

## Attachment to PPQ Form 519, Uniform Standards for Compliance Agreements for Regulated Garbage – Storage Establishments

The United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS), Plant Protection and Quarantine provides oversight for agricultural issues including APHIS regulated garbage. USDA is granted authority to take such action in the Plant Protection Act (PPA) (7 U.S.C. §§ 7701 et. seq.) and the Animal Health Protection Act (AHPA) (7 U.S.C. §§ 8301 et. seq.).

Any person who knowingly violates the PPA (7 U.S.C. §§ 7701 et. seq.) and/or the AHPA (7 U.S.C. §§ 8301 et. seq.) may be criminally prosecuted and found guilty of a misdemeanor which can result in monetary penalties, a one-year prison term, or both. Additionally, any person violating the PPA and/or the AHPA may be assessed civil penalties of up to \$300,000 per violation or twice the gross gain or gross loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater.

Any individual, corporation, company, association, firm, partnership, society, or joint stock company, hereafter known as the establishment, engaged in the business of handling or disposing of garbage in accordance with the regulations (Title 7 Code of Federal Regulations §330.400-§330.403 and Title 9 Code of Federal Regulations §94.5) must first enter into a Compliance Agreement with APHIS. A Compliance Agreement authorizing the handling of regulated garbage is a legally binding contract between the United States Government and an establishment which has been approved by APHIS to handle regulated garbage. The establishment, \_\_\_\_\_ (*insert name of establishment*), by entering into this Compliance Agreement (which includes all Addenda), agrees to operate in accordance with APHIS regulations and policies when handling regulated garbage. USDA animal health and plant health regulations are enforced by APHIS and the Department of Homeland Security, United States Customs and Border Protection (CBP).

All employees or agents of \_\_\_\_\_ (*insert name of establishment*) must comply with the regulations pertaining to regulated garbage and all conditions and Addenda included in this Compliance Agreement, as deemed by the Administrator to be necessary to prevent the introduction and dissemination into or within the United States of plant pests and livestock or poultry diseases.

**Trash** is refuse that neither contains nor is visually contaminated with regulated garbage. Trash is not regulated by APHIS and is therefore **unrestricted**. For example, trash that solely contains empty soda cans would be unrestricted. Newspapers and magazines in the passenger cabin would also be unrestricted. An empty cardboard milk carton, sandwich, or fruit found in the passenger cabin, however, would be considered as regulated garbage as opposed to trash and would be restricted.

**Garbage** is all waste material that is derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material. Garbage is regulated by APHIS when the garbage is on or removed from a means of conveyance, if the means of conveyance has been in any port outside the United States and Canada within the previous two-year period or to any port in Hawaii or any United States territory

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or possession in the last one-year period. Garbage regulated by APHIS is hereafter known as regulated garbage.

Garbage, trash or other material not regulated by APHIS that is or has been commingled with regulated garbage is also regulated garbage.

Regulated garbage includes but is not limited to food scraps, table refuse, galley refuse, food wrappers or packaging materials and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms or any other areas on means of conveyance. Regulated garbage also means meals and other foods that were available for consumption by passengers or crew on an aircraft but were not consumed.

Other materials that may be handled as regulated garbage include but are not limited to rejected cargo (consisting of plant or animal origin materials), illegally imported agriculture commodities found in commerce, and quarantine materials seized during inspection.

The establishment covered by this Compliance Agreement, and all areas where regulated garbage handling occurs, are subject to unannounced inspections by APHIS or CBP personnel. APHIS/CBP officials must be allowed access to all areas where regulated garbage handling occurs. APHIS/CBP officials must be allowed to observe, without restriction, all regulated garbage handling activities performed by all employees and subcontractors. All records required by this Agreement must be made available to APHIS/CBP officials upon request. Any problems in conducting regulated garbage handling procedures as outlined in this Compliance Agreement must be immediately reported to the APHIS/CBP office at \_\_\_\_\_ (*insert phone number*).

Compliance Agreements are valid from the date of agreement (PPQ Form 519, Block 10), and must be reviewed at least annually by APHIS/CBP officials with the establishment. That review must be documented per current APHIS policy.

Regulated garbage handling activities covered by this Compliance Agreement may be suspended and/or this Compliance Agreement may be immediately canceled for noncompliance. **This Compliance Agreement is non-transferable.**

The establishment under this Compliance Agreement must immediately notify the local APHIS/CBP office at \_\_\_\_\_ (*insert phone number*) of any management changes, including but not limited to name, ownership, location, equipment, and procedures. The establishment may also be required to notify APHIS Headquarters at (301) 851-2312 or by email at **ppq.vrs.regulated.garbage@aphis.usda.gov** of the above changes. Such changes may invalidate this Compliance Agreement and require a new approval.

