cleaning, several in particular are of great import to the US orchid community and require strong, forthright rebuttal by the AOS."

While the AOS observes that these proposed changes are not to be considered a fait accompli, it is the AOS' conclusion that implementation of certain of the proposed changes could undermine much of what the AOS has stood for in defense of CITES. Such changes could stop

exports of artificially propagated orchids from the U.S., as well as greatly impede the ability of U.S. growers to obtain new specimens for further propagation. In the AOS's judgment, the proposed changes will significantly slow down what is already a very slow and tedious bureaucratic process.

It is the USFWS's contention that the possession and domestic or international trade of illegally imported specimens is prohibited. Further, any offspring of illegal specimens are also considered illegal. What this all means is that, if a grower expects to export species orchids, he/she must prove that they have legally acquired the plants or plants from which they were propagated, back as far as the wild (it appears). The entire burden of proof is on the grower who must maintain clear records that each plant specimen (including parental stock) was legally acquired. In the AOS's judgment this requirement is all the more damaging since it appears that importing parties seldom, if ever, receive a copy of the chief import documents – CITES documents.

The reasons why the AOS considers the proposed new, revised CITES regulations unreasonable, and the AOS's proposed responses are set forth on their website (http://theaos.org/conseraton/citesnews.html).

The AOS's position on the USFWS's proposed regulations may be found on its website at: www.//theaos.org/conservation, as well as the AOS White Paper on Orchid Conservation and its special Report from The Director of Conservation.

One Hobbyist's concerns about the new CITES enforcement procedures

By Heidi Kirkpatrick [1]

When I began growing orchids, I neither knew nor cared about the regulations imposed on commercial growers. As long as there were orchids for me to buy, I was happy for CITES to remain an anonymous acronym. I have come to realize, however, that I should be concerned for two basic reasons. The first is that I am interested in the survival of the orchid family and therefore in any law or regulation that has an effect on this survival. The second is that regulations imposed on commercial growers are felt by me as a hobbyist when I no longer have access to so many wonderful species and hybrids.

CITES is the international treaty that governs how orchids are imported and exported in this country. In this country, CITES is enforced by the United States Fish and Wildlife Service (USFWS), a branch of the Department of the Interior. As I write this, we are nearing the end of the comment period on a set of new enforcement procedures proposed by USFWS. It is these new procedures that should have every hobbyist alarmed, no matter how he or she feels about CITES itself. Reading the proposal and several orchid-oriented commentaries on the subject has made me concerned about the future of orchid growing in the United States.

The USFWS proposal states that not only "the possession and domestic or international trade of illegally imported specimens ... is prohibited," but "any offspring of illegal specimens are also considered illegal." Proof of legality, the burden of which is explicitly stated to lie with the grower, must include "clear records that each specimen was legally acquired, including a record of the history of ownership, copies of cleared CITES documents, and records of parental or founder stock for specimens bred or propagated in the United States."

What does this mean? It means that USFWS would require a great many documents from a grower, most of which may no longer exist or may never have existed. Worse yet, the issue of legality applies not simply to an individual plant but to the entire breeding line of that plant. If the plant in question has in its genealogy a species that cannot be proven to have been legally collected, then the plant would be considered illegal. Let us take a few examples to understand the implications of these requirements.

Example One is an orchid specimen brought into this country after 1975. In theory, there should be CITES documents recording its legal entry. In practice, CITES documents are kept by the inspector at the port of entry, leaving the grower with no paperwork. [By comparison, flasks, which are considered artificially propagated and therefore legal under CITES, have needed no accompanying CITES paperwork; therefore none exists.] Because the grower no longer has a record of legal importation, our Example One and its progeny would be considered illegal.

Example Two: Our second example plant is the result of years of selective breeding involving species brought into the country prior to CITES. The USFWS recognizes that such plants would have no CITES documents. Therefore, the USFWS proposes to consider such pre-CITES species in cultivation as part of a generally recognized "founder stock." Nevertheless, an orchid grower would be required to present documentation of ownership of the plant, including bills of sale and hybridizing records signed by the breeder.

Our Second Example Plant could run into difficulty on two issues. First, how likely is a grower, commercial or not, to have bills of sale tracing ownership of every specimen plant and its parentage back to something owned in this country before CITES went into effect in 1975? Furthermore, receipts are required to state explicitly what is being sold _ the name of the plant rather than something generic like "15 cattleyas." [Even the IRS does not require such rigorous documentation extending back so many years!]

