

MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CANADIAN FOOD INSPECTION AGENCY  
PLANT HEALTH DIVISION  
AND  
THE UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
PLANT PROTECTION AND QUARANTINE

PREAMBLE

The United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, and the Canadian Food Inspection Agency, Plant Health Division, hereinafter called the "Parties", shall apply and carry out this memorandum in accordance with the clauses stated hereafter and each country's respective legislative authorities. This agreement supersedes all previous agreements initiated for this program.

ARTICLE 1 - Purpose

This memorandum outlines the roles and responsibilities of the parties in the establishment of a greenhouse certification program, hereafter referred to as the "Program", which will facilitate the movement between the United States and Canada of certain greenhouse plants that are propagated in accordance with the Program. The Program will eliminate the need for individual phytosanitary certificates for each plant shipment. The phytosanitary certificates will be replaced by labels which are affixed to shipping invoices. The label will identify the participating facility by a unique identification number.

ARTICLE 2 - Authorities

a. Canada:

Authority exists in the Plant Protection Act, S.C. 1990, c. 22, and the Plant Protection Regulations, SOR/95-212.

b. United States:

The Secretary is authorized under the Plant Protection Act, 7 U.S.C. 7701-7772 (Public Law 106-224), to cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, and other persons to carry out operations or measures to detect, control, eradicate, suppress, prevent, or retard the spread of plant pests and noxious weeds.

Authority exists under 7 CFR 319.37, as amended September 18, 1992, for the Administrator of the U. S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), to enter into a written agreement with the Plant Health and Production Division of the Canadian Food Inspection Agency (CFIA), to allow for the importation of greenhouse grown restricted plants from Canada.

### ARTICLE 3 – Mutual Agreement

The Parties mutually agree to:

- a. Eliminate individual inspections and the issuance of phytosanitary certificates for each shipment of approved greenhouse grown plants exported in accordance with the Program and as stated in Canadian Plant Protection Directives D-96-11 (for imports), and D-96-12 (for exports), the U. S. Export Certification Manual (for exports) and U.S. Import Regulation 7 CFR 319.37 (for imports).
- b. For the purpose of this Memorandum, the term "greenhouse grown plants" is defined as those plants commonly known and recognized as indoor foliage and flowering plants and those categorized as bedding plants intended for planting either indoors or outdoors.
- c. Assign a unique identification number to each facility, which is approved to export greenhouse grown plants in accordance with the Program.
- d. Issue labels to each facility participating in the Program, bearing a unique number identifying that facility, and bearing a statement that the shipment of greenhouse grown plants meets the import requirements of the respective importing country and is believed to be free from injurious plant pests.
- e. Ensure that plants listed in Appendices I or II are excluded from the program in the respective country.
- f. Ensure that each owner or person in possession, care, or control of a participating facility has been made aware of the conditions and obligations upon which they can export greenhouse plants to Canada and the United States, and agrees in writing to:
  - (1) Maintain accurate records including date of receipt and place or origin, for at least one year for all plants shipped in accordance with the Program, and make such records available for review and copy by the Parties;
  - (2) Affix labels, as illustrated in Appendix III, to shipping documents accompanying each shipment of plants grown and exported to Canada and the United States in accordance with the Program;
  - (3) Exclude from shipping to the respective country those plants listed in Appendix I or II as appropriate; and