Revisions to this Compliance Agreement must be made if there are any changes that would invalidate this Agreement but do not require a new approval, including but not limited to changes in procedures (minor), local management or USDA regulations and requirements. The required revisions must be made as soon as the changes occur if they do not invalidate the Compliance Agreement in a manner that requires a new approval to be granted.

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By signing this Compliance Agreement, the signatory acknowledges that information concerning his/her establishment, including but not limited to the name of the establishment, location of establishment, and contact information with phone numbers, will be included on lists of APHIS-approved regulated garbage handlers that are available to the public. In addition, the signatory acknowledges that if the establishment Compliance Agreement is cancelled or the establishment and/or its personnel are prohibited from handling regulated garbage the information will be listed on the APHIS website. Finally, the signatory acknowledges that if the regulated garbage handling activities authorized by the Compliance Agreement have been suspended, information regarding the suspension will also be listed on the APHIS website.

This Compliance Agreement only covers compliance with APHIS regulations and requirements. Therefore, this Compliance Agreement does not reduce or eliminate the Compliance Agreement holder of his/her legal duty and responsibility to comply with all other applicable Federal, State, and local regulatory requirements. By signing this Agreement, the signatory certifies that his/her establishment has met or will meet the requirements of all applicable environmental protection laws prior to handling garbage regulated by APHIS under the authority of USDA.

The establishment is responsible for all regulated garbage including food waste, loose trays of food, and unused meals, and will **not** allow its unauthorized diversion, removal, use, or consumption.

Once received by the establishment, regulated garbage must not remain in the establishment's possession for more than 72 hours (i.e., regulated garbage must be processed or hauled within this timeframe) without prior approval in writing from the APHIS Administrator.

**I. Regulated Garbage Handling Procedures**

A. Regulated garbage activity (*check one in each section in 1.A.*):

1. Type of storage establishment

- Storage
- Transfer station
- Marina
- Other \_\_\_\_\_

2. Port activity

- Establishment personnel meet vessel

The establishment personnel will meet the watercraft (vessel) originating from a foreign location on arrival to off-load the regulated garbage onboard the vessel. The establishment must immediately notify the local CBP/APHIS at phone number \_\_\_\_\_ (*insert phone number*) if unable to meet a vessel on arrival, in which case no regulated garbage will be off- loaded from the vessel until a CBP/APHIS representative is available.

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- Establishment personnel do not meet vessel
- N/A

B. Segregation of regulated garbage (*check one*):

- Regulated garbage will be separated from all garbage not regulated by APHIS, including medical waste, as specified in the attached Standard Operating Procedures (SOP).
- All garbage will be handled as APHIS regulated garbage.

C. Operating procedures

1. The establishment must have an APHIS-approved written SOP for regulated garbage handling. The SOP must cover all aspects of regulated garbage handling procedures used by the establishment, and must include all requirements covered in this CA. The SOP must be written in English and other appropriate languages. The English version of the SOP must be attached to this Compliance Agreement and the procedures described therein are considered as stipulations of the Compliance Agreement and must be followed.
2. The establishment must conspicuously post the SOP or make the SOP available to employees in all work areas.
3. All regulated garbage must be contained in tight, covered, leak-proof containers.
4. Regulated garbage must be uniquely identifiable from other garbage and trash unless all garbage is handled as APHIS regulated garbage.
5. All rigid containers must be identified with the words "REGULATED GARBAGE" or a similar acceptable phrase in English and any appropriate foreign language. Lettering on containers should be large enough so that they could be legible from a distance of at least 10 feet.
6. Containers used for regulated garbage shall **not** be used for any material not regulated by APHIS, unless the container's markings have been removed and the container is cleaned and disinfected under the direct supervision of APHIS or CBP personnel. The container to be used for a purpose other than storage or hauling regulated garbage must have markings obliterated and be disinfected with APHIS-approved disinfectant under the direct supervision of APHIS or CBP personnel prior to such use. Containers moved off the establishment's property to be repaired must first be cleaned and disinfected prior to movement. Containers that are removed from service (i.e. decommissioned) must be cleaned and disinfected under direct APHIS or CBP supervision.
7. Any plastic bags used in the handling, transportation or storage of regulated garbage must be at least three (3) mil (0.003-inch) thick and must be intact.

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Plastic bags used by the establishment for regulated garbage handling, transportation or storage must be uniquely identified by color, tag (attached to the bag) or label (printed on the bag) as indicated in the attached SOP.

