United States Department of Agriculture

Animal and Plant Health Inspection Service

Plant Protection and Quarantine

Federally Recognized State Managed Phytosanitary Program Manual

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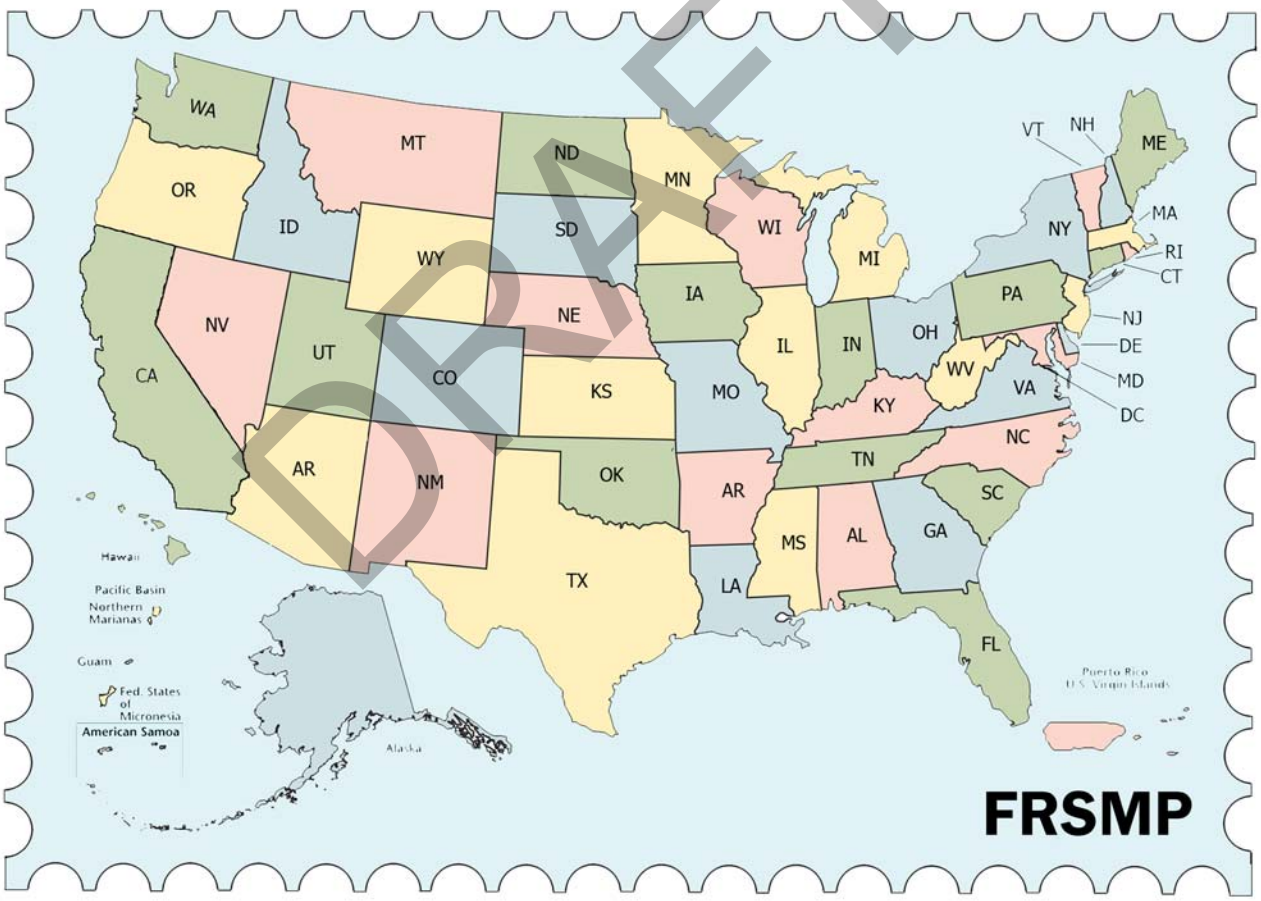

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1 Introduction

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Overview

Definition

The International Standard for Phytosanitary Measures No. 5 of the International Plant Protection Convention (IPPC) defines official control as "the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests." This definition refers to regulated pests in an importing country that are present but not widely distributed.

USDA-APHIS-PPQ is basing the Federally Recognized State Managed Phytosanitary (FRSMP) Program on the guidelines for the application of official control as outlined in ISPM No 5 Supplement No. 1. In addition to eradication and containment programs, USDA-APHIS-PPQ will recognize programs that exclude a pest based on the same criteria. States will be required to provide evidence that introduction of a pest presents an economic or environmental risk and that they take phytosanitary action domestically, thereby justifying equivalent action at ports of entry for the protection of the endangered area.

Purpose

The purpose of the FRSMP Program is for APHIS-PPQ to recognize State programs to eradicate, exclude, or contain any plant pest that is not eradicated or contained by APHIS-PPQ. Through this program, APHIS-PPQ will recognize state quarantines at Ports of Entry.

As per the guidance of the IPPC, shipments containing pests under recognized state management will be subject to equivalent phytosanitary requirements in domestic and foreign commerce.

Users

Users of the FRSMP Program Manual may include the following:

- State Plant Regulatory Officials
- Official Control Advisory Panel
- PPQ Headquarters Staff
- PPQ Regional Staff
- PPQ Identifiers and Plant Inspection Station Staff
- Department of Homeland Security, Customs and Border Protection personnel

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Scope

This manual applies to the whole process that may be adapted and used by PPQ for the following:

- Recognition of State managed phytosanitary programs
- Detection of plant pests under recognized State management at ports of entry

Authorities and Related Documents

- Manual for Agricultural Clearance
- Plant Inspection Stations Manual
- Plant Protection Act 2000
- PPQ Treatment Manual
- 7 CFR 330.106
- Job Aids

- State laws
- International Plant Protection Convention 1997
- The World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures

How to Use the Manual

Review the contents of this manual to get a feel for the scope of material covered. Glance through the section that you'll be using, and familiarize yourself with the organization of the information.

Use the table of contents for each section to find the information you need. If the table of contents is not specific enough, then turn to the index to find the topic and its page number.

Keeping Your Manual Current

The most up-to-date version of the FRSMP Program Manual will always be available on line at the PPQ Manuals Unit web site.

Transmittals

This manual and its subsequent revisions will be accompanied by transmittal announcements. These will be numbered consecutively—allowing you to know if you've missed something.

Knowing What's Revised

Except for changes to the Index, revisions will be marked with change bars (vertical lines).

Your Responsibilities

1. Read all revisions when you receive the transmittal announcement.
2. Use the comment sheet to let us know if something is wrong or unworkable.

Conventions

Conventions are established by custom and are widely recognized and accepted. Major conventions used in this manual follow.

Boldfacing

Boldfaced type is used to highlight negative or important words throughout the manual. Examples of these words include: **not**, **do not**, **except**, **never**, **other than**.

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Bullets

Bulleted lists indicate that there is no order to the information listed.

Table of Contents

Chapter sections include a table of contents that lists the heading titles.

Control Data

Information placed at the top and bottom of each page helps users to keep track of their location in the manual. At the top of the page is the chapter, section, and first-level heading. At the bottom of the page is the month, year, manual transmittal number, title, page number, and unit responsible for content.

Heading Levels

Each section contains three headings. The first heading is indicated by a horizontal line followed by the title which continues across both the left and right columns. The second heading is in the right-hand column with the text beginning below it. The third heading is in the left-hand column and used to easily scan topics.

Hypertext

Blue colored hypertext indicates an active link to another section of the manual, E-mail address, or web site.

Numbering Scheme

A three-level numbering scheme is used to indicate pages, tables, and figures. The first number represents the chapter. The second number represents the section. The third number represents the page, table, or figure. This numbering scheme allows for easier updating and adding pages.

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2 Policy

FRSMP Program Manual

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Purpose

The purpose of this document is to communicate PPQ's policy for the recognition of State managed phytosanitary programs. We are establishing this policy though regulatory authority provided by Section 412 of the Plant Protection Act (PPA) (7 U.S.C. 7712) and in alignment with International Standard for Phytosanitary Measures (ISPM) No. 5, Supplement No.1, Guidelines on the Interpretation and Application of the Concept of Official Control for Regulated Pests.

The purpose of the Federally Recognized State Managed Phytosanitary Program (FRSMP) is to provide federal recognition of official control programs implemented by States to eradicate, contain, and/or exclude a plant pest that is otherwise not regulated through a federal domestic program by PPQ. When a pest is detected at a U.S. port of entry, PPQ will establish complementary regulatory policies to prevent movement of the pest in imported commodities and/or conveyances destined to States where a FRSMP Program is in place for that pest. The International Plant Protection Convention (IPPC) includes provisions for the implementation of official control programs (eradication or containment) by sub-national authorities such as States, provided such programs are officially authorized and audited by the National Plant Protection Organization (NPPO). As the NPPO for the United States, PPQ has discretionary authority to recognize State programs under the Plant Protection Act of 2000 (PPA). PPQ will extend eligibility to programs that exclude a pest from a State where it is not present, but which would be economically or environmentally endangered by its introduction. This additional consideration is supported by the IPPC's ISPM No. 5 Supplement No. 1. "General Requirements" for official control include "measures related to controls on movement into and within the protected area(s) including measures applied at import." Any State(s) that can justify they would be economically or environmentally endangered by the introduction of a particular pest can apply for the designation "protected area" if the pest is not present or if present, is being officially contained or eradicated.

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Background

Under Section 412 of the PPA, the Secretary of Agriculture may prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination of a plant pest or noxious weed within the United States. The Secretary has delegated the authority for enforcing the PPA to the APHIS Administrator.

While the Secretary has the authority to regulate all plant pests, the Secretary has chosen to narrow the scope of the plant pests that require action at the U.S. ports of entry to be consistent with international obligations. As a contracting party to the IPPC, which is recognized in the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures as the standard-setting body for international phytosanitary issues, the United States has agreed to observe the general and specific principles of the convention as they relate to international trade. One such general principle provides that "countries shall institute restrictive measures only where such measures are made necessary by phytosanitary considerations, to prevent the introduction of quarantine pests." Accordingly, there is an expectation on the part of other contracting parties to the IPPC (i.e., our trading partners) that APHIS would not exercise its authority under the PPA to prohibit or restrict the importation of a plant, plant product, or other article unless such action was necessary to prevent the introduction of a quarantine pest.