- (4) Control plant pests in the participating facility in a manner approved by the Party in which the respective facility is located.
- g. Ensure that all greenhouse plants shipped in accordance with the Program are of either United States or Canadian propagative origin as referenced in Canadian Plant Protection Directives D-96-11 (for imports), and D-96-12 (for exports), the U.S. Export Certification Manual (for exports), and U.S. Import Regulations 7 CFR 319-37 (for imports).
- h. Inspect participating facilities monthly, except the number of inspections may be reduced, but to no less than quarterly, when participating facilities have demonstrated a history of compliance to the requirements of the Program.
- i. Take action against any person residing or operating within their respective territories, who has violated any of the conditions under which that person's facility may participate in the Program. Where a violation of Program conditions has occurred, the person's facility will be immediately suspended from the Program for a period of time agreed to by both parties, and the phytosanitary authorities in the importing country shall be advised forthwith of the suspension. In the event a period of time for the suspension cannot be agreed upon by both parties, the period of time will be determined by the party in whose territory the facility operates.
- j. Inform each other prior to delegating program duties to secondary parties, i.e., state/provincial plant regulatory authorities.
- k. Ensure concurrence from their respective Customs Service and inform the Customs Service of changes to the Program.
- l. Meet on the twelfth month after the signing of this Memorandum, and on an as needed basis thereafter, to review the effectiveness of the Program and to determine what changes, if any, may be required.
- m. Have the privilege of conducting an on-site visit of any establishment, located in the other Party's territory, which is participating in the Program, in order to monitor compliance with the Program, including a review of the inspection methods, schedules, records, and inspection of the general phytosanitary condition of the establishment. Prior to any intended visit, each party shall provide 30 day advance notice to their counterpart.
- n. Monitor the operation of the Program in their respective country.
- o. Update and exchange lists of Program participants on an ongoing basis, and, on an annual basis, exchange compliance statistics and information relative to violations of the Program's conditions.
- p. Reserve the right to inspect shipments imported into their respective territories under the Program.

q. Take actions to suspend imports from participating facilities when violations to the Program are detected as a result of actions taken in either Article 3, Part M or Part P. Where a violation of Program conditions has occurred, that facility will be immediately suspended from the Program for a period of time agreed to by both Parties, and the phytosanitary authorities in the exporting country shall be advised forthwith of the suspension. In the event a period of time for the suspension cannot be agreed upon by the Parties, the period of time will be determined by the Party in whose territory the facility operates.

#### ARTICLE 4 – Statement of No Financial Obligation

Signature of this Memorandum does not constitute a financial obligation on the part of the Parties. Each signatory is to use and manage its own funds in carrying out the purpose of this Memorandum.

#### ARTICLE 5 – Limitations of Commitment

This Memorandum and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States. It is understood and agreed that any monies allocated for purposes covered by this Memorandum shall be expended in accordance with its terms and in the manner prescribed by the fiscal regulations and/or administrative policies of the Party making the funds available. If fiscal resources are to transfer, a separate agreement must be developed by the Parties.

#### ARTICLE 6 – Congressional Restriction

Under 41 U.S.C. 22, no member of, or delegate to, or Commissioner appointed by the Congress of the United States shall be admitted to any share or part of this Memorandum or to any benefit to arise therefrom.

#### ARTICLE 7 – Amendments

This Memorandum may be amended at any time by mutual agreement of the Parties in writing.

#### ARTICLE 8 – Termination

This Memorandum may be terminated by either Party upon sixty (60) days written notice to the other Party.

#### ARTICLE 9 – Effective Date and Duration

This Memorandum will be effective upon date of final signature and continue for 5 years. This Memorandum can be extended by mutual agreement of the Parties in writing.

15/

Plant Health Division  
Canadian Food Inspection Agency  
Ottawa, Ontario

Date

June 11/04

15/

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Washington, DC

7/27/04  
Date

## APPENDIX I

### PLANTS EXCLUDED FROM THE CANADA/U.S. GREENHOUSE CERTIFICATION PROGRAM FOR EXPORT TO CANADA

The following plants are excluded from this program for shipment to Canada:

A. Any plant imported into the continental United States or Canada in growing media from a third country unless the plant meets the requirements of both 7CFR 319.37-8 AND the Canadian Growing Media Program at the time of entry.

Any plant imported into the continental United States or Canada in growing media from the State of Hawaii or a U.S. territory unless the plant meets the requirements of both 7CFR318.13 AND the Canadian Growing Media Program at the time of entry.