The second hurdle for this sample plant would arise with the definition of "founder stock," which USFWS recognizes

as plants in general cultivation prior to CITES. How does one address which clones of which 30,000 plus orchid species (multiplied by the number of individual clones of each species) are considered "founder stock"? With some clones, particularly those awarded prior to 1975, this decision may not be difficult, but good orchid breeding stock consists of more than awarded clones. Additionally, there are numerous less common species which entered this country prior to 1975 without being commonly propagated.

Example Three: Sample Plant Three is an orchid species from a hobby collection. [Most hobbyist records are even murkier than those of commercial growers.] We all have divisions of plants that were given to us by fellow hobbyists, most of which, while obtained legally, are without any documentation. I, personally, have been known to "lose" my receipts to avoid undue shock for my non-orchid growing spouse. Because there is no existing documentation, a commercial grower who wanted to artificially propagate Sample Plant Three would face the nearly impossible task of proving the plant's legality.

Example Four: Sample Plant Four is an orchid hybrid. USFWS recognizes that hybrids may be the progeny of illegally collected species and that some species may be intentionally mislabeled as hybrids to avoid CITES restrictions. However, for the USFWS to consider Sample Plant Four legal, it must be accompanied by documents showing the legality of the species in its background. This means a grower must accumulate and maintain a body of documentation tracing the legality of not just species and their parentage but also hybrids and their parentage.

USFWS states that paperwork showing evidence of legality "should be maintained as long as a specimen is owned by a potential applicant and should be transferred to any subsequent owner." Imagine the burden of keeping decades of documents on hundreds or thousands of plants, provided that these documents existed in the first place! There are certainly smaller commercial growers who would be unable financially to meet these requirements.

Based on this cursory overview, I contend that the proposed enforcement procedures would place unreasonable and often impossible demands upon orchid growers. The requirements would act as a disincentive for artificial propagation, particularly of unusual and less readily documented species. Fewer artificially propagated species leads to increased pressure for illegal collection of wild populations. Those of us who grow and love orchids would have fewer choices for our collections, and fewer options to help keep endangered species alive in cultivation.

Though I am a orchid hobbyist with an admittedly incomplete knowledge of the CITES issue, I felt compelled to write a petition on behalf of the Orchid Society of Santa Barbara and the Santa Barbara Chapter of the Cymbidium Society of America. As of July 12, 2000, this petition was signed by 187 individuals.

[1] Ms. Heidi Kitzpatrick is a professional writer and Secretary to the Santa Barbara Orchid Society and the Santa Barbara Chapter of the Cymbidium Society of America.

One Commercial Growers Views on Proposed CITES Reform

By Carson Whitlow

The latest proposals by the USFWS for implementation of the United Nation's Convention on International Trade in Endangered Species of Flora and Fauna (CITES) would literally destroy the orchid hobby and business. Some of the most important proposals have to do with "illegal" plants.

A plant is illegal if it has not been imported "legally." That means that the country of origin has issued the proper CITES documents for its initial export, irregardless of when the plants have been imported or from where. Likewise, any progeny from these plants are considered "illegal" no matter how many generations from the original "illegal" parent.

For example, let's assume that the so-called new Vietnam paphs do not receive a CITES permit from Vietnam for their export. Thus, all specimens of these orchid species outside of Vietnam are "illegal." Moreover, any hybrids made with these Vietnam species or any other "illegal" orchid specimen in their background are also "illegal". This risk exists for you even if you have purchased the plants from a reputable dealer.

This leads us to the issue of proving what plants in your collection are "legal." Under the proposed regulations you are expected to keep records on all of your plants that are covered under CITES, such as lady slipper orchids and their hybrids. If you sell or give a division of a plant to someone else you are expected to provide them with copies of relevant CITES documentation, also.

However, if you never had it in the first place you cannot provide such CITES documentation. It is the practice of the Department of Agriculture officials to remove such documents at the port of entry, thus the documentation required to show that imported plants are legal is taken away from the importer and the only way to get it is to request it from the Department of the Interior. And, if they don't have them, you can't prove the plant was imported legally. Moreover, for many of the Chinese and Vietnam species there is a real question if the CITES documentation was ever provided, in which case you are out of luck. Think about the volume of documentation you would need for just your private collection!