The IPPC's "Glossary of Phytosanitary Terms" defines quarantine pest as "a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being official controlled." While the first consideration ("a pest of economic importance…not yet present there") may be readily understood, the concept of "official control" is subject to further definition. Specifically, the IPPC defines official control as "The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests." A regulated non-quarantine pest is defined as a non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party. PPQ will not offer the option of regulated non-quarantine pest programs at this time.

An FRSMP Program addresses pests of limited distribution within the United States that are not currently regulated under a domestic federal program or quarantine pests that are being considered for deregulation, as well as regulated non-quarantine pests. In the interest of protecting areas that would be economically or environmentally endangered by the introduction of a quarantine pest of limited distribution, USDA will also consider State programs for plant pest exclusion.

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Under this program, PPQ will be responsible for policies regarding port inspections that restrict commodities infested with a particular pest destined for protected States. State partners will be responsible for collaborating on a common program for each pest, establishing eradication, control, or exclusion programs and petitioning for federal recognition of those programs. PPQ will enter into a Memorandum of Understanding (MOU) with a State upon recognition of its program, to which subsequent FRSMP Program pests will be added. Phytosanitary requirements for interstate commerce into FRSMP States will be equivalent to those expected from foreign trading partners.

Policy

For recognition of FRSMP programs, PPQ intends to accept petitions (one common petition for each pest) from interested States, review the petitions, and make decisions based on the established criteria and standards. PPQ will notify the States of the decision. If PPQ accepts the FRSMP program, PPQ will establish a policy to take action at U. S. ports of entry for such pests destined to a State with a FRSMP program. Pests in federally recognized programs will be regulated to State level at ports of entry. PPQ will continue its policy to take action on pests that are pending review under the FRSMP Program, but this status will change when:

1. An FRSMP program is established and recognized,
2. States have expressed no interest in a FRSMP program, or
3. States are unable to establish an FRSMP program that meets international requirements and PPQ cannot justify continued action.

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Definitions

Refer to the **Glossary** for definitions.

Process

Draft Process for States to Petition for Federal Recognition of a Phytosanitary Program

1. The SPRO uses a checklist to evaluate the pest candidate and consults with the PPQ FRSMP Coordinator for questions.
2. If the pest candidate is suitable, the SPRO then notifies the NPB of intent to petition. The SPRO will contact the NBP President and Executive Secretary, and may consult with the PPQ FRSMP Program Coordinator.
3. The NPB solicits interest from other SPROs, working through Regional Presidents. Refer to **Table 2-1-1** below for options.

TABLE 2-1-1: State Petition Process

If other SPROs are:	Then:
Interested	1. The NPB makes a list of interested SPROs; forwards to initial SPRO and the PPQ FRSMP Program Coordinator. 2. Interested SPROs collaborate on a mutually agreeable program. The initiating SPRO may lead the process and sponsor the petition. 3. The Sponsor SPRO submits the petition to the PPQ FRSMP Program Coordinator.
Not interested	The SPRO submits the petition to the PPQ FRSMP Program Coordinator.

Alternate Process for PPQ-initiated FRSMP Program Decisions (including deregulation evaluation of established pests)

The PPQ FRSMP Program Coordinator will establish a list of regulated pests that may be considered for State managed phytosanitary programs because they have been established in the United States. PPQ will reconsider the regulatory status of these pests pending a decision for a State managed phytosanitary program by presenting up to 10 pests to the National Plant Board periodically throughout the year. Risk information will be included for each pest. If no SPRO is interested, the pest will be removed from the pending list and action will no longer be taken at ports of entry for that pest. If a State or States indicate interest in a phytosanitary program for a particular pest, States will be given 60 days to consider a proposed candidate for a FRSMP Program petition. After 60 days, if no State expresses interest, PPQ will stop taking action on that pest at ports of entry.

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1. PPQ FRSMP Program Coordinator approaches NPB for evaluation of pests for FRSMP programs.
2. The NPB Board of Directors (BOD) consults members. Refer to **Table 2-1-2** below for possible outcomes of the evaluation.

TABLE 2-1-2: Alternate Process

If the FRSMP Program is:	Then:
Justified	1. The first SPRO to express interest in a FRSMP program may become the sponsor. 2. The sponsoring SPRO submits a petition for the FRSMP program to PPQ.
Not justified	1. The NPB notifies the PPQ FRSMP Program Coordinator that a program for that pest is declined. 2. PPQ deregulates the pest at U.S. ports of entry.

FRSMP Program Internal Process to Evaluate Petitions

1. The State sponsor submits a petition to the PPQ FRSMP Program Coordinator.
2. The PPQ FRSMP Program Coordinator checks to make sure the petition is complete. If the petition is complete, refer to OCAP and use **Table 2-1-3** below. If the petition is **not** complete, contact the applicant to address incomplete areas.

TABLE 2-1-3: PPQ Internal Process

If the petition:	Then:
Meets criteria	1. Recommend approval of petition. 2. Issue Letter of Recognition to petitioning States, SPRO letter. 3. Notify designated PPQ groups.
Does not meet criteria	1. Engage in further discussion/provide reasons/reconsider. 2. If after further discussion and reconsideration, the petition still **does not** meet criteria, then recommend denial of the petition.

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State Submits Petition for Federal Recognition of FRSMP Program

The following information will be required in a Petition for Federal Recognition of a State-managed phytosanitary program (see **Table 2-1-1** on **page 2-5** and **Table 2-1-2** on **page 2-6**):

Protocol for Quarantine Pests

1. Presence

   Provide evidence the pest does not exist in the State, or if it does exist, that it is being contained or there are programs in place for eradication. Include appropriate survey data; define the infested area(s), endangered area(s), and protected area(s), and the procedures used for establishing containment (including exclusion) or eradication.

2. Possible entry and establishment

   Provide evidence that the pest could enter and become established in the State, or if it already exists in the State, that it could become widespread.

3. Economic/environmental harm

   Provide evidence that the pest could cause economic and/or environmental harm in the State.

4. Maintenance/Verification

   Provide a description of the State actions used to maintain and monitor for pest freedom, limit distribution, or containment including a description of monitoring programs.

5. Quarantine regulations

   Provide a copy of the State, local or tribal quarantine regulations that provide for enforcement of the appropriate programs. (Pests in federally recognized programs will be regulated to State level at ports of entry.)

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Protocol for Regulated Non-Quarantine Pests (RNQP)

The RNQP option is not currently available.

1. Economic harm/Vulnerability

   Provide evidence that a particular pest could cause significant harm to plants for planting if the pest was not managed through a certification program.

2. Quarantine regulations/Testing

   Provide evidence the State has regulatory authority and a program established to manage the levels of the pest in plants for planting that are the hosts for the pest and a copy of the State, local or tribal quarantine regulations that provide for the enforcement of a management program, and testing protocols. Provide a description of recent State actions taken under these regulations and the testing protocols used in the program.

3. Management/Verification

   Provide a description of State actions used to manage the level and/or verify producers' management of pest in the plants for planting, where the pest is maintained below a level that can affect production, health, or marketability of plants for planting and cause an unacceptable economic impact to those plants.

FRSMP Program Coordinator Receives Petition from a State

Upon receipt of a petition from a State, the FRSMP Program Coordinator will track petition applications.

Quarantine Pests

The FRSMP Program Coordinator will verify completeness of submission of information for a proposed quarantine pest, including checking the petition for:

- Evidence the pest does not exist in the State, or if it does exist, it is being contained or eradicated
- Evidence pest could enter and become established in the State, or if already present could become widespread
- Evidence that the pest could cause economic and/or environmental harm in the State
- Characteristics that may make the State vulnerable
- State actions used to maintain pest freedom or limit distribution
- Verification that a program exists to assure pest freedom is maintained (if never present or eradicated)
- A copy of the State, local or tribal quarantine regulations that provide for enforcement of the appropriate programs

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After reviewing the petition, the FRSMP Program Coordinator will proceed to the next step if complete. If the petition is incomplete, the FRSMP Program Coordinator will contact the petitioner for areas that need to be addressed.

Regulated Non-Quarantine Pests

The RNQP option is not currently available.

The FRSMP Program Coordinator will verify completeness of submission of information of a proposed regulated non-quarantine pest, including checking the petition for:

- Evidence the pest could cause significant harm to plants for planting if not managed through a certification program
- Evidence the State has regulatory authority and a program established to manage the levels of the pest in plants for planting that are hosts for the pest
- Evidence the State has regulatory authority and a program established to manage the levels of the pest in plants for planting that are the hosts for the pest and a copy of the State, local or tribal quarantine regulations that provide for the enforcement of a management program, and testing protocols. Provide a description of recent State actions taken under these regulations and the testing protocols used in the program.
- State actions to manage the level and/or verify producers' management of the pest in plants for planting where the pest is maintained below a level that can affect production, health or marketability of plants for planting and cause an unacceptable impact to those plants

After reviewing the petition, the FRSMP Program Coordinator will proceed to the next step if complete. If the petition is incomplete, the FRSMP Program Coordinator will contact the petitioner for areas that need to be addressed.

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Official Control Advisory Panel (OCAP) Review Process

See **Table 2-1-3** on **page 2-6** for detailed information.

The FRSMP Program Coordinator will refer petitions to the OCAP.

