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| **Main Topic** | Export Certification Workgroup – Meeting |
| **Date:** | December 8, 2011 |
| **Time** | 2:30pm EST |
| **Facilitator:** | Michon Oubichon |
| **Scribe** | Michon Oubichon |
| **Location:** | Conference Call: 888-858-2144, code: 5268033 |

## MEMBERS:

| Name | Contact Information | Meeting Participant |
|---|---|---|
| Mike Bryan, Central Plant Board Representative | bryanm@michigan.gov | X |
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| Julie Clapp, Export Specialist, Export Database | julie.l.clapp@aphis.usda.gov | X |
| Mike Cooper, National and Western Plant Board Representative | mike.cooper@agri.idaho.gov | |
| Emilee Douglas, Idaho Dept of Agriculture | EDouglas@agri.idaho.gov | X |
| Christian Dellis, Deputy Director PIM | christian.b.dellis@aphis.usda.gov | |
| Carl Harper, Southern Plant Board Representative | carl.harper@uky.edu | X |
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| Dennis Martin, Export Specialist | dennis.w.martin@aphis.usda.gov | |
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| Michon Oubichon, Senior Export Specialist, | michon.m.oubichon@aphis.usda.gov | X |
| Michael Perry, Export Specialist, PCIT, | michael.j.perry@aphis.usda.gov | X |
| Sarah Scally, Eastern Plant Board Representative | sarah.h.scally@maine.gov | X |
| Craig Southwick, Western Region Program Manager, | craig.southwick@aphis.usda.gov | |
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| Maggie Smither, Export Specialist | margaret.r.smither@aphis.usda.gov | X |
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## Agenda:

| No. | Topic | Responsible |
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| 1. | **Additional Declaration format change for the European Union**<br><br>Michael Perry is revising the information in the EU summary to reflect | Michael Perry |

| No. | Topic | Responsible |
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| | the new AD requirements. He is creating a "reference sheet" to assist ACO's and this information will be available in the country summary to assist with certification. | |
| 2. | **Export Treatment Policy – Update**<br><br>A Copy of the policy is attached along with the FAQ document. | Michon Oubichon |
| 3. | **Import Permit – Harmful Organisms not listed on the IP, but listed in the country summary.**<br><br>If a harmful organism is not listed on the IP but listed in the country summary, it is still considered a harmful organism. Both resources should be used to determine if an interception is a harmful organism, unless otherwise directed by the IP. | Mike Bryan |
| 4. | **Sample rate of inspection for grain. Tolerance levels for insects and contaminants not listed on the harmful organism list.**<br><br>The tolerance level for infestations is 2%. The inspection rate can be 2% or based on the hypergeometric table. | Mike Bryan |
| 5. | **Additional Declarations – Standard AD's for HT and KD shipments.**<br><br>ACO's are receiving IP's for lumber that do not clearly state an AD requirement, but the country requires AD's for HT or KD. One country in particular is Mauritius. ES will work with the trade staff / IS to see if we can clarify the requirements for lumber to Mauritius and place the information into the country summary. The field is interested in a standard AD statement for HT and KD shipments, for consistency on certificates. | Carl Harper |
| 6. | **Inspection Reports – Policy Statement in Manual**<br><br>Everyone reviewed the policy statement regarding inspection reports and the statement will be placed in the XPM – Policy Section. | Mike Perry/Michon Oubichon |
| 7. | **Traceback reports – Discuss ideas and develop information that would be included on the "traceback" report (format, filters etc.).**<br><br>The group decided that it wanted some additional time to think about | All |

| No. | Topic | Responsible |
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| | "traceback" report info. ES will send out additional information in preparation for the next ECW meeting. | |
| 8. | Open Discussion -<br><br>Next Meeting February 23, 2012 | All |

**Export Certification Treatment Policy - FAQ**

***Is there a difference between import treatments and export treatments?***

There are differences between import and export treatments.

Import treatments are established by PPQ based on scientific research and they impose the appropriate level of protection for the US.

Export treatments are provided by the foreign country to address the appropriate level of protection for their country. PPQ does not have the legal authority to impose requirements beyond the pesticide label or the importing countries requirements for export treatments. All export treatments must follow the pesticide label and are verified based on the importing countries requirements for a particular commodity.

***Why can't an ACO use the schedules that are listed in the APHIS PPQ Treatment Manual (TM)?***

The TM is primarily an import manual. All treatments listed in the TM are incorporated by reference into Title 7, Code of Federal Regulations (7 CFR), as import treatments.

The TM does not cover all pests of concern. It primarily addresses pests of concern to the US and is based upon scientific research. In many cases foreign countries are concerned with pests that are already established in the US and there are no corresponding schedules for these pests in the TM. The foreign country provides the phytosanitary requirements for their pests of concern.

A review of the TM will be undertaken to remove export related information as per Treatment Advisory Committee agreement and with concurrence from the Executive Director, PPQ-Plant Health Programs. The Export Certification Work group, comprised of federal, state and county officials will be reviewing the TM and will transfer export treatment schedules from the TM into the appropriate summary in PExD and any additional export treatment information, including safety guidelines, into the Export Program Manual. PExD and official communication from US trading partners are the primary resources for export treatments.

***A request has been made for more detailed directions on how to monitor treatments for exports. Will more detailed directions be provided?***

When developing guidelines there is always a balance that must be struck between national consistency and operational flexibility. Because of the variety of export treatments, there is a need for a good deal of operational flexibility. With that in mind, more information regarding treatments for exports will be incorporated into the Export Program Manual as described above.

***What is the official definition of monitoring for export treatments?***

For the Export Certification Program, treatment requirements will be verified, in order to avoid confusion the term monitoring will not be used. Verifying an export treatment means that steps are taken to ensure that the phytosanitary treatment is done without violating the pesticide label and follows the importing country's phytosanitary requirements. Verifying has a similar meaning to "supervision" as defined by the EPA (see below.) This should include, at a minimum, ensuring that the enclosure is tight and properly

sealed, the correct amount of methyl bromide (MB) enters the enclosure, and the commodity is treated for the appropriate period of time.

***Can "Q" Labeled gas be used for Exports? Can Section 18 be used for Exports?***

The Q Label is totally separate from section 18 and can be used for imports and exports.

The USDA has a section 18 federal exemption for import quarantine treatments only. The USDA's