8. Plastic bags used for storage of regulated garbage must be securely closed and leak-proof and the bags must be stored inside a closed building or in a tight, covered, leak-proof, rigid container. The container or other confined area where regulated garbage is to be stored must be secured to prevent tampering and must be capable of being cleaned and disinfected. The regulated garbage must be inaccessible to birds, rodents, and other vermin.
  9. Describe the area in the facility where regulated garbage will be stored. Storage sheds used to store regulated garbage shall be lettered with the words "REGULATED GARBAGE" or a similar acceptable phrase in English and any appropriate foreign language. Lettering on containers should be large enough so that they could be legible from a distance of at least 10 feet.
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10. The establishment must maintain records of receipt and processing of regulated garbage that include at a minimum:

- Date and time regulated garbage received
- Amount (weight or number of bags) of regulated garbage received
- Hauler or other entity from who the garbage was received (i.e. vessel identification or ship number)
- Hauler pickup date, time, and amount of regulated garbage
- All other records required by this Compliance Agreement

These records must be maintained for one (1) year from the date the regulated garbage was received. The establishment must assure that these records can be used to validate the inventory control system at the point of origin (if applicable) and destination (i.e. hauler or processor).

11. If large amounts of material such as rejected cargo or regulated garbage from cruise ships are accepted for processing, those materials must be contained in a manner approved by APHIS or CBP. Attach an Addendum if applicable.
12. Scraped residue and runoff may be ground into an approved sewage system as defined in 7CFR §330.400-§330.403 or 9CFR §94.5 or collected and treated as regulated garbage. All materials associated or in contact with regulated garbage must be treated as regulated garbage.
13. If an accident occurs while transporting regulated garbage, then the establishment must immediately report the incident to the local CBP office at (*insert phone number*)\_\_\_\_\_.

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D. Equipment

1. Equipment (including but not limited to vehicles, containers, dumpsters and compactors) used to transport/store unprocessed regulated garbage must:

- be completely enclosed, rigid, and leak-proof.
- not have a canvas top, tarp covering or any other non-rigid covering.
- be capable of being secured by a seal, lock, or similar device.
- be capable of being cleaned and disinfected.
- be identified with the words "REGULATED GARBAGE" or a similar acceptable phrase in English and any appropriate foreign language. Lettering on containers should be large enough so that they could be legible from a distance of at least 10 feet.
- be maintained to ensure that all of the requirements listed above.

Leaking vehicles, compactors, containers or dumpsters must be removed from service until they are repaired. Areas where leaks occur must be cleaned and disinfected.

**II. Cleaning and Disinfection**

The dock area and the area around grinders, sterilizers, incinerators, compactors, and/or dumpsters must be kept clean and free of loose garbage at all times.

All wooden surfaces in garbage handling areas (including storage areas and inside transport vehicles) must be treated so that surfaces are impervious to water and can be cleaned and disinfected.

A. Articles Requiring Cleaning and Disinfection

Any article, means of conveyance, or other surface, including but not limited to carts, pallets, machinery, handling containers, trucks, or railroad cars, dock or warehouse surface contaminated with regulated garbage, must be cleaned and disinfected with one of the APHIS authorized disinfectants to meet regulatory requirements as outlined in the attached SOP before the items are reused.

Cleaning of portable articles must be performed over a drain leading to an approved sewage system or directly into a containment tank for proper disposal.

B. Materials and Equipment

The following items must be immediately available for cleaning and disinfection in all work areas and on each conveyance during the handling of regulated garbage:

1. One of the following APHIS-authorized disinfectants:

- a) **Virkon®S** (EPA Reg. No. 71654-6) must be mixed according to the label for a 1% solution. Once mixed, Virkon® S may only be used for seven (7) days from the date of mixing. The name "Virkon-S" and the date the solution was mixed must be written on the container holding the solution.

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- b) **Clorox® Bleach (sodium hypochlorite) 5.25%** (EPA Reg. No. 5813-1) commercially labeled for use as a disinfectant.
- Use as a solution with a concentration of 5000 ppm available chlorine.
  - **Mix** 13 ounces Clorox® Bleach 5.25% bleach to 1 gallon of water **or** 1 part Clorox® Bleach 5.25% to 9 parts water.
  - This solution will disinfect hard non-porous surfaces and can be used to decontaminate porous surfaces and materials.
  - The Clorox® Bleach 5.25% bleach (original bottle) may only be used for a maximum of two months. Write the date of purchase on the original bottle. Bleach is best stored out of heat and sun.
  - When bleach is diluted, it may only be used for a 24-hour period post dilution. The words “Bleach Solution”, the date and time of dilution must be written on the container holding the diluted bleach.