- FRSMP evaluation criteria will guide the panel's decision
- The criteria to be used by the OCAP in making its determination about whether to recommend approval or denial of the petition may include:
  - Pest risk argument that demonstrates that the pest does not occur in the proposed protected areas by citing sources such as supporting survey data
  - Pest risk argument that demonstrates that the pest is economically/environmentally significant and likely to establish in the proposed protected areas
  - Proposed measures that are the least restrictive needed to assure adequate protection
  - Domestic measures, including those administered by States, that are equivalent to international measures
  - Proposed measures apply only to shipments entering proposed protected areas
  - Protected area should not be highly susceptible to unimpeded natural spread of the pest
- At a minimum, panel members will include the FRSMP Program Coordinator and designee of the Emergency and Domestic Programs (EDP) Associate Director, National Identification Services Staff member as primary Plant Health Programs (PHP) representative, Center for Plant Health Science and Technology technical representative, Eastern and Western Regional Representatives
- Upon review, the OCAP will recommend acceptance or denial of the petition to the Directors of EDP and PHP, who will review and recommend a decision to the PPQ Deputy Administrator for final approval

Upon petition acceptance and program implementation, the FRSMP Program Coordinator will notify the following APHIS-PPQ staffs: Center for Plant Health Science and Technology; Regulations, Permits & Manuals; National Identification Service; Phytosanitary Issues Management; Quarantine Policy & Analysis Staff; Emergency & Domestic Programs; cc: Executive Director Plant Health Programs; Assistant Deputy Administrator, Emergency and Domestic Programs.

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The FRSMP Program Coordinator will assure the issuance of a SPRO letter and add the program to the FRSMP Program website and manual. National Identification Services will update the database with pest name, status (quarantine pest or regulated non-quarantine pest) and regulated States.

Approved Programs

Approved programs will be subject to audit/monitoring requirements. State Departments of Agriculture will assure program data is entered into the appropriate database and will be required to submit annual reports.

Memorandum of Understanding (MOU)

Upon approval of a petition, program States (Cooperators) will enter into an MOU with USDA-APHIS-PPQ. If a State finds a FRSMP Program pest upon inspection of a product and determines that the product is in foreign commerce, then the State must notify PPQ and cooperate with PPQ as to what mitigations need be applied.

Termination

- States may notify the FRSMP Program Coordinator of a decision to terminate an approved program
- After discussions with State Partners, APHIS-PPQ may terminate federal recognition of a program for non-performance

Action to Support the FRSMP Program at Ports of Entry

An Emergency Action Notification – PPQ Form 523 (EAN) is used for Formal Communication of Remedial Measures. When a pest is detected on an imported commodity, and PPQ identifies it as under the FRSMP Program, the following procedure will take place:

NOTICE

For a shortened summary of the following procedure, refer to **FRSMP Program Flow**, **Table 2-1-4** on **page 2-12**.

If the commodity enters a port in a State or is destined to a State which has a federally recognized State managed phytosanitary program, the options to the importer will be the least restrictive measure that is feasible and adequate to prevent the dissemination of any plant pest new to or not known to be widely prevalent or distributed as per the Plant Protection Act of 2000. The CBPAS or PPQ Officer will follow the appropriate manual for specific instructions.

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If the commodity is not arriving in or destined to a State having a federally recognized State managed phytosanitary program, no regulatory action will be taken on the commodity. The EAN, however, will be issued as an official notice to the owner or his agent. PPQ identifiers or National Identification Services through PPQ identifiers will relate the remedial action to the CBPAS or PPQ Officer who is issuing the EAN. The CBPAS or PPQ Officer will follow the appropriate manual for specific instructions.

The EAN will communicate that remedial measures are required before the commodity can move to a FRSMP Program State for that pest. Should a future decision be made to move the shipment to a State with a FRSMP program for the pest present in the shipment, the shipment must meet treatment requirements in order to be moved there. The EAN may show the FRSMP website for additional information. Failure to comply with those requirements will be cause for a violation under Section 414 of the Plant Protection Act.

FRSMP Program Process at Port of Entry

1. The Agricultural commodity is imported and inspected at the U.S. port of entry (POE).
2. A plant pest is detected and identified. For a more detailed description of the process, refer to the Manual for Agricultural Clearance or the Plant Inspection Stations Manual.

FRSMP Program Flow

A FRSMP Program pest[1] is detected on an imported shipment. Refer to **Table 2-1-4** below for the process.

TABLE 2-1-4: FRSMP Program Flow

If the shipment is:	Then:
Arriving in or destined to a FRSMP State	(1) TREAT; (2) RE-EXPORT; or (3) DESTROY
Not arriving in or destined to a FRSMP State	1. INCLUDE notice of restricted destinations on the EAN 2. RELEASE the shipment 3. PPQ generates internal alert

1 FRSMP pests are quarantine pests that require phytosanitary action.

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FRSMP Program Internal Process to Evaluate Compliance

When the EAN communicating required remedial measures is issued to an owner or agent whose commodity is not destined to a State with a federally recognized State managed phytosanitary program, PPQ will also communicate with the appropriate internal PPQ group for periodic quality assurance follow up in the market place. The internal PPQ group may confirm by shipping records that the shipment did not move to that State. If records indicate that the shipment did indeed enter the State without remedial measures, State and/or federal agencies may pursue a violation.

Preclearance

PPQ Preclearance Work Plans will include options for remedial action when a FRSMP Program pest is detected upon inspection in the exporting country.

Notice to Industry and Trading Partners

When PPQ's FRSMP Program becomes operational, PPQ will submit a Federal Register Notice, followed by a World Trade Organization Notice. PPQ will announce new programs in a press release, which will also be listed on the APHIS home page "In the News" section. The PPQ Stakeholder Registry will provide communication of new programs to those subscribed as requesting notices of official control/FRSMP. PPQ will issue a SPRO Letter. PPQ will post all programs and related information to the public on the FRSMP Program website. To clarify pest presence, State programs will be identified as for containment, eradication, or exclusion.

Inquiries

Direct inquiries to Diane Schuble (Diane.L.Schuble@aphis.usda.gov), National Coordinator for Official Control at (301) 851-2334.

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FRSMP Program Manual

Procedures

Guidelines for Federal Recognition of a State Managed Phytosanitary Program

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Introduction

This guideline describes procedures established by the Animal and Plant Health Inspection Service, Plant Protection and Quarantine (APHIS-PPQ) to petition the Agency for official recognition of state-level plant pest regulations and associated actions. This program contributes to the accomplishment of USDA-APHIS Mission Priority #1 to strengthen safeguarding systems domestically and in other countries, and Mission Priority #3 to facilitate safe agricultural trade through effective management of sanitary and phytosanitary issues, as stated in the APHIS Strategic Plan (2007-2012).

International Framework

As a member of the World Trade Organization (WTO) the U.S. agrees to observe the provisions of WTO agreements, including the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). APHIS-PPQ is the U.S. Agency with primary responsibility for the implementation of phytosanitary measures. As such, PPQ is also responsible for provisions of the Agreement related to phytosanitary measures, including those implemented in the U.S. by other than the national government. PPQ's role in this regard is to ensure that these entities comply with relevant provisions of the Agreement and do not take measures which are, directly or indirectly, inconsistent with the provisions of the Agreement. Further clarification of the role of PPQ under the SPS Agreement is provided by the International Plant Protection Convention (IPPC) and associated international standards. The IPPC is specifically identified by the SPS Agreement as holding the responsibility for standard setting associated with phytosanitary measures.

Under the IPPC's International Standards for Phytosanitary Measures (ISPM) No.5, Supplement No.1, a national government or a National Plant Protection Organization (NPPO) should establish or recognize Official Control under appropriate legislative authority. The national government or NPPO should perform, manage, supervise, or at minimum, audit/review the Official Control program and ensure its enforcement. Agencies other than the NPPO may be responsible for aspects of official control programs, and certain aspects of official control programs may be the responsibility of sub-national authorities.

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Regulatory Conditions For Implementation

APHIS-PPQ has the primary authority and responsibility for phytosanitary measures associated with preventing the introduction and spread of exotic plant pests. In instances where a plant pest has become established in the United States but APHIS-PPQ decides not to take regulatory actions or establish regulatory programs, States may take actions and establish programs without risk of preemption. APHIS-PPQ can officially recognize these programs as the basis for taking regulatory actions at ports of entry which are consistent with the intent of the State-managed program.

There are two situations where States may apply for Federal recognition of their phytosanitary programs:

1. When APHIS-PPQ does **not** regulate a plant pest of limited distribution in the United States, a State that has that pest within its own borders may implement procedures to contain or eradicate the plant pest or to contain the plant pest within its borders.
2. When APHIS-PPQ does **not** regulate a plant pest of limited distribution in the United States, a State **without** that pest may implement procedures to exclude the pest in order to prevent the risk of introduction of the plant pest within its borders.

When there is a possibility that a trading partner may challenge APHIS-PPQ's import requirements based on the presence of a regulated pest in the United States, APHIS-PPQ may encourage a State where that pest occurs to establish a State Managed Phytosanitary Program which can be recognized by APHIS-PPQ and thereby provide the justification for consistent actions against the same pest when found with imports at ports of entry.

Without Federal recognition of a State Managed Phytosanitary Program, the pest's regulatory status when found with imports may change from actionable to non-actionable, i.e. no action will be taken if the pest is detected at ports of entry. Establishing a State Managed Phytosanitary Program that is officially recognized by APHIS-PPQ ensures that action will be taken at ports of entry if the imported article is destined to a recognized State and avoids potential discrimination claims by trading partners.

To obtain a program's designation as a FRSMP Program, States (through the National Plant Board) must petition APHIS-PPQ to recognize their established or proposed programs to exclude, eradicate or contain a regulated plant pest.

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Petition Procedures

The State should provide the following supporting information and documentation:

1. Presence

Evidence the pest does not exist in the State, or if it does exist, that it is being contained or there are programs in place for eradication. Include appropriate survey data, define the infested area(s), endangered area(s), and protected area(s), and the procedures used for establishing containment (including exclusion) or eradication.

2. Possible Entry and Establishment

Evidence that the pest could enter and become established in the State, or if it already exists in the state, that it could become widespread.

3. Economic/Environmental Harm

Evidence that the pest could cause economic and/or environmental harm in the State.

4. Maintenance/Verification

A description of the State actions used to maintain and monitor for pest freedom, limit distribution, or containment (including exclusion) including a description of monitoring programs.

5. Quarantine Regulations

A copy of the State, local or tribal quarantine regulations that provide for enforcement of the appropriate programs.