B. Plants of the following genera/species:

<i>Ajania</i> spp.	<i>Mahoberberis</i> spp.
<i>Allium</i> spp.	<i>Malus</i> spp.
<i>Arctostaphylos</i> spp. *	<i>Nicotiana tabacum</i>
<i>Abies</i> spp.	<i>Nipponanthemum</i> spp. *
<i>Berberis</i> spp.	<i>Picea</i> spp.
<i>Capsicum</i> spp.	<i>Pinus</i> spp.
<i>Castanea</i> spp.	<i>Prunus</i> spp.
<i>Chaenomeles</i> spp.	<i>Pseudotsuga</i> spp.
<i>Chrysanthemum</i> spp. *	<i>Pyrus</i> spp.
<i>Corylus</i> spp.	<i>Quercus</i> spp.
<i>Crataegus</i> spp.	<i>Rhamnus</i> spp.
<i>Cydonia</i> spp.	<i>Solanum</i> spp.
<i>Dendranthema</i> spp. *	<i>Ulmus</i> spp.
<i>Gaylussacia</i> spp.	<i>Umbellularia</i> spp.
<i>Juniperus</i> spp.	<i>Vaccinium</i> spp.
<i>Larix</i> spp.	<i>Viburnum</i> spp.
<i>Leucanthemum</i> spp. *	<i>Vitis</i> spp.
<i>Lithocarpus</i> spp.	<i>Zelkova</i> spp.
<i>Lycopersicon</i> spp.	
<i>Mahonia</i> spp.	

\* only flowering potted mums are permitted.

Note: Genera and species listed above are prohibited entry into Canada, or are subject to specific phytosanitary certification requirements.

## APPENDIX II

### PLANTS EXCLUDED FROM THE CANADA/U.S. GREENHOUSE CERTIFICATION PROGRAM FOR EXPORT TO THE UNITED STATES

The following plants are excluded from this program for shipment to the United States.

A. Any plant imported into the continental United States or Canada in growing media from a third country unless the plant meets the requirements of both 7CFR 319.37-8 AND the Canadian Growing Media Program at the time of entry.

Any plant imported into the continental United States or Canada in growing media from the State of Hawaii or a U.S. territory unless the plant meets the requirements of both 7CFR 318.13 AND the Canadian Growing Media Program at the time of entry.