2. A sanitizer approved by the U.S. Environmental Protection Agency (EPA) for use on and around food contact surfaces (as applicable)
3. A source of clean water adequate to achieve proper cleaning and disinfection
4. A detergent
5. A scrub brush
6. Equipment to pick up solid material (such as a shovel or broom and dustpan)
7. Materials to contain and or absorb liquids
8. Plastic leak-proof bags to hold collected materials
9. Copy of all applicable Material Safety Data Sheets (MSDS) and disinfectant labels, if the original containers are not available
10. Appropriate personal protective equipment (such as rubber or latex gloves and safety goggles) and/or other equipment as required by the MSDS, the disinfectant labels and the establishment

C. Cleaning and Disinfection Procedures outlined in the SOP must meet the following conditions:

1. Non Food Handling Areas:

- Prior to applying detergent or disinfectant, regulated garbage (liquid and solid) must be removed from contaminated surfaces. Apply an absorbent material if needed. All collected regulated garbage and materials used in cleaning and disinfection must be disposed of as regulated garbage.
- Clean/scrub the affected area with detergent.
- Flush the affected area with clean water.
- Apply the disinfectant solution per label instructions; wet the entire affected area. Read disinfectant label to determine how long the disinfectant should remain on the surfaces. (Note: Mixed bleach solution (5000 ppm available chlorine) must remain on surface for 10 minutes.)
- Flush area with clean water and air dry per disinfectant label.

2. Food Handling Areas:

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Use only sanitizers approved by EPA for use in food handling areas. Ensure the sanitizer is allowed by the location where it is being used.

- Prior to applying sanitizer, all regulated garbage (liquid and solid) must be removed from contaminated surfaces. Apply an absorbent material if needed. All collected regulated garbage and materials used in cleaning and sanitizing must be disposed of as regulated garbage.
- Follow the instructions on sanitizer label.

APHIS/CBP will be immediately notified of any spillage outside of the facility at \_\_\_\_\_ (*insert phone number*). Cleaning and disinfecting of the area affected by the spill must be accomplished immediately. The establishment must provide trained personnel and equipment for immediate clean up of such spills and the procedures for this cleaning must be specified in the SOP.

The establishment must maintain records of disinfectant and sanitizer used in association with the handling of regulated garbage. This includes disinfectant used for both routine cleaning and disinfection and spills. Records must include at a minimum:

- Date of disinfectant or sanitizer use
- Specific location of disinfectant or sanitizer use
- Volume and concentration of disinfectant or sanitizer used

These records must be kept for three (3) years from the date of disinfectant or sanitizer usage.

### III. Emergency Backup System

In the event the establishment is unable to conduct the regulated garbage handling activities as outlined in this Compliance Agreement or the establishment is ordered to suspend its regulated garbage handling activities, the emergency backup system listed below must be implemented. Additionally, if the establishment's primary regulated garbage hauler is unavailable or the establishment's primary processor is inoperable, the emergency backup system listed below must be implemented, to ensure that regulated garbage is not stored at the establishment's facility for longer than 72 hours. Details of the emergency backup system must be included in the SOP. The establishment will immediately notify all of its regulated garbage customers affected by the implementation of the emergency backup system. The local APHIS/CBP office will be immediately advised of the implementation of the approved emergency backup system listed below: (*Must complete processor and hauler information.*)

- APHIS-approved Processor (*Choose one – sterilizer, incinerator, grinder.*) located at:

\_\_\_\_\_  
(*Name, Address, Phone Number*)

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- APHIS-approved Hauler or cartage firm to transport regulated garbage at this establishment to backup processor:

\_\_\_\_\_  
(Name, Address, Phone Number)

If the establishment has initiated the emergency backup plan, no regulated garbage will be accepted or processed by the establishment until authorized in writing by CBP. Any processing equipment that has been repaired will be reevaluated and certified in writing by an employee of APHIS.

#### IV. Training

The establishment must present a training program on regulated garbage handling to employees before they are permitted to handle or supervise the handling of regulated garbage. All previously trained employees shall be provided review training annually; this training may be given in more than one session.

The training program must be approved in writing by the local APHIS State Plant Health Director/CBP Port Director or his/her designee. The English version of the approved training program must be attached to the Compliance Agreement.

The training program must be written in English and any other appropriate languages, and must be presented in all appropriate languages. The training program should be of sufficient duration to provide the required information on regulated garbage handling and may include both formal classroom training and on-the-job training.

At a minimum, the training must include:

- Definition of regulated garbage
- Film, slides, or other training aids on foreign animal and plant diseases and pests
- Explanation and purpose of the regulations
- Review of the establishment's approved SOP including proper regulated garbage handling procedures covering all procedures conducted by the establishment. The SOP must also include protocols for reporting and handling emergency spills, maintaining control of regulated materials and the cleaning and disinfecting of affected areas and equipment
- Review of the Compliance Agreement

Training record keeping requirements:

The establishment must maintain a record of regulated garbage training provided to employees and any subcontractors if applicable. The training records must include:

- The date of the training
- The name (s) of the trainees
- The specific topics covered during the training
- The name of the trainer

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These records must be retained for a minimum of one (1) year from the end of the month in which the training occurred.

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