Protocol for Regulated Non-Quarantine Pests (RNQP)

The RNQP option is not currently available.

The State should provide the following supporting information and documentation.

1. Economic Harm/Vulnerability

Evidence that a particular pest could cause significant harm to plants for planting if the pest was not managed through a certification program.

2. Quarantine Regulations/Testing

Evidence the State has regulatory authority and a program established to manage the levels of the pest in plants for planting that are the hosts for the pest and a copy of the State, local or tribal quarantine regulations that provide for the enforcement of a management program, and testing protocols. Provide a description of recent State actions taken under these regulations and the testing protocols used in the program.

3. Management/Verification

A description of State actions to manage the level and/or verify producers' management of pest in the plants for planting, where the pest is maintained below a level that can affect production, health, or marketability of plants for planting and cause an unacceptable economic impact to those plants.

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Where to Send a Petition

Please send your Petitions for federal recognition of a state managed phytosanitary program for both quarantine and regulated non-quarantine pests, or your questions regarding the program, to Ms. Diane Schuble, Staff Officer, Emergency and Domestic Programs, PPQ, APHIS, at Diane.L.Schuble@aphis.usda.gov.

Administrative Requirements

APHIS-PPQ will require State Plant Regulatory Officials, to commit, in writing, the willingness to allocate resources necessary to implement and maintain the program. State Plant Regulatory Officials will identify the State's authority by citing the relevant regulations. State Plant Regulatory Officials will provide a description of how to implement the program, such as surveys, inspections, and compliance agreements.

Criteria Used to Evaluate the Petition

Refer to **Appendix D** for criteria for the recognition of State-managed phytosanitary programs.

Audit/Review Requirements

States will submit annual accomplishment reports and APHIS-PPQ will audit programs for survey and monitoring in order to confirm compliance. APHIS-PPQ will base the audits on the procedures submitted in protocol items 1, 4, and 5 for Quarantine Pests and protocol item 3 for Regulated Non-Quarantine Pests. Any non-compliance must be addressed appropriately.

Definitions

Refer to the **Glossary** for definitions.

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FRSMP Program Manual

Procedures

Special Procedures

Contents

(Under development. This section will describe PPQ domestic procedures when PPQ field staff encounter a FRSMP pest in a FRSMP State.)

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4 Roles and Responsibilities

FRSMP Program Manual

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State Plant Health Directors (SPHDs) **page 4-1-2**
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- National Coordinator **page 4-1-3**
- Emergency Management Staff **page 4-1-4**
- Domestic Program Staff **page 4-1-4**

Plant Health Programs (PHP) **page 4-1-5**
- Phytosanitary Issues Management (PIM) **page 4-1-5**
- National Identification Services (NIS) **page 4-1-5**
- Manuals Unit (MU) **page 4-1-5**
- Plants for Planting Import and Policy **page 4-1-5**
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Professional Development Center (PDC) **page 4-1-6**
Center for Plant Health Science and Technology (CPHST) **page 4-1-6**
Customs and Border Protection (CBP) **page 4-1-6**

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State Plant Regulatory Officials (SPROs)

- Decide what pest to consider
- Evaluate the pest for a State-managed program
- Contact Plant Protection and Quarantine (PPQ) staff for discussion or to request information if desired – for example:
  - State Plant Health Director
  - Regional Program Manager
  - National Identification Services
  - National Coordinator for Official Control
- Consult with Regional Plant Board /National Plant Board/Tribes
- Collaborate with other SPROs
- Design a State-managed program, conscious of non-discrimination & equivalency requirements for material moving in foreign trade
- Complete a petition
- Manage a recognized program
- Assure reporting requirements to PPQ are met

National Plant Board (NPB)

- Consultation
  - Discuss/assist in evaluation of a candidate pest
- Clearing house role
  - When approached by SPRO interested in a program for a pest, solicit interest from members
  - When approached by PPQ to evaluate a pest for FRSMP Program or to decline to regulate, solicit interest from members

State Plant Health Directors (SPHDs)

- Consultation
  - Obtain information for SPRO from National Identification Services (NIS) and or Emergency & Domestic Programs (EDP) for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, if contacted
- Assist EDP National Coordinator with audit of a recognized program
  - Join periodic site visits, as requested
  - Assist in the review of program records, as requested
  - Consult with EDP National Coordinator, as requested
- Act as Authorized Departmental Officer's Designated Representative (ADODR) for MOU with program States
- Notify SPRO, Region, and EDP National Coordinator if pest is detected by SITC or other PPQ field staff
  - If in domestic commerce, PPQ role is ended
  - Approve actions needed on commodities that may still be in foreign commerce, as per terms of MOU

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Regional Program Managers (RPMs)

- Consultation
  - Obtain information for SPRO from NIS and/or EDP for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, if contacted
- Review petition as Official Control Advisory Panel (OCAP) member
  - Recommend approval or denial
- Assist EDP National Coordinator with audit of a recognized program
  - Join periodic site visits, as requested
  - Assist in the review of program records
  - Consult with EDP National Coordinator
- Cooperate with States on actions needed on commodities that may still be in foreign commerce, as per terms of MOU

Emergency & Domestic Programs (EDP)

Associate Director

- Consultation
  - Obtain information for SPRO for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, if contacted
- Review petition as EDP representative to OCAP
- Delegate OCAP role to Subject Matter Expert (SME) on EDP staff

National Coordinator

- Consultation
  - Obtain information for SPRO for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, if contacted
- Track and propose potential FRSMP Program pests whose quarantine status requires re-evaluation
- Work with Manuals Unit to update FRSMP Program manual

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- Coordinate the processing of petitions
- Review petition as OCAP chair
  - Recommend approval or denial
- Audit established programs
- Cooperate with States on actions needed on commodities that may still be in foreign commerce, as per terms of MOU
- Communicate and coordinate pest and program information within PPQ, with other APHIS/USDA/Federal groups, and stakeholders in State Departments of Agriculture, industry, academia, and non-governmental organizations
  - Coordinate with CPHST and PIM to determine economic and environmental risk categorization for potential FRSMP Program pests
  - Coordinate with CPHST and NIS to present pests for National Plant Board concurrence in the Deregulation Evaluation of Established Pests (DEEP) process
  - Field importer questions concerning FRSMP Program

Emergency Management Staff

- Consultation
  - Obtain information for SPRO from NIS and or EDP for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, SPHD or RPM, if contacted
- Review petition as OCAP member as delegated by EDP Associate Director
- Collaborate on the tracking of newly established pests in the United States
- Refer possible candidates to FRSMP Program when decision is made not to conduct domestic program for a pest

Domestic Program Staff

- Consultation
  - Obtain information for SPRO from NIS and or EDP for a potential FRSMP Program pest, if contacted
  - Discuss suitability for FRSMP Program with SPRO, SPHD or RPM, if contacted
- Review petition as OCAP member as delegated by EDP Associate Director

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- May recommend a current EDP Program for FRSMP Program consideration
- May monitor under discretionary Cooperative Agricultural Pest Survey (CAPS) Program

Plant Health Programs (PHP)

Phytosanitary Issues Management (PIM)

- Identify trade concerns to EDP National Coordinator for follow up
- Evaluate a proposed pest for export concern
- Collaborate on issues involving FRSMP Program and International Plant Protection Convention (IPPC)/North American Plant Protection Organization (NAPPO)

National Identification Services (NIS)

- Provide port of entry information on pests
- Consult with SPROs as requested
- Represent PHP in the review of petitions as OCAP member
- Recommend approval or denial

Manuals Unit (MU)

- Maintain FRSMP Program Manual
- Update Manual for Agricultural Clearance (MAC), Plant Inspection Stations Manual, Treatment Manual, and other manuals or job aids relative to FRSMP Program revisions

Plants for Planting Import and Policy

- Review proposed and final FRSMP pest lists to determine if there are any impacts on PRAs/market access requests that are currently in development
- Determine whether actions may be needed on PRAs from the past (which support existing market access)

Smuggling Interdiction and Trade Compliance (SITC)

- Check target shipment ID numbers when in the marketplace in relevant program States, as able
  - If target shipment ID found, issue Emergency Action Notification (EAN), notify SPHD
- If any inspection results in interception of a FRSMP program pest in a FRSMP program State, notify SPHD

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Professional Development Center (PDC)

- Instruct CBP participants on FRSMP Program in CBP Agricultural Quarantine Inspection Training
- Instruct PPQ participants on FRSMP Program in position related training

Center for Plant Health Science and Technology (CPHST)

- Share risk information as available and as requested
- Evaluate proposed pests for environmental/economic risk
- Evaluate and report on pests for the collaborative PPQ/NPB effort – DEEP Process
- Review petition as OCAP member
  - Recommend approval or denial

PPQ Deputy Administrator

- Review OCAP recommendation
- Approve or deny an evaluated petition

Customs and Border Protection (CBP)

- Inspect commodities as per MAC
- Process interceptions as per MAC
- Take action as per MAC

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FRSMP Program Manual

Evaluation Criteria Process

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(Under development. For evaluation criteria, refer to **Appendix D**.)

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6 Quality Assurance

FRSMP Program Manual

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State Plant Health Directors (SPHDs) in FRSMP Program States Receive Advisory **page 6-1-1**
SPHD Delegates to Supervisor **page 6-1-1**
Supervisor Evaluates Workload **page 6-1-1**

Domestic Agricultural Quarantine Inspection (AQI) Review Process

The Domestic AQI Review Process for the Federally Recognized State Managed Phytosanitary (FRSMP) Program is described below.

State Plant Health Directors (SPHDs) in FRSMP Program States Receive Advisory

1. Quarantine Policy, Analysis and Support (QPAS) generates a canned report/advisory each week.
2. The report goes to the SPHDs of States with FRSMP Program for pests that have entered the U.S. destined for non-FRSMP Program States. The report/advisory should be automatically generated to all intended recipients so as not to rely on email.

SPHD Delegates to Supervisor

The SPHD may evaluate and assign directly or delegate that task.

