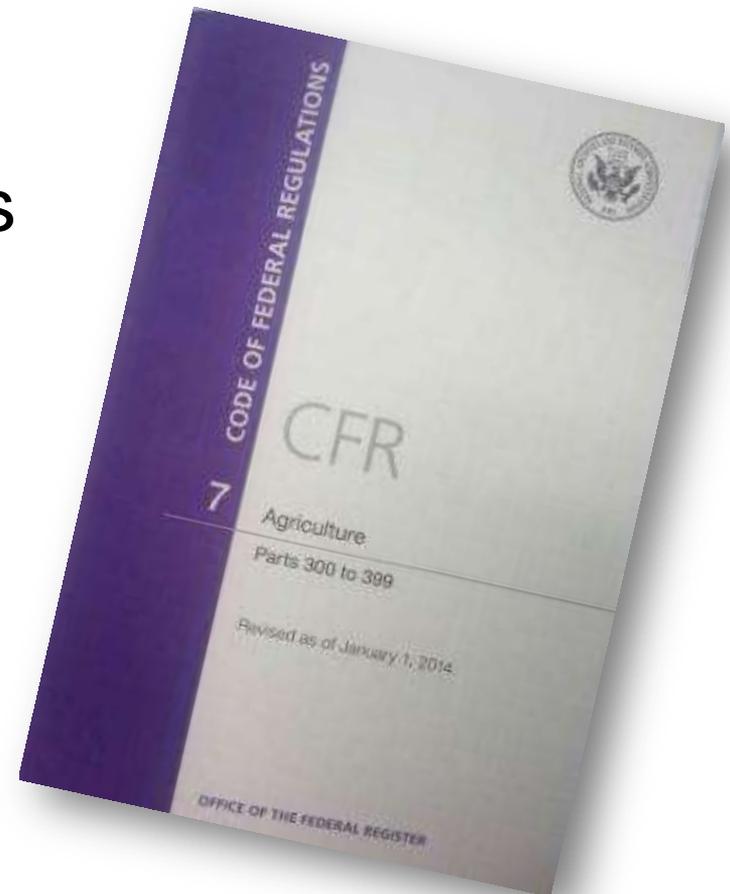




# Overview of the Draft Proposed Rule

Restructuring of Regulations  
Domestic Quarantine Notices  
7 CFR Part 301





# Project Team

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# Presentation Objectives

- Provide overview of the **Domestic Quarantine** proposed rulemaking
- Preview the CFR subpart for **General Requirements** and **Phytosanitary Measures**
- Consider regulatory, policy, and operational changes for transformation



## Need and Purpose

The current regulations are:

- Outdated,
- Prescriptive,
- Inconsistent among subparts, and
- Time-consuming to revise.

This proposed rulemaking would consolidate sections that are generally applicable to all domestic pest programs and streamline the process for making changes to the regulatory requirements.

# Current Regulations

- Contain 24 subparts
- Each pest subpart lists the same general information



## ELECTRONIC CODE OF FEDERAL REGULATIONS

### Title 7: Agriculture

#### PART 301—DOMESTIC QUARANTINE NOTICES

##### Contents

##### Subpart—Preemption and Special Need Requests

§301.1 Purpose and scope.

§301.1-1 Definitions.

§301.1-2 Criteria for special need requests.

§301.1-3 Action on special need requests.

##### Subpart—Imported Plants and Plant Parts

§301.10 Definitions.

§301.11 Notice of quarantine; prohibition on the interstate movement of certain imported plants and plant parts.

##### Subpart—Fruit Flies

§301.32 Restrictions on interstate movement of regulated articles.

##### §301.32-1 Definitions.

##### §301.32-2 Regulated articles.

§301.32-3 Quarantined areas.

§301.32-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

§301.32-5 Issuance and cancellation of certificates and limited permits.

§301.32-6 Compliance agreements and cancellation.

§301.32-7 Assembly and inspection of regulated articles.

§301.32-8 Attachment and disposition of certificates and limited permits.

§301.32-9 Costs and charges.

§301.32-10 Treatments.

##### Subpart—Black Stem Rust

§301.38 Notice of quarantine; restrictions on interstate movement of regulated articles.