B. Plants of the following genera/species:

<i>Adonidia</i> spp.	<i>Euphorbia prunifolia</i>	<i>Oryza rufipogon</i>
<i>Aeginetia</i> spp.	<i>Galega officinalis</i>	<i>Paspalum scrobiculatum</i>
<i>Ageratina adenophora</i>	<i>Gaussia</i> spp.	<i>Pennisetum clandestinum</i>
<i>Aiphanes</i> spp.	<i>Gossypium</i> spp.	<i>Pennisetum macrourum</i>
<i>Alectra</i> spp.	<i>Heracleum mantegazzianum</i>	<i>Pennisetum pedicellatum</i>
<i>Allegoptera arenaria</i>	<i>Howea</i> spp.	<i>Pennisetum polystachion</i>
<i>Alternanthera sessilis</i>	<i>Humulus</i> spp.	<i>Phoenix</i> spp.
<i>Areca</i> spp.	<i>Hydrilla verticillata</i>	<i>Pinus</i> spp.
<i>Arenga</i> spp.	<i>Hygrophila polysperma</i>	<i>Planera</i> spp.
<i>Arikuryroba</i> spp.	<i>Hyophorbe</i> spp.	<i>Pritchardia</i> spp.
<i>Asphodelus fistulosus</i>	<i>Imperata brasiliensis</i>	<i>Prosopis</i> spp.
<i>Avena ludoviciana</i>	<i>Imperata cylindrica</i>	<i>Prunus</i> spp.
<i>Avena sterilis</i>	<i>Ipomoea</i> spp. (except <i>I. batatas</i> )*	<i>Pseudolarix</i> spp.
<i>Azolla pinnata</i>	<i>Ischaemum regosum</i>	<i>Pyrus</i> spp.
<i>Bambuseae</i> - All genera	<i>Lagarosiphon major</i>	<i>Ravena</i> spp.
<i>Berberis</i> spp.	<i>Larix</i> spp.	<i>Ribes</i> spp.
<i>Borassus</i> spp.	<i>Latania</i> spp.	<i>Rottboellia exaltata</i>
<i>Borreria alata</i>	<i>Leptochloa chinensis</i>	<i>Rubus</i> spp.
<i>Bromeliaceae</i> - All genera	<i>Limnophila sessiliflora</i>	<i>Rutaceae</i> -All genera
<i>Carthamus oxyacantha</i>	<i>Livistona</i> spp.	<i>Saccharum spontaneum</i>
<i>Caryota</i> spp.	<i>Lycium ferocissimum</i>	<i>Sagittaria sagittifolia</i>
<i>Castanea</i> spp.	<i>Mahoberberis</i> spp.	<i>Salsola vermiculata</i>
<i>Castanopsis</i> spp.	<i>Mahonia</i> spp.	<i>Salvinia auriculata</i>
<i>Chaenomeles</i> spp.	<i>Malus</i> spp.	<i>Salvinia biloba</i>
<i>Chrysalidocarpus</i> spp.	<i>Mascarena</i> spp.	<i>Salvinia herzogii</i>
<i>Chrysopogon aciculatus</i>	<i>Melastoma malabathricum</i>	<i>Salvinia molesta</i>
<i>Cocos</i> spp.	<i>Mespilus germanica</i>	<i>Setaria pallide-fusca</i>
<i>Commelina benghalensis</i>	<i>Mikania cordata</i>	<i>Solanum torvum</i>
<i>Corypha</i> spp.	<i>Mikania micrantha</i>	<i>Solanum viarum</i>
<i>Crupina vulgaris</i>	<i>Mimosa invisa</i>	<i>Sparganium erectum</i>

*Cuscuta* spp.  
*Cydonia* spp.  
*Dictyosperma* spp.  
*Digitaria scalarum*  
*Digitaria velutina*  
*Drymaria arenarioides*  
*Eichhornia azurea*  
*Elaeis* spp.  
*Emex australis*  
*Emex spinosa*

*Mimosa pigra*  
*Manocharia hastata*  
*Monochoria vaginalis*  
*Nannorrhops* spp.  
*Nassella trichotama*  
*Neodopsis* spp.  
*Opuntia aurantiaca*  
*Orobanche* spp.  
*Oryza longistaminata*  
*Oryza punctate*

*Stratiodes aloides*  
*Striga* spp.  
*Theobroma* spp.  
*Trachycarpus* spp.  
*Tridax procumbens*  
*Urochloa panicoides*  
*Veitchia* spp.  
*Vitis* spp.  
*Zelkova* spp.

\* Canadian greenhouse facilities may ship *Ipomoea batatas* using a GCP export certification label if a statement is declared on the invoice confirming the origin of the plants. The statement "***IPOMOEA BATATAS* PLANTS IN THIS SHIPMENT ORIGINATED IN THE UNITED STATES OR WERE GROWN FROM SEED**" should be written in **BOLD, CAPITAL** letters and clearly visible to Custom and order Protection Inspectors.

This statement can be included either:

- On a self-printed label attached to the shipping invoice; or
- Following the name of the listed plant, for example "*Ipomoea batatas* (***IPOMOEA BATATAS* PLANTS IN THIS SHIPMENT ORIGINATED IN THE UNITED STATES OR WERE GROWN FROM SEED**)." )"