1. In cooperation with the State, the SPHD will consider the importance of the pest to that State.
2. The SPHD or supervisor will consider the PPQ workload.

Supervisor Evaluates Workload

1. The SPHD/supervisor evaluates the workload for his/her staff.
2. Each SPHD/supervisor in each office in each FRSMP State location makes an independent decision relevant to his/her particular staff.
3. The SPHD or supervisor may take into account a daily assignment that may be in markets or nurseries where officers could easily add on the task, checking the advisory in places they are already assigned.

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After evaluating staffing levels and current assignments, the supervisor will decide to:

- **Not** check for FRSMP advisory, **or**
- Assign the advisory to officers

If the supervisor assigns the advisory to officers, the following considerations apply:

- The supervisor may assign officer to "be on the lookout" for the FRSMP ID information in the advisory
- The supervisor reports negative/positive result to SPHD chain and HQ (simple email is satisfactory)
- A positive find requires an Emergency Action Notification (EAN) and is reported to the SPHD for follow-up

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FRSMP Program Manual

Program Termination

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(Under Development)

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FRSMP Program Manual

Appendix A

Forms

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PPQ Form 523, Emergency Action Notification **page A-1-4**

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USDA/APHIS National Plant Board FRSMP Petition Template

USDA/APHIS
National Plant Board FRSMP Petition Template

Scientific name:
Order / Family
Common Name(s):
Synonym(s):

Absence or limited distribution: Provide reasonable evidentiary documentation such as comprehensive surveillance data or scientific and academic literature.

Biology: Provide pertinent information on how the pest is behaving in the United States. Provide references.

Domestic distribution: Provide a list of states where your pest occurs in states in the United States. Use the IPPC (2007) definition of establishment, which is: "Perpetuation, for the foreseeable future, of a **pest** within an **area** after **entry** [FAO, 1990; revised FAO, 1995; IPPC, 1997; formerly **established**]." Provide references.

Host range: Provide a list of hosts that are of importance to the State arranged by plant family (*e.g.*, **Family** - *Scientific name* (common name), **Family** - *Scientific name* (common name) (references)). Provide specific notes (if any) in a separate paragraph (*e.g.* highlighting primary hosts, explaining discrepancies in host data...). Provide references.

Potential pathways of introduction: Provide information on any means (*e.g.*, importation of a host, interstate trade, smuggling, natural spread, a hurricane) that would allow the continued introduction of the pest into the state, or further facilitate the pest's introduction to the state. Indicate the likelihood that your pest will follow an open pathway. Provide references.

Potential economic/environmental impacts: Describe the potential economic and/or environmental impacts as they apply to your state. Consider the following questions for economic impact: Does the pest cause major or minor damage anywhere in the world? Is this pest causing damage in the United States? Does the pest reduce crop yields, and, if so, by how much? Does the pest reduce crop quality? What is the economic value of impacted crops in your state? Check the National Agricultural Statistic Service for the latest U.S. value of production. Is the pest likely to have negative indirect impacts on tourism, human, or animal health (*e.g.*, the pest kills palm trees that are important for tourism, the pest or its metabolic products are toxic to humans and live stock, the pest causes allergies…)? Is the pest likely to have negative indirect impacts on human use (*e.g.*, the pest degrades the aesthetic value of recreational areas; it interferes with hunting, fishing, or animal grazing.). Is the presence of this pest likely to close foreign or domestic markets? Is there any indication that the pest may limit foreign or domestic movement of potentially infested or infected commodities? Consider the following questions for environmental impact: Is the pest likely to attack federally listed threatened or endangered plants? Check the U.S. Fish and Wildlife Service's Threatened and Endangered Species System (TESS). If the TESS lists a plant in a genus that your pest uses as a host, and researchers have not confirmed host status, assume the listed plant is a host. Is the pest likely to reduce or eliminate a native plant that plays a major role in maintaining or defining a native ecosystem (*i.e.*, a keystone species)? Is the pest's introduction likely to stimulate new chemical or biological control programs? When answering the previous question, consider whether existing programs would control your pest. Check USDA Crop Profiles for information on existing control programs. Note that classical biological control would by definition impact biodiversity because it introduces another exotic organism. Refer to ISMP No. 5 Supplement No. 2 of the IPPC (2007) Glossary of Phytosanitary Terms (Attachment 1) and section 2.3 of ISPM No. 11 (Attachment 2) for further guidance. Provide references.

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FIGURE A-1-1: USDA/APHIS National Plant Board FRSMP Petition Template (page 1)

Detection and control: Describe the monitoring, survey and control methods and protocols that will be used in the state regulatory program. Provide references.

State/local/Tribal phytosanitary regulations: Provide evidence that State/local/Tribal regulatory authority exists to restrict activities and articles that facilitate the movement the pests. If the regulatory quarantine is current, provide a copy of the State/local/Tribal mandatory quarantine regulations associated with pest management programs, testing protocols (if applicable), and other related actions recently taken to maintain pest freedom or contain pest distribution. If no State/local/Tribal regulations are currently in place, what steps are being taken to establish state-based regulations?

References: Consult Chapter 4 in the Internal Communications Guidelines for PPQ (to be made available) and the U.S. Government Printing Office Style Manual, if you have style questions (*e.g.*, capitalization, grammar, punctuation…).

Author(s): Type the names of all authors and their affiliation. If there is only one author, then delete the (s) after Author.

Websites referenced in this document:

IPPC Adopted Standards - https://www.ippc.int/index.php?id=ispms&no_cache=1&L=0
National Agricultural Statistical Service - http://www.nass.usda.gov/
Threatened and Endangered Species System - http://ecos.fws.gov/tess_public/
USDA Crop Profiles - http://www.ipmcenters.org/cropprofiles/CP_form.cfm
U.S. Government Printing Office Style Manual - http://www.gpoaccess.gov/stylemanual/

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According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0365. The time required to complete this information collection is estimated to average 80 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.	OMB APPROVED: 0579-0365 Exp: 11/30/13

FIGURE A-1-2: USDA/APHIS National Plant Board FRSMP Petition Template (page 2)

PPQ Form 523, Emergency Action Notification

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0579-0102. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED - OMB NO. 0579-0102

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE

EMERGENCY ACTION NOTIFICATION

SERIAL NO.

1. PPQ LOCATION
2. DATE ISSUED
3. NAME AND QUANTITY OF ARTICLE(S)
4. LOCATION OF ARTICLES
5. DESTINATION OF ARTICLES
6. SHIPPER
7. NAME OF CARRIER
8. SHIPMENT ID NO.(S)
9. OWNER/CONSIGNEE OF ARTICLES

Name:

Address:

PHONE NO. FAX NO.

SS NO. TAX ID NO.

10. PORT OF LADING
11. DATE OF ARRIVAL
12. ID OF PEST(S), NOXIOUS WEEDS, OR ARTICLE(S)
12a. PEST ID NO.
12b. DATE INTERCEPTED
13. COUNTRY OF ORIGIN
14. GROWER NO.
15. FOREIGN CERTIFICATE NO.
15a. PLACE ISSUED
15b. DATE

Under Sections 411, 412, and 414 of the Plant Protection Act (7 USC 7711, 7712, and 7714) and Sections 10404 through 10407 of the Animal Health Protection Act (7 USC 8303 through 8306), you are hereby notified, as owner or agent of the owner of said carrier, premises, and/or articles, to apply remedial measures for the pest(s), noxious weeds, and or article(s) specified in Item 12, in a manner satisfactory to and under the supervision of an Agriculture Officer. Remedial measures shall be in accordance with the action specified in Item 16 and shall be completed within the time specified in Item 17.

AFTER RECEIPT OF THIS NOTIFICATION, ARTICLES AND/OR CARRIERS HEREIN DESIGNATED MUST NOT BE MOVED EXCEPT AS DIRECTED BY AN AGRICULTURE OFFICER. THE LOCAL OFFICER MAY BE CONTACTED AT:

16. ACTION REQUIRED

☐ TREATMENT:

☐ RE-EXPORTATION:

☐ DESTRUCTION:

☐ OTHER:

Should the owner or owner's agent fail to comply with this order within the time specified below, USDA is authorized to recover from the owner or agent cost of any care, handling, application of remedial measures, disposal, or other action incurred in connection with the remedial action, destruction, or removal.

17. AFTER RECEIPT OF THIS NOTIFICATION COMPLETE SPECIFIED ACTION WITHIN (Specify No. Hours or No. Days):
18. SIGNATURE OF OFFICER:

ACKNOWLEDGMENT OF RECEIPT OF EMERGENCY ACTION NOTIFICATION

I hereby acknowledge receipt of the foregoing notification.

SIGNATURE AND TITLE:

DATE AND TIME:

19. REVOCATION OF NOTIFICATION

ACTION TAKEN:

SIGNATURE OF OFFICER:

DATE:

PPQ FORM 523 (JULY 2002) Previous editions are obsolete.

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FIGURE A-1-3: Example of PPQ Form 523, Emergency Action Notification

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FRSMP Program Manual

Appendix B

Links to State/National Plant Board Websites

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National Plant Board **page B-1-1**

State Departments of Agriculture

http://www.nationalplantboard.org/member/index.html

National Plant Board

http://www.nationalplantboard.org/

Approved State-managed Phytosanitary Programs

As FRSMP programs are approved, links to those approved State-managed phytosanitary programs will appear here.

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C

FRSMP Program Manual

Appendix C

Official Control Advisory Panel Charter

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Article I—Preamble

APHIS-PPQ's Federally Recognized State Managed Phytosanitary Program (FRSMP) is an administrative mechanism that addresses the application of phytosanitary procedures for plant pests that are not widely distributed in the country and that APHIS-PPQ does not regulate. It includes "Official Control" which the International Plant Protection Convention (IPPC) defines as "the active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non quarantine pests." The FRSMP Program also applies to State managed exclusion programs when an endangered State protects itself from the domestic introduction of a pest established in another state.