##### §301.38-1 Definitions.

##### §301.38-2 Regulated articles.

# Consolidation and Streamlining

The proposed Part 301 would condense 24 subparts into the following 4 subparts:

- Preemption and Special Needs
- Imported Plant and Plant Parts
- General Requirements for Domestic Quarantine Notices
- Compensation

# Proposed Regulations

One subpart applies to all pests:

## General Requirements

- Definitions
- Process to post plant pests, quarantined areas, regulated articles, and conditions for movement on PPQ website and make notice based changes
- Phytosanitary Measures
- Administrative instructions for issuance and cancellation of compliance agreements, limited permits, and certificates
- Inspection, costs and charges, treatments

# Subpart 301.3(?)—General Requirements for Domestic Quarantine Notices

§ 301.3(?) Notice of quarantine.

§ 301.3-1(?) Process for adding or removing a plant pest to the list of quarantined plant pests.

- a) Process to establish a new domestic quarantine program.
- b) Response to comments.
- c) Removals from the list of quarantined plant pests.

## **Subpart 301.3—General Requirements for Domestic Quarantine Notices**

### § 301.3-2(?) Regulated articles.

- a) Addition of regulated articles.
- b) Removal of regulated articles.
- c) Notice of Change.

### § 301.3-3(?) Quarantined areas.

- a) Designation of quarantined areas.
- b) Designation of area less than an entire State as a quarantined area.
- c) Criteria for designation of a State, portion of a State, as a quarantined area.
- d) Termination of designations.

## **Subpart 301.3—General Requirements for Domestic Quarantine Notices**

§ 301.3-5(?) Issuance and cancellation of certificates and limited permits for the interstate movement of regulated articles.

§ 301.3-6(?) Interstate movement of regulated articles from quarantined areas.

- a) Without certificate or limited permit.
- b) With certificate or limited permit when additional conditions are required.
- c) For scientific or experimental purposes.

## Subpart 301.3—General Requirements for Domestic Quarantine Notices

- d) Changes to the conditions for interstate movement.

*NOTE: Regulations will contain provisions to make changes to the **conditions for movement** which will be located on the website, in program manuals, and in compliance agreements.*

# Subpart 301.3—General Requirements for Domestic Quarantine Notices

§ 301.3-4(?)

Interstate movement of regulated articles;  
Phytosanitary Measures.

## *Phytosanitary Measures*

- Located in the regulations
- Ties in enforcement for movement conditions located on the web and in compliance agreements

# Designated Phytosanitary Measures

- 1) The regulated articles are subject to phytosanitary treatments, which could include, but are not limited to, pest control treatments in the field or growing site, and post-harvest treatments.
- 2) The regulated articles are subject to growing area pest mitigations, which could include, but are not limited to detection surveys, trapping requirements, pest exclusionary structures, and field inspections.
- 3) The regulated articles are subject to safeguarding and movement mitigations, which could include, but are not limited to, safeguarded transport, box labeling, limited distribution, and insect-proof boxes.
- 4) The regulated articles are subject to administrative mitigations, which could include, but are not limited to inspection at the point of origin by an inspector.
- 5) The regulated articles are subject to any other measures deemed appropriate by the Administrator.

# Subpart 301.3(?)—General Requirements for Domestic Quarantine Notices

§ 301.3-7(?) Compliance agreements and cancellation.

§ 301.3-8(?) Inspection of regulated articles.

§ 301.3-9(?) Attachment and disposition of certificates and limited permits.

§ 301.3-10(?) Inspection, safeguards, and disposal.

§ 301.3-11(?) Approved treatments.

§ 301.3-12(?) Costs and charges.

§ 301.3-13(?) Recordkeeping.

# Policy and Operational Changes

- Redesign website
- Revise manuals
- Provide guidance to stakeholders on changes to the regulations, website, phytosanitary measures, and compliance agreements.
- Revise CFR citations on compliance agreements, investigative reports, and other documents.
- Ensure compliance agreements contain instructions to support the phytosanitary measures.

# Regulatory Changes



## Conclusion

- Restructure *Domestic Quarantine* regulatory framework
- Establish the *General Requirements and Phytosanitary Measures* in CFR
- Move regulatory information from CFR to PPQ website
- Refer to PPQ website for most up-to-date regulatory information
- Adapt to transformation in regulations, policy, website, manuals, and guidance to stakeholders.

# Questions?