## APPENDIX II

### PLANTS EXCLUDED FROM THE CANADA/U.S. GREENHOUSE CERTIFICATION PROGRAM FOR EXPORT TO THE UNITED STATES

#### C. Plants whose propagative origin is other than Canada and the United States:

Abelmoschus spp.	Dianthus spp.	Morus spp.
Abies spp.	Dimocarpus spp.	Nephelium spp.
Acacia spp.	Diospyros spp.	Olea spp.
Acer spp.	Durio spp.	Passiflora spp.
Achras spp.	Eriobotrya spp.	Persea spp.
Actinidia spp.	Eucalyptus spp.	Philadelphus spp.
Aesculus spp.	Eugenia spp.	Phyllanthus spp.
Althaea spp.	Euonymus spp.	Picea spp.
Anacardium spp.	Euphoria spp.	Pistacea vera
Annona spp.	Fabaceae-herbaceous spp.	Poaceae -All genera
Arachis spp.	Feijoa spp.	Populus spp.
Artocarpus spp.	Ficus carica	Pouteria spp.
Averrhoa spp.	Fragaria spp.	Pseudotsuga spp.
Blighia sapida	Fraxinus spp.	Psidium spp.
Bouea spp.	Garcinia spp.	Punica spp.
Calocarpum spp.	Gladiolus spp.	Pyronia spp.
Carica spp.	Hibiscus spp.	Quercus spp.
Carissa spp.	Hydrangea spp.	Rhodomyrtus spp.
Carya spp.	Jasminum spp.	Rosa spp.
Cedrus spp.	Juglans spp.	Salix spp.
Ceratonia spp.	Juniperus spp.	Solanum spp.
Chrysanthemum spp.	Lansium spp.	Sorbus spp.
Chrysobalanus spp.	Ligustrum spp.	Spondias spp.
Chrysophyllum spp.	Litchi spp.	Syringa spp.
Cocoloba spp.	Macadamia spp.	Syzygium spp.
Coffea spp.	Malphigia spp.	Ulmus spp.
Corylus spp.	Mammea spp.	Vaccinium spp.
Crataegus spp.	Mangifera spp.	Watsonia spp.
Crococsmia spp.	Manihot spp.	Ziziphus spp.
Datura spp.	Manilkara spp.	
Dendranthema spp.	Melicoccus spp.	

APPENDIX III  
Sample Shipping Labels

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
Animal and Plant Health Inspection Service



Serial No. \_\_\_\_\_

This shipment of greenhouse-grown plants meets the import requirements of Canada and is believed to be free from injurious plant pests.

FL- \_\_\_\_\_



Government  
of Canada

Canadian Food  
Inspection  
Agency

Gouvernement  
du Canada

Agence canadienne  
d'inspection des  
aliments



**Greenhouse-grown Plants from Canada**  
**Plantes produites en serre du Canada**

**N°**

This shipment of greenhouse-grown plants meets the import requirements of the United States, and is believed to be free from injurious plant pests. Issued by the Plant Protection Division, Canadian Food Inspection Agency.

Cet envoi de plantes produites en serre satisfait les exigences des États-Unis en matière d'importation et nous croyons qu'il est exempt de parasites des plantes. Emis par la Division de la protection des végétaux, Agence canadienne d'inspection des aliments.

CFIA / ACIA4702 (97/12)

**Canada**

REVISION 03-4  
TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
CANADIAN FOOD INSPECTION AGENCY  
AND  
THE UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
PLANT PROTECTION AND QUARANTINE

Under the provisions of Article 7 of the Fiscal Year 2003 Memorandum of Understanding, 03-8100-0315-MU (the 'MOU'), the Canadian Food Inspection Agency and the United States Department of Agriculture Animal and Plant Health Inspection Service Plant Protection and Quarantine (the 'Parties') hereby agree to revise the terms of the MOU. The MOU outlines the roles and responsibilities of the Parties in the establishment of the Greenhouse Certification Program (the 'Program') which facilitates the movement between the United States and Canada of certain greenhouse plants that are propagated in accordance with the Program.

The following Appendix is hereby revised to amend the conditions for certification of *Ipomoea batatas* using an export certification label for shipment from Canada to the United States.