As a member of the World Trade Organization (WTO) the U.S. agrees to observe the provisions of WTO agreements, including the Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). APHIS-PPQ is the U.S. Agency with primary responsibility for the implementation of phytosanitary measures. As such, PPQ is also responsible for provisions of the Agreement related to phytosanitary measures, including those implemented in the U.S. by other than the national government. PPQ's role in this regard is to ensure that these entities comply with relevant provisions of the Agreement and do not take measures which are, directly or indirectly, inconsistent with the provisions of the Agreement. Further clarification of the role of PPQ under the SPS Agreement is provided by the International Plant Protection Convention (IPPC) and associated

international standards. The IPPC is specifically identified by the SPS Agreement as holding the responsibility for standard setting associated with phytosanitary measures.

Under the IPPC's International Standards for Phytosanitary Measures (ISPM) No.5, Supplement No.1, a national government or a National Plant Protection Organization (NPPO) should establish or recognize Official Control under appropriate legislative authority. The national government or NPPO should perform, manage, supervise, or at minimum, audit/review the Official Control program and ensure its enforcement. Agencies other than the NPPO may be responsible for aspects of official control programs, and certain aspects of official control programs may be the responsibility of sub-national authorities.

In furtherance of APHIS-PPQ's commitment to ISPM No. 5 and the WTO SPS Agreement, the Agency has worked cooperatively with the plant pest regulatory agencies of each of the States and Territories, as well as the National Plant Board (NPB), to develop guidelines for the Agency's recognition of State-level phytosanitary management activities, such as State-managed official control programs in conformity with international guidelines. In support of this effort, APHIS-PPQ has established the Official Control Advisory Panel (OCAP) to identify, maintain, and, when necessary, update criteria used by the Agency and States to determine which pests are appropriate for the FRSMP Program and whether State-level actions are sufficient to be recognized by the Agency in its capacity as NPPO. To that end, this Charter establishes the purpose and associated roles and responsibilities of the OCAP in support of the Federally Recognized State Managed Phytosanitary Program.

This Charter is a living document that is open for revision as determined necessary by OCAP consensus.

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Article II—Definitions

Official Control. The active enforcement of mandatory phytosanitary regulations and the application of mandatory phytosanitary procedures with the objective of eradication or containment of quarantine pests or for the management of regulated non-quarantine pests [ISPM No 5].

Quarantine Pest. A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled [FAO, 1990; revised FAO, 1995; IPPC 1997].

Regulated Non-Quarantine Pest. A non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party [IPPC 1997].

Sponsor. Individual or entity that organizes and is committed to the development of a product, program or project [BusinessDictionary.com]. For the FRSMP Program, the sponsor is responsible for coordinating and leading communication and planning among interested SPROs. The initiating SPRO may sponsor the final petition or defer that role to another participating SPRO. The sponsoring State will be identified in the title of the program - i.e. The Federally Recognized State Managed Phytosanitary Program for "Pest A" Sponsored by the State of "B."

Article III—Purpose

To obtain the designation as an FRSMP program, a State or States have the option to petition APHIS-PPQ to recognize their established or proposed State-managed phytosanitary program targeting a plant pest or pests that are not regulated at the Federal level. The OCAP will develop and use technical criteria to evaluate petitions from States requesting Federal recognition of State managed phytosanitary programs for plant pests and make the appropriate determination based upon the merits of the petition.

Specifically, the OCAP will:

- Develop and maintain criteria for recognizing a State-managed phytosanitary program
- Assess the technical feasibility of each petition for recognition of State managed phytosanitary programs
- Identify, as necessary, points within the petition where the National Coordinator for Official Control must seek clarification or revisions from sponsoring State in order to appropriately evaluate the petition's merits
- Recommend approval or denial of the petition to the PPQ Deputy Administrator through the Assistant Deputy Administrator for Emergency and Domestic Programs
- Convene OCAP and experts to evaluate new information associated with existing State phytosanitary programs to determine if the program remains valid or needs to be altered or terminated
- Determine equivalent action at ports of entry relative to phytosanitary requirements for interstate commerce

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- Describe State's specific program reporting requirements relative to approved maintenance program

Article IV—PPQ Policy for Recognizing State Managed Phytosanitary Programs

To implement a formal Federal recognition program for State managed Phytosanitary Programs, PPQ intends to accept petitions from the State(s), review the petitions, and make decisions-in consultation with the petitioning State(s)-based on established criteria and standards. If PPQ federally recognizes the State's program, PPQ will continue to take action at the U.S. ports of entry for such pests associated with commodities destined to the affected State(s). PPQ will also continue to take action on pests that are under consideration for state managed phytosanitary programs until 1) PPQ in consultation with relevant States has determined that a phytosanitary program is unnecessary or impossible; 2) PPQ and States have agreed that it is not feasible to establish and maintain a program; or 3) States have expressed no interest in continuing a program.

Article V— Panel Members

Section 1. The panel members shall consist of designees as follows:

1. National Coordinator for Official Control
2. Emergency and Domestic Programs (EDP) Associate Director
3. National Identification Services Branch Chief, as primary Plant Health Programs (PHP) representative
4. Center for Plant Health Science & Technology (CPHST) representative
5. Eastern Region Senior Program Manager
6. Western Region Senior Program Manager

Section 2. General Duties

Provide scientific expertise, field operations expertise, and regulatory expertise for the purpose of developing, maintaining, and using technical criteria for recognizing State managed phytosanitary programs or, as needed by the National Coordinator for Official Control, addressing other areas relevant to the Federally Recognized State Managed Phytosanitary Program where subject matter expert advice may be useful. Report significant developments from OCAP meetings and communications to pertinent personnel within the PPQ

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division the member or designee represents. Is responsible for ensuring that OCAP associated tasks are carried out, as needed, within the PPQ division the member of designee represents.

Section 3. Eligibility

Members of OCAP shall be permanent PPQ employees with scientific, field operations, and/or regulatory expertise.

Section 4. Officer Designated Alternates

Members shall designate an alternate to attend in their absence who is qualified and capable of participating and contributing to meetings and petition evaluations. All designated alternates will meet the provisions specified in Sections 2 and 3 of this Article.

Article VI—Operations

The National Coordinator for Official Control will be responsible for assuring that members of the OCAP receive States petitions for review. The National Coordinator for Official Control will arrange meetings/conference calls/email communication among the panel members to perform the review. The OC Coordinator will forward recommendations for approval/denial to the PPQ Deputy Administrator through the Assistant Deputy Administrator for Emergency and Domestic Programs.

Article VII—Meetings

The OCAP will meet/convene at the call of the National Coordinator for Official Control.

Article VIII—Quorum

The group will achieve consensus with participation from at least one representative from EDP, PHP, CPHST, and a regional office.

Decision Making

OCAP decisions will be based on collaboration and consensus among the members. For the purposes of the OCAP, consensus is defined as the cooperative development of a decision with OCAP members working together toward a decision that is consented to by all members constituting a quorum. Full consent does not mean that everyone is completely satisfied with the final outcome, but that the decision is acceptable enough that all OCAP members agree to support the OCAP in choosing it. Full consent is only achieved when all OCAP members constituting a quorum agree or accept the decision. In the

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event that consensus cannot be reached on a petition evaluation or other significant matter, the issue will be elevated to the PPQ Leadership Team for consideration and resolution with all areas of OCAP member disagreement clearly noted.

Charter Approval

This OCAP Charter was approved unanimously on Tuesday, November 17, 2009, by the attending members of the OCAP meeting listed below:

- Diane L. Schuble, National Coordinator for Official Control
- Jeffrey J. Grode, Emergency and Domestic Programs Representative
- Joseph F. Cavey, Plant Health Programs Representative
- Robert L. Griffin, Center for Plant Health Science & Technology (CPHST) Representative
- William M. Newton, Eastern Region Senior Program Manager
- Timothy J. McNary, Western Region Senior Program Manager
- Barney P. Caton, CPHST Designated Alternate
- Brian J. Kopper, Eastern Region Designated Alternate
- Robert A. Bailey, Western Region Designated Alternate

Last Revision

Revisions to this OCAP Charter were approved by consensus Friday, November 12, 2010, by members of the OCAP meeting.

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Appendix D

Criteria for Federal Recognition of a State-managed Phytosanitary Program

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I: The Petitioning State(s) Demonstrate that a Pest of Consequence is Under a Phytosanitary Program **page D-1-2**
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III: Technically Sound Containment/Eradication is Possible **page D-1-3**
Failure to Meet the Criteria **page D-1-4**

Introduction

The following criteria will be used by the Plant Protection and Quarantine (PPQ) program of the U.S Department of Agriculture's Animal and Plant Health Inspection Service to evaluate State petitions for Federal recognition of State-managed phytosanitary programs. Petitions will be reviewed by PPQ's Official Control Advisory Panel (OCAP) to ensure that the criteria are satisfactorily met. If OCAP determines that a petitioning State(s) meet the criteria based upon the review, the State's petition is eligible for approval by PPQ. Subsequently, PPQ will seek to enter into a memorandum of understanding with the State(s), formally providing Federal recognition of the State-managed phytosanitary program and terms to allow the State(s) to legally act to prevent the entry of a specified plant pest via domestic commerce and coordinate with PPQ to prevent the entry of these pests via foreign commerce. PPQ, specifically the OCAP, will collaborate with States to ensure that equivalent mitigation measures are applied to imports and the domestic movement of regulated articles.

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Criteria

I: The Petitioning State(s) Demonstrate that a Pest of Consequence is Under a Phytosanitary Program

The petition should include reasonable evidentiary documentation demonstrating that:

1. The area of the State(s) to be protected under the FRSMP Program is either pest-free or the pest population is under an appropriate level of phytosanitary management
2. The pest can potentially establish (survive if introduced, as applicable) in the State(s)
3. The pest can potentially cause significant economic and/or environmental damage in the State(s)
4. It is technically feasible to exclude, eradicate, and/or contain the pest with phytosanitary measures

Reasonable evidentiary documentation can include, but is not limited to, any of the following examples of documents that may be available:

- Pest data sheets
- Pest risk analyses (PRA)
- Comprehensive pest surveillance data
- State inspection reports
- Port interception data
- National Agricultural Pest Information System (NAPIS) data
- Global Pest and Disease Database (GPDD) and CABI documentation
- Scientific and academic literature

Some of this documentation may be maintained by the State and some may be obtained by the State from PPQ or other appropriate sources. Evidence may be developed by the State or in collaboration with PPQ.