Then there is the matter of species acquired or imported

prior to CITES; how are you going to prove that the plant you have is one of these or that the parents of your hybrid were imported prior to CITES? How do you document this? And how do you know that the Feds will accept your documentation, which is a contention in itself?

You may already have plants in your collection which will become "illegal" if these new CITES regulations are finalized by the USFWS. Conceivably, the Feds could come into an orchid show, survey all the plants on display and confiscate any orchid specimens that they think are "illegal", even though they may not be. It would be up to you to prove otherwise.

For those of you who grow other orchids, such as Phalaenopsis, you may think this doesn't impact you. But the new regulations will, because you must also keep the documentation. If you fail to keep such documentation, you will be unable to prove your plants or their progeny are "legal." Any imported orchid species or hybrid requires a CITES certificate and if one of the parents was imported "illegally" anywhere, all its progeny are also "illegal." That also applies to other countries. You may have gotten the hybrid from a producer who got the parent legally, but the original producer who got the parent brought it into their country "illegally" (without CITES documentation) thus it is "illegal" and all its progeny are "illegal."

CITES has been in place for over two decades. If they have not gotten sufficient evidence to support listing a species by now, then it shouldn't be listed. The problem is inherent in CITES itself which is too cavalier and broad by the inclusion of all orchids species on Appendix II to start with – a classification completely unjustified. Rather than embracing this mistake, the first thing the USFWS should do is to support the exemption of all orchid genera not in international trade from any appendix.

The next thing that should be done is to support a review of those orchid species in international trade to determine which are truly endangered or threatened by international trade. Since no hard evidence was presented in the first place to justify the inclusion of all orchid species on either Appendix I or II, it is time to require the evidence now.

Requiring CITIES documentation of every orchid specimen being imported and its progeny isn't going to solve their problem of smuggling or illegal plants. The law-breaker needs only import an orchid species or hybrid once, get the documentation once, and thereafter pass any illegal imports as "legal." Meanwhile, everyone else other than smugglers is being treated like law-breakers.

And what does this do to saving plants in the wild? Absolutely nothing. Habitat destruction continues all but unabated, and salvage is all but non-existent as a by-product of CITES regulation. CITES has contributed more to the extinction of species in the wild than any other treaty or legislation ever has. If one species is saved, it is the species which has commercial value and is usually being artificially propagated, at the cost of hundreds of species being lost to extinction which are not of significant commercial value.

The most straightforward approach to reducing collecting pressure is to produce an abundance of plants from seed of normal, representative populations to supplement existing populations, reestablish extirpated populations and meet commercial needs. However, many of the difficulties inherent in cultivating the species would remain and increase their mortality potential. Another alternative is to develop hybrid strains such as those in the large, showy, tropical orchid genera.

Carson E. Whitlow is the owner of Cyp Haven in Adel, IA (www.orchidmall.com/cyp.haven/).

Support for the SOA

Strong support for the Slipper Orchid Alliance continues. Among its members are eleven commercial members: Antec Laboratory, Candor, New York; Bloomfield Orchids, Pittsford, New York; Curved Air Orchids, Santa Maria, California; Ellenberger's Orchid Eden, Victor, New York; Fox Valley Orchids, Villa Park, Illinois; Orchidaceae, Seattle, Washington; Orchids Limited, Plymouth, Minnesota; Paphanatics, Ltd., Anaheim, California; Ratcliffe Orchids, LLC, Kissimmee, Florida; The Orchid House, Los Osos, California; and Windy Hill Gardens, Labadie, Missouri.

Membership applications may be obtained from hyperlink "mailto: slipperorchidallianace@att.net" "slipperorchidallianace@att.net" or Slipper Orchid Alliance, 950 Wikiup Drive, Santa Rosa, CA 95403-1305. SOA Founders dues through the year 2000 are $25 for individuals and $100 for commercial members.

The SOA's Acting Officers

The SOA's acting officers are: Chairman, Barbara Tisherman, Pittsburgh, Pennsylvania; Executive Director and Treasurer, Richard Grundy, Santa Rosa, California; Secretary, Jamei Haswell, Santa Rosa, California; 1st Vice-president, Gordon Slaymaker, Springfield, Virginia; Newsletter, Janette Harris, Westfield, North Carolina.

