



## Introducing the Federally Recognized State Managed Phytosanitary (FRSMP or 'Freestamp') Program

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## FRSMP builds on the International Plant Protection Convention (IPPC) concept of Official Control

- PPQ defines each phytosanitary measure to be recognized:
  - Contain
  - Eradicate
  - Exclude from protected area
- FRSMP programs will adhere to the principles of non-discrimination, transparency, equivalence of phytosanitary measures and pest risk analysis
- States manage a harmonized phytosanitary program that PPQ will recognize and oversee in order to follow the IPPC guideline



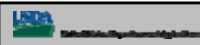
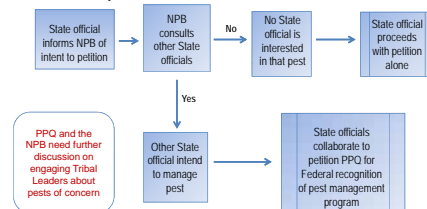
## What is the advantage to States?

- Even if PPQ does not regulate a pest, state quarantines recognized under FRSMP may be enforced at the port of entry
- FRSMP port of entry information may be included in monthly EAN data
- PPQ will spot check for movement of unmitigated FRSMP shipments to FRSMP states
- SPROs or designees may take action on FRSMP shipments in foreign commerce acting as Federal Collaborator
- Port of entry protection under FRSMP provides justification for equivalent remedial action to foreign trading partners, making successful challenges less likely



## What is the procedure to file a petition?

The first step is to communicate with the NPB



## What is required in a petition?

- Evidence of absence or limited distribution and likelihood of entry and establishment (for quarantine pests only)
- Potential economic/ environmental harm
- A program for maintenance/ verification (or testing for regulated non-quarantine pests only)
- State, local or tribal phytosanitary regulations

A template can be found on the FRSMP website.

<http://frsmp.aphis.usda.gov>



## What happens after a petition is approved?

- States enter into an MOU with APHIS-PPQ
- SPRO or designee becomes Federal Collaborator in order to act for APHIS should pest be found in foreign commerce
- SPRO manages phytosanitary program
- SPRO assures PPQ reporting requirements are met in order to justify remedial actions at POE and meet international guidelines



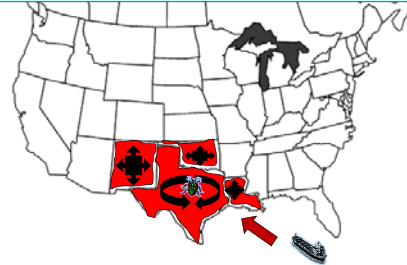
### How will FRSMMP be Managed at the Port of Entry?

- A FRSMMP pest detected arriving in a FRSMMP state will be treated as any other actionable pest
- A FRSMMP pest arriving in a non-FRSMMP state will be permitted entry with FRSMMP requirements communicated through the Emergency Action Notification (EAN) - a new use of the EAN

### Example 1: Pest A is Detected Arriving in a FRSMMP State

Legend: Shading = FRSMMP States    External quarantine    Containment

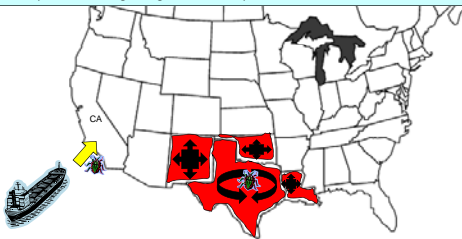
A shipment with a FRSMMP pest is arriving in a FRSMMP State. PPQ will order it to be treated, re-exported or destroyed.



### Example 2: Pest A is Detected Arriving in a non-FRSMMP State, Intended for Nationwide Distribution

Legend: Shading = FRSMMP States    External quarantine    Containment

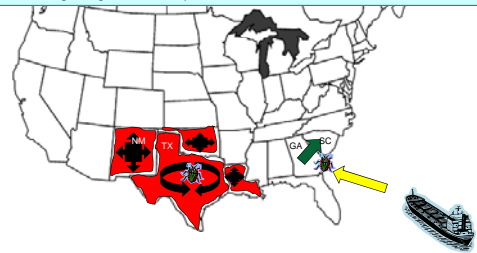
A shipment with a FRSMMP pest is NOT arriving in a FRSMMP State. PPQ will issue an order (on the EAN) to the importer to undergo mitigations if the importer wishes to move to FRSMMP States.



### Example 3: Pest A is Detected Arriving in a non-FRSMMP State, destined to a non-FRSMMP State

Legend: Shading = FRSMMP States    External quarantine    Containment

A shipment with a FRSMMP pest is NOT arriving in a FRSMMP State. PPQ will issue an order (on the EAN) to the importer to undergo mitigations if the importer wishes to move to FRSMMP States.



The FRSMMP Program will begin accepting state petitions on September 30, 2013 and will continue to evolve as needed

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*Thank you for your attention*



## Challenges of Evaluating Pests Pending a Decision for the Federally Recognized State Managed Phytosanitary (FRSMP or 'Freestamp') Program

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## Deregulation Evaluation of Established Pests (DEEP)

- In July 2010, PPQ began to present the NPB with "DEEP" pests
- DEEP is a PPQ-State collaborative review process for "pending pests" that have no Federal phytosanitary program
- PPQ keeps "pending pests" actionable at the port of entry awaiting a decision from States if they intend to petition for FRSMP
- When all States decline to regulate "pending pests" through the FRSMP Program, they will be changed to non-actionable status at the port of entry
- The change to non-actionable brings us into compliance with international agreements



## Deregulation Evaluation of Established Pests (DEEP)

- As of July 2013, PPQ has changed 63 pests to non-actionable
- About 100 more pests are to be evaluated by States to decide whether to petition for FRSMP.
- At the current rate of evaluation of 30 pests per year, it will take over 3 years to complete the evaluations.



## The FRSMP Program becomes effective September 30, 2013

- After September 30, "pending pests" not changed to non-actionable status at the port of entry require a successful petition for the FRSMP Program.
- How can States prioritize which pests would warrant a FRSMP petition?



## Options

1. PPQ shares a simple "listing" of pests prior to relevant risk assessment performed -- this has potential for misinformation to be disseminated.
2. PPQ pre-evaluates pests and send DEEP reports of the highest risk pests most deserving of resources, so those pests will receive priority.
3. PPQ continues sending DEEP reports, but defers the petition for FRSMP (parking lot) until the DEEP analyses have been completed for the pests.



## Can we shorten the time it takes in option 3?

- If states can evaluate a few more DEEP reports per year, it will help.
- Instead of 10 per batch, perhaps 12 to 15?
- Or another configuration to adjust to workload, for example:
  - 15 DEEP reports on January 1
  - 10 DEEP reports on April 1
  - 15 DEEP reports on October 1



## Let's discuss an approach to resolve the pending pests

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