Appendix II

PLANTS EXCLUDED FROM THE CANADA/ U.S. GREENHOUSE  
CERTIFICATION PROGRAM FOR EXPORT TO THE UNITED STATES

*Ipomoea* spp. (except *I. batatas*)\*

\* Canadian greenhouse facilities may ship *Ipomoea batatas* using a GCP export certification label if a statement is declared on the invoice confirming the origin of the plants. The statement "**IPOMOEA BATATAS PLANTS IN THIS SHIPMENT ORIGINATED IN THE UNITED STATES OR WERE GROWN FROM SEED**" should be written in **BOLD, CAPITAL** letters and clearly visible to Custom and Border Protection Inspectors.

This statement can be included either:

- On a self-printed label attached to the shipping invoice; or
- Following the name of the listed plant, for example "*Ipomoea batatas* (**IPOMOEA BATATAS PLANTS IN THIS SHIPMENT ORIGINATED IN THE UNITED STATES OR WERE GROWN FROM SEED**)."

15/  
National Manager  
Greenhouse and Nursery Section, Horticulture Division  
Plant Health and Biosecurity Directorate, CFIA  
Ottawa, Ontario

06-14-2013

Date

15/  
Assistant Deputy Administrator  
Phytosanitary Issues Management  
Plant Protection and Quarantine, USDAAPHIS  
United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Washington, DC

6-11-2013

Date

REVISION 03-6  
TO THE  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CANADIAN FOOD INSPECTION AGENCY  
AND  
THE UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE  
PLANT PROTECTION AND QUARANTINE

Under the provisions of Article 7 of the Fiscal Year 2003 Memorandum of Understanding 03-8100-0314-MU (the 'MOU'), the Canadian Food Inspection Agency (CFIA) and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (APHIS) (the 'Parties') hereby agree to revise the terms of the MOU. The MOU outlines the roles and responsibilities of the Parties in the establishment of the Greenhouse Certification Program (the 'Program') which facilitates the movement of plant between the United States and Canada of certain greenhouse plants that are propagated in accordance with the Program.

The following Articles and Appendices are hereby revised:

ARTICLE 2 - Authorities

b. United States:

Under the Plant Protection Act (PPA), as amended, (7 USC §§ 7701 et. seq.), the Secretary of Agriculture is authorized to issue regulations and orders to prevent, detect, control, eradicate, suppress, or retard the spread of plant pests or noxious weeds into or within the United States and to cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out the purposes of the PPA.

ARTICLE 3 – Mutual Agreement

r. The Parties agree to designate an Authorized Departmental Officer's Designated Representative (ADODR) who shall be responsible for collaboratively administering the activities conducted under this Agreement. Should this individual no longer be able to serve in this capacity, a letter will be issued to appoint a temporary or replacement ADODR.

s. Each Party intends to share data and protect shared data in accordance with its national laws and regulations



APPENDIX I  
PLANTS EXCLUDED FROM THE CANADA/U.S. GREENHOUSE CERTIFICATION  
PROGRAM FOR EXPORT TO CANADA

The following plants are excluded from this program for shipment to Canada:

- A. Any plant imported into the continental United States or Canada in growing media from a third country unless the plant meets the requirements of both 7CFR 319.37-8 AND the Canadian Growing Media Program at the time of entry.

Any plant imported into the continental United States or Canada in growing media from the State of Hawaii or a U.S. territory unless the plant meets the requirements of both 7CFR318.13 AND the Canadian Growing Media Program at the time of entry.

- B. Plants of the following genera/species:

APPENDIX II  
PLANTS EXCLUDED FROM THE CANADA/U.S. GREENHOUSE CERTIFICATION  
PROGRAM FOR EXPORT TO THE UNITED STATES

- A. Any plant imported into the continental United States or Canada in growing media from a third country unless the plant meets the requirements of both 7CFR 319.37-8 AND the Canadian Growing Media Program at the time of entry.

Any plant imported into the continental United States or Canada in growing media from the State of Hawaii or a U.S. territory unless the plant meets the requirements of both 7CFR 318.13 AND the Canadian Growing Media Program at the time of entry.