The members of The SOA's Steering Committee are: Ed Bayer of Gibsonia, Pennsylvania; Steve Drozda of Pittsburgh, Pennsylvania; Jerry Fischer of Plymouth, Minnesota; Norita Hasegawa of Anaheim California; Doug Kennedy of Vandorf, Ontario, Canada; Tom Kalina of Villa Park, Illinois; Harold Koopowitz of Santa Ana, California; Paul Phillips of Kissimmee, Florida; Kevin Porter of Santa Maria, California; and Bob Wellenstein of Candor, New York.

Deflasking and Compotting Paphiopedilums

AnTec Laboratory - Bob & Lynn Wellenstein

When to Deflask

It is best to remove the flasklings from flask for compotting while they are in active growth. Ideally they

will be nearly filling the flask, showing no yellowing of the leaves or browning of the leaf tips, and have active roots with white tips. Overgrown flasklings will do fine with care, but will be a little slower to establish themselves. The same is also true of smaller seedlings. If you can take them out while they are growing strongly, they will continue to grow with almost no setback while establishing in their new environment. Obviously we cannot always take out the flasklings at the perfect time. They may be a little overgrown before you get them, or it may be a flask that jumbled in transit, or one that contaminated before you received it, or demands on your time may keep you from taking it out at peak. The flasklings should still do fine, they may just take a little more time to adapt and get growing again. Contaminated flasks should be taken out immediately if they are contaminated with mold (whitish, fuzzy appearance and generally covering the roots), or with a bacteria (slimey appearance covering the agar) that spreads quickly across the surface. Under these conditions the flasklings will almost certainly progress no further, and may actually be killed very quickly. Once in a while you can get lucky and the contamination will be by a bacteria that can only grow where there is excess moisture on the surface, usually along the walls of the flask. In this case, you can usually let the flask grow on, but watch it carefully.

Types of Flasks

use the Zuma square polycarbonate flasks for final replate. The other type of flask used most commonly by professional growers is the 500 ml erlenmeyer flask. You may also encounter milk bottles, French Squares (similar to milk bottles but less rounded corners and wider mouths), canning jars, magenta vessels (square polycarbonate vessels with a slide top), Phytacons (round plastic containers with a snap lid), and baby food jars. We have found the latter three to be very unsuitable for growing Paphs, and would recommend that you be careful to scrutinize the quality of seedlings in them before buying flasklings in them. Milk bottles, French Squares, and canning jars allow for a good growing plant, but are difficult to ship intact. The Zuma flask has the advantages of allowing a significantly larger grower area (compared to the other best choice, the erlenmeyer) while taking up the same space, allowing light in from the top, and being easy to deflask from without destroying the flask.

Getting the Flasklings Out

With the Zuma flasks you unscrew and remove the lid, then slam the side of the flask against your open palm, turn the flask on its side (not the top) 90 degrees, slam again, repeating this on all sides until you see the agar matrix start to collapse. Then it is simply a matter of sliding the seedlings out of the wide opening sideways. If you are dealing with a glass container with a narrow opening (milk bottle or erlenmeyer), we suggest you resist the temptation to try to ease the flasklings out through the narrow

opening, which will almost always cause damage, even if it isn't immediately apparent, and instead break the bottle. However, contrary to the common advice to wrap in newspaper and hit with a hammer, which can embed minute slivers of glass into the agar, which can then be embedded

into you when you wash off the agar, we suggest a different method. You need a "drift", which is sort of like a large metal rod or punch. You can make one out of a large bolt if you can't find one, but you should be able to get one, or something similar at a hardware store. The drift needs to be longer than the flask is tall. Wrap the flask in newspaper several layers thick, keeping the opening clear. Carefully push the drift down through the root and agar mass near the center of the flask until it contacts the glass, and give the drift a tap with a hammer. This will gently break the glass out, with little splintering, and is much safer for you and the plants.

Remove the Plants With Agar

Remove the plants gently with the agar mass intact. If it breaks into a few pieces you can put them back together in the compot. Handle carefully and you should be able to keep the agar intact and on the roots.

Place in compot

Again, there are a vast number of possibilities for containers into which you can pot your seedlings. The key is to match the pot, and your growing mix, to your conditions, particularly with regards to temperature, humidity and air movement, which will affect the speed at which your compot dries out. We want the compots to need watering about every three to four days.