The petitioning State(s), upon providing reasonable evidentiary documentation deemed adequate to allow PPQ to approve a petition for Federal recognition of a State-managed phytosanitary program, may specifically be required, as needed, by PPQ to conduct pest surveillance to provide necessary supplemental evidentiary documentation. When such a specific pest surveillance program is necessary, it will be conducted in good faith by the State(s) in a timely manner and with sufficient rigor, which will be determined by PPQ in consultation with the State(s).

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More generally, to monitor Federal recognition of a State-managed phytosanitary program, PPQ will further require that all State(s) submit periodic supplementary surveillance documentation following the approval of a petition over a duration that will be specified in the subsequent memorandum of understanding between PPQ and the petitioning State(s).

What constitutes an appropriate level of phytosanitary management will be addressed in the following sections of this document.

II: The Petitioning State(s) Must Have or Be Able to Obtain Legal Authority to Act on the Pest

The petition should provide evidence that State regulatory authority exists to restrict activities and articles that facilitate the movement of non-quarantine pests or quarantine pests that are not under domestic quarantine. This can be demonstrated by indicating that the State(s):

- Have a regulatory quarantine in place to maintain pest freedom or limit pest distribution
- Have the commitment and capability to enact, implement, and enforce a regulatory quarantine in a timely manner

In those cases when State(s) have a regulatory quarantine in place, the petition should provide a copy of the State or local (as well as tribal if applicable) mandatory quarantine regulations associated with pest management programs, testing protocols (if applicable), and other related actions recently taken to maintain pest freedom or contain pest distribution.

PPQ will accept petitions for Federal recognition of a State-managed phytosanitary program from State(s) that have the general authority and capability to enact a pest quarantine regulation, but do not currently have specific regulatory quarantine measures in place to address the pest of concern. In these cases, PPQ will provide the petitioning State(s) up to one year to put a pest-specific regulatory program in place. State(s) can request additional time to enact a pest specific regulatory quarantine contingent upon demonstrating to PPQ that their efforts are being conducted in good faith.

III: Technically Sound Containment/Eradication is Possible

State-managed phytosanitary programs should meet the following criteria:

- Mitigation measures are the least restrictive needed to assure adequate protection
- A process exists to regularly evaluate the feasibility of mitigation measures and demonstrate evidence of effectiveness (quality assurance)

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- Annual reports are provided to PPQ showing evidence of the program's effectiveness as it relates to areas of phytosanitary management (ranging from pest monitoring and detection, diagnostics and identification, regulatory activity, and control measures). Upon initiation of a federally recognized State managed phytosanitary program, PPQ will provide guidance to the State(s) as to what information the annual report should contain. For example, in relation to phytosanitary inspection and testing, the following kind of information would be particularly significant in reporting the program's effectiveness:
  - A description of the type of inspection or testing process used
  - A listing of the type and quantity of material inspected
  - An account of the origin of the material inspected and the name of person inspecting
  - A report on the location, date, and results of inspection or testing
- States must be able to define and describe their programs and provide supporting documentation including compliance agreements, auditing reports, and maps defining the regulated areas
- All relevant and significant pathways are addressed
- Appropriate diagnostic capability is demonstrated

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Failure to Meet the Criteria

Any State petition that fails to meet part or all of the criteria above will be rejected by PPQ. A previously rejected petition may be resubmitted if the petitioning State(s) can revise it to provide the reasonable evidentiary documentation necessary to meet all of the criteria for Federal recognition of a State-managed phytosanitary program.

While PPQ's approval of a State(s) petition will result in a federally recognized State-managed phytosanitary program, this program will be monitored and any changes in the pest's status or failure to meet requirements that result in the criteria no longer being met will result in PPQ reconsidering the status of the federally recognized State-managed phytosanitary program.

NOTE: The criteria above are open to future revision, as needed by determination of the PPQ OCAP, to ensure the best possible, science-based evaluation of petitions for Federal recognition of State-managed phytosanitary programs.

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Appendix E

Some Helpful Writing Tips from Chapter 4 of the Internal Communication Guidelines for PPQ

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- Write with an Active Voice **page E-1-1**
- Use Powerful Verbs Instead of State-of-Being Verbs **page E-1-2**
- Use Personal Pronouns **page E-1-2**
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- Avoid Excess Information **page E-1-2**
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- Keep Items Parallel **page E-1-3**
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- Editing Checklist **page E-1-8**

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Style Guide

Style is the way that something is said, expressed or written. Written communication, unlike telephone and face-to-face communication, does not convey the facial expressions or tone that can be exchanged in person or on the telephone. Readers must interpret your tone and intent based solely on the words and graphic images you've included in your document. This creates the potential for miscommunication.

Use the following guidelines when writing your own documents. You will save time and money for your readers, because they will not have to contend with misleading and unprofessional documents.

Write with an Active Voice

Passive Voice	The form **was** completed.
Better	The officer **completed** the form.

Explanation—Use active voice verbs in your sentences whenever possible. Active voice verbs help the reader to know who did what to whom (or what). Unfortunately, many public documents are written in the passive voice, giving them an impersonal, dry tone. Passive sentences are harder to understand. When the sentences in your documents are built with passive voice verbs, your reader will become confused.

Use Powerful Verbs Instead of State-of-Being Verbs

Weak	The specification of USDA–APHIS is that employees work between 6 AM and 6 PM.
Better	USDA–APHIS **specifies** that employees must work between 6 AM and 6 PM.
Weak	She **is of the opinion that the crew should** move the nesting box.
Better	She **decided** to move the nesting box.
True Passive	The laying hen **was examined**.
Switched to Active	She **examined** the laying hen.

Explanation—Avoid nouns created from verbs; use action verbs. Sentences with heavy, abstract nouns created from verbs are impersonal, bureaucratic, and often hard to understand.

Use Personal Pronouns

Impersonal	A permit **may not** be granted until satisfactory evidence is submitted to show that the product is free of pests.
Better	**The inspector** will not grant a permit until **you** submit satisfactory evidence that the product is free of pests.

Explanation—Personal pronouns include such common words as I, she, they, you, me, him, and her.

Be specific. Personal pronouns make clear to the reader who does what in the sequence of actions in a sentence. Government writers often avoid using personal pronouns.

Write Short Sentences

Explanation—Present your readers with only as many ideas as they can handle at one time. There are no hard and fast rules for determining whether a sentence is too long. When you judge a sentence, you must take into account various factors, such as your audience, the difficulty of the ideas, what has come before in the document, etc.

Avoid Excess Information

Explanation—Do not insert excess information into a sentence. Too much information in a sentence is hard to understand. There is too much in a sentence when readers cannot easily understand the meaning of a sentence (i.e., who's doing what to whom, when).

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If A, Then B

Wrong	Follow Section C if you have a permit or else prohibit entry otherwise.
Better	When a permit is present, follow the conditions spelled out in Section C of the permit. If the permit is absent, prohibit entry.

Explanation—A conditional sentence is a sentence of the form "If A, then B," or "When A is the case, do B." Conditional sentences are often very complicated and hard for readers to understand. Conditional sentences are common in many government documents. You can make conditionals easier to understand by listing each condition separately and making them distinct.

Avoid Jargon

The specialized language of a trade, profession, or other group impedes understanding among lay people. Avoid highly specialized terms when writing for the public. Include an explanation with terms such as pre-treatment count, prebait, trace forward and stakeholder.

Keep Items Parallel

Wrong	The duties of the officer were the coordination of the inspection and to write the summary.
Better	The duties of the officer were to **coordinate** the inspection and to **write** the summary.
Wrong	You may obtain a permit by **completing** a form or the **submission** of a letter of acceptance.
Better	You may obtain a permit by **completing** a form or **submitting** a letter of acceptance.
Wrong	Both the surveyors and identifiers agreed that it was a quarantine-significant pest.
Better	Both **the** surveyors and **the** identifiers agreed that it was a quarantine-significant pest.

Explanation—Keep equivalent items parallel. Parallelism means that parts of a sentence with similar meaning are expressed in the same grammatical structure (e.g., all are nouns, all are prepositional phrases, or all are clauses). It's a good idea to break up a long sentence with parallel items to a list, set off by bullets or numbers.

Avoid Unnecessary and Difficult Words

Wrong	There are **three people who can sign** this application.
Better	**Three people can sign** this application.
Wrong	I want a **full and complete** account of why the plan wasn't considered **final and conclusive**.
Better	I want a **full** account of why the plan wasn't considered **final**.

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Explanation—Use words that most people understand (**Table E-1-1 on page E-4**). If your readers cannot understand your document, it will not be effective.

TABLE E-1-1 Words That Readers Will Understand

Replace difficult words or passages such as these:	With simple words like these:
administer	manage
afford an opportunity	allow, let
aggregate	total
allocate	assign or distribute
approximately	about
at the present time	now
enter (on a form)	write
close proximity	near
concur	agree
constitutes	is, forms
discontinue	drop, stop
due to the fact that	due to, because, since
evidenced	showed
for the duration of	during
for the purpose of	for, to
however	but
in accordance with	by, following, under
in a timely manner	on time, promptly
indicate	show
initiate	begin
in the event that	if
issue	give
magnitude	size
not later than	by
operational	working
personnel	staff
provided that	if
pursuant to	under
requirement	need
represents	is
sufficient	enough
therefore	so
transmit	send
utilize	use
with respect to	for

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Avoid Adjective Pileups

Long Adjective String	The military agency published a **host area bomb shelter production planning workbook**.
Better	The military agency published a workbook **that** tells people **how to** plan the production of bomb shelters **in** the host area.
Long Adjective String	They have implemented water **resource planning and management studies** and have aided **volunteer group greenway initiators** by providing **technical and coordinated assistance**.
Better	They have implemented studies **on** planning and managing water resources and have aided volunteer groups **that** initiate efforts **to** promote greenways by providing them with technical advice and assistance in coordinating their activities.
Long Adjective String	Operations bird hazard reduction program
Better	Operational program to reduce the hazard caused by birds

Explanation—Adjective pileups happen when many adjectives precede a noun. Sentences that use such pileups are difficult for readers to understand. Break up long strings into shorter phrases to make your writing easier to read. Short adjective phrases like “Budget Office” or “price analysis” are easier to understand.

Be Positive

Negative	He was not absent.
Better	He was present.
Negative	Don’t exclude me!
Better	Include me!
Negative	Do not use this procedure except when the fruit is from Hawaii.
Better	Use this procedure only when the fruit is from Hawaii.

Explanation—Positive sentences are easier to understand than negative ones. Two or more negative words in a sentence become very hard for readers to understand. Avoid using two or more negatives in a sentence and instead write positive statements.

Support

The Chicago Manual of Style. The University of Chicago Press. 2000 (15th edition). Chicago [www.chicagomanualofstyle.org].

The Elements of International English Style: A Guide to Writing Correspondence, Reports, Technical Documents, and Internet Pages for a Global Audience. Edmond H. Weiss. February 2005.

Style Manual. 2000. United States Government Printing Office. Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 [Browse or buy online at http://www.gpoaccess.gov/stylemanual/].

Words Into Type. Skiller, Marjorie E., Robert M. Gay. Third ed. 1974. Prentice-Hall. Englewood Cliffs, NJ.

2005 Associated Press Style Guide. Norm Goldstein, ed. 2005. The Associated Press [http://www.apstylebook.com/].

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Reports

Tailor written reports to your specific program needs. Confer with your supervisor for specific format requirements.

Written materials that are longer than several pages in length or will be distributed outside of PPQ must adhere to standards outlined in the following publications:

USDA. Office of Communications. Design Center Visual Management Guide.

U.S. Government Printing Office Style Manual.

If you are preparing press releases or official USDA–APHIS publications that will be distributed externally to anybody except USDA employees and official cooperators, your prose must be professionally edited in APHIS' Legislative and Public Affairs unit.

If you are preparing press releases or official USDA–APHIS publications that will be distributed externally to anybody except USDA employees and official cooperators, your prose must be professionally edited in APHIS' Legislative and Public Affairs unit.

When writing reports, make your audience's job as easy as possible. Here are some general guidelines for a good written report:

- Plan carefully before you start writing; use an outline so that you know exactly what you'll be writing about.
- Organize your report into sections.
- Use plain language whenever possible.
- Avoid jargon and legalistic words, and explain technical terms.
- Keep your sentence length down to an average of 15 to 20 words; try to stick to one main idea in a sentence.
- Use active voice verbs as much as possible.
- Be concise.
- Imagine you are talking to your reader: write in a style that is suitable and with the right tone of voice.
- Check that your report is accurate, clear, concise and readable.

Source http://www.plainlanguage.gov/

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How to Work With a Writer or Editor

When you are preparing lengthy documents, you may want to work with an editor. Professional writers and editors have the training and experience to produce clear and concise documents quickly, saving valuable time and resources.

An editor will help you by pointing out unclear passages; misinformation; errors in spelling, grammar and word usage; graphic design; and numerous other problems.

If you are preparing press releases or official USDA–APHIS publications that will be distributed externally, your prose must be professionally edited in APHIS' Legislative and Public Affairs (LPA) unit.

Here are a few suggestions to keep in mind when producing a document that will be edited by a professional editor:

- Before you begin, agree on an outline, a style guide for formatting and text, and a due date.
- Produce the document in a common word processing software, such as Microsoft Word, that is compatible with your publisher's software.
- Avoid using special formatting such as italics or boldface.
- Create separate documents for text, tables, and photographic images; indicate their placement by inserting comments within the text.
- Keep detailed records of your resources.
- Keep a backup copy of your document.
- If you want to achieve a certain look or style, draw it by hand on paper and give it to your editor for production.

All professional publications go through significant editing and rewriting before the final edition. Most first drafts are changed in the process because few people are able to write a perfect first draft. Adjust your thinking so you view your editor as a helper and collaborator, not a critic.

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Editing Checklist

If you plan to have an editor edit your documents, prepare a list of instructions to let her/him know the level of work required for a job. You can customize the sample checklist in **Figure E-1-1** to edit your own documents.

Editing Checklist For PPQ Documents

- ❒ Review and correct spelling, grammar and punctuation.
- ❒ Indicate and/or rewrite confusing sections.
- ❒ Track all changes.
- ❒ Check headings in text and tables against table of contents.
- ❒ Prepare the following: Table of Contents or List of Tables or List of Figures or Index.
- ❒ Put into this format: PDF or HTML or EXML or Other:
- ❒ Put into this style: New Pest Response Guidelines or PPQ Manual or Other:
- ❒ Follow this style guide: U.S. GPO or CMS or Other:
- ❒ Make tables and text consistent.
- ❒ Check parallelism throughout text and rewrite.
- ❒ Make lists consistent.
- ❒ Check pronouns.
- ❒ Replace passive constructions with action verbs.
- ❒ Rewrite adjective pileups.
- ❒ Explain unfamiliar acronyms and abbreviations at first mention.
- ❒ Substitute one word for many; short words for long.
- ❒ Make sure all referenced matter (tables, charts, footnotes, etc.) follows its first use.
- ❒ Check cross-references for accuracy and consistency.
- ❒ Prepare bibliography in consistent format.
- ❒ Check math, numbers, equations.
- ❒ Check spelling of scientific names.
- ❒ Review whole manuscript for sentences, paragraphs or portions that can be eliminated.
- ❒ Check organization and reorganize if necessary.
- ❒ Check accuracy of content.
- ❒ Confirm permission to use images, tables, text.

FIGURE E-1-1 Example of Editing Checklist

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Glossary

Definitions, Terms, and Abbreviations

containment[1]. Application of phytosanitary measures in and around an infested area to prevent spread of a pest.

delimiting survey[1]. Survey conducted to establish the boundaries of an area considered to be infested by or free from a pest.

detection survey[1]. Survey conducted in an area to determine if pests are present.

endangered area[1]. An area where ecological factors favor the establishment of a pest whose presence in the area will result in economically important loss.

equivalence (of phytosanitary measures)[1]. The situation where, for a specified pest risk, different phytosanitary measures achieve a contracting party's appropriate level of protection.

eradication[1]. Application of phytosanitary measures to eliminate a pest from an area.

exclusion[2]. Application of phytosanitary measures in and around an endangered area to prevent the introduction of a pest.

International Plant Protection Convention[1]. International Plant Protection Convention, as deposited with FAO in Rome in 1951 and as subsequently amended.

International Standard for Phytosanitary Measures[1]. An international standard adopted by the Conference of FAO, the Interim Commission on phytosanitary measures or the Commission on phytosanitary measures, established under the IPPC.

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1 From International Standards for Phytosanitary Measures ISPM No. 5, Glossary of Phytosanitary Terms (2009).

2 Proposed IPPC definition.

interstate commerce[3]. Trade, traffic, or other commerce: (a) between a place in a State and a point in another State, or between points within the same State but through any place outside that State; or (b) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

legislation[4]. Any act, law, regulation, guideline or other administrative order promulgated by a government [ISPM No. 3, 1996].

monitoring[4]. An official ongoing process to verify phytosanitary situations.

move and related terms[3]. The terms "move", "moving", and "movement" mean: (a) to carry, enter, import, mail, ship, or transport; (b) to aid, abet, cause, or induce the carrying, entering, importing, mailing, shipping, or transporting; (c) to offer to carry, enter, import, mail, ship, or transport; (d) to receive to carry, enter, import, mail, ship, or transport; (e) to release into the environment; or (f) to allow any of the activities described in a preceding subparagraph.

National Plant Protection Organization[4]. Official service established by a government to discharge the functions specified by the IPPC.

permit[3]. A written or oral authorization, including by electronic methods, by the Secretary to move plants, plant products, biological control organisms, plant pests, noxious weeds, or articles under conditions prescribed by the Secretary.

pest[4]. Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants or plant products.

phytosanitary measure (agreed interpretation)[4]. Any legislation, regulation or official procedure having the purpose to prevent the introduction and/or spread of quarantine pests, or to limit the economic impact of regulated non-quarantine pests.

phytosanitary procedure[4]. Any official method for implementing phytosanitary measures including the performance of inspections, tests, surveillance or treatments in connection with regulated pests.

protected area[4]. A regulated area that an NPPO has determined to be the minimum area necessary for the effective protection of an endangered area.

3 From the Plant Protection Act of 2000.
4 From International Standards for Phytosanitary Measures ISPM No. 5, Glossary of Phytosanitary Terms (2009).

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quarantine pest[5]. A pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.

regulated area[5]. An area into which, within which and/or from which plants, plant products and other regulated articles are subjected to phytosanitary regulations or procedures in order to prevent the introduction and/or spread of quarantine pests or to limit the economic impact of regulated non-quarantine pests (see Glossary Supplement No. 2).

regulated non-quarantine pest[5]. A non-quarantine pest whose presence in plants for planting affects the intended use of those plants with an economically unacceptable impact and which is therefore regulated within the territory of the importing contracting party.

sponsor[6]. Individual or entity who organizes and is committed to the development of a product, program or project. For the APHIS-PPQ FRSMP Program, the sponsor is responsible for coordinating, leading communication, and planning among interested SPROs. The initiating SPRO may sponsor the final petition or defer that role to another participating SPRO. The sponsoring State will be identified in the title of the program – i.e. The Federally Recognized State Managed Phytosanitary Program for "Pest A" Sponsored by the State of "B."

State[7]. Any of several States of the United States, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

surveillance[5]. An official process which collects and records data on pest occurrence or absence by survey, monitoring, or other procedures.

survey[5]. An official procedure conducted over a defined period of time to determine the characteristics of a pest population or to determine which species occur in an area.

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5 From International Standards for Phytosanitary Measures ISPM No. 5, Glossary of Phytosanitary Terms (2009).
6 Definition of term for the FRSMP Program.
7 From the Plant Protection Act of 2000.

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