The medium you use should be able to anchor the plants securely, preventing wobbling, and yet allow for free draining of the irrigation water, and should be able to somewhat dry out within three to four days. We currently use a mixture of approximately six parts soaked fine fir bark to two parts extra course horticultural perlite (this is the small perlite, not to be confused with spongerock) to one part of New Zealand sphagnum moss chopped (cut with scissors) into half inch lengths. This is an easy mix to use, and to adjust to different conditions. Place the entire mass, agar included, into an appropriate sized compot that has been filled to within ¾" to 1" of the top with a seedling mix. Add mix around the sides and press down firmly. Finally, add a very small amount of plain seedling bark to the top in between the seedlings, if possible. Do not force the issue here though. If you cannot add bark in between the seedlings right away because the seedlings are very close it is not a

problem. On some of these flasks we have seen a very thin layer of blue mold develop initially, but it has caused no problems for the seedlings. Also, use care to place only a minimal one particle deep layer if you do, you do not want excess moisture trapped against the base of the seedlings.

The agar will disappear from under the mix over the next 4 to 5 weeks. Mold on the agar has not been a problem, perhaps because of the tanins from the bark. On some flasks you may need to add a bit more mix after the agar disappears, but generally we have not needed to.

Compots On the Bench

It is very important to keep the freshly deflasked seedlings in very subdued light initially, probably no more than 700 – 800 foot candles. They were grown in flask under similar lighting conditions, and the transition to higher levels should be made gradually over several weeks, or you will risk stunting or even killing them. We place them under our benches initially. Growing them under a two tube fluorescent fixture is another good possibility. Compots are fed weakly but steadily; we use RO water for irrigation and Peter's Excel Cal-Mag fertilizer at a conductivity of 250 - 300 microsiemens and pH of 6.5 - 6.8 (plants with higher pH requirements are supplemented with micronized lime). They are allowed to approach dryness but not completely dry out. It cannot be stated enough that the addition of any fertilizer to your irrigation water will change the pH, and very low or very high pH levels will render many nutrients completely unavailable to your seedlings.

It has been not necessary using this technique to do any sort of fungicidal spraying. The flasklings establish very quickly and grow vigorously, gaining a 3 to 6 month head start over flasklings potted out with the agar removed.

Again, it is best to try to keep the seedlings quite warm through this early period, probably 75 to 78 degrees Fahrenheit would be ideal. Bottom heat is preferable.

We have used this procedure for approximately 1500 flasks now, and have found it to be the easiest and most successful technique for compotting we have tried. It virtually has eliminated the need for any post compotting fungicides, and seems to give the seedlings a quick and vigorous start. We have recommended the procedure to several other growers with varying conditions, and the feedback has been unanimously and enthusiastically favorable. This technique appears to allow the plants to acclimate to the harsher conditions outside the flask while still deriving some nutrition and protection from the agar. We have been able to use it to rescue flasks that contaminated when the seedlings would have been too small to save using the normal procedure. We were doubtful at first (how often is something that is much quicker and easier actually also better?) but are now convinced it is by far the best way to compot.

3rd Slipper Symposium in Conjunction with The Slipper Orchid Alliance

The Slipper Orchid Alliance will join the 3rd Slipper Symposium on Saturday, November 4, 2000, at the Ramada Plaza Hotel, Kissimmee, Florida. A full program with international speakers is planned, followed by a BBQ dinner and benefit auction for The Slipper Orchid Alliance. The speakers will be:

Tom Kalina of Fox Valley Orchids, Villa Park, Illinois on "Paph Species into the New Millennium."

Tom Brown of the Eric Young Foundation, Jersey, United Kingdom, on "The Eric Young Orchid Collection."

Jerry Fischer of Orchid Limited, Plymouth, Minnesota, on "Paphiopedilums and Other Orchids of Borneo."

T. Mark Thurmond ,U.S. Department of Agriculture, Orlando, Florida, on "The USDA's View of CITES and Orchids."

On Saturday there also will be vendor sales at the Symposium and, on Sunday, November 4, there will be an open house at Ratcliffe Orchids.

Registration is $100 per person, plus $10 for the BBQ dinner. Registration packages may be obtained from either The Slipper Orchid Alliance, 950 Wikiup Drive, Santa Rosa, CA 95403 or from Ratcliffe Orchids, 2501 Sand Hill Road, Kissimmee, FL 34747. A group registration by the SOA of 10 or more members is $75 per person, plus $10 for the BBQ. Ramada Plaza Hotel registrations ($65.00 per room night) may be made at (407) 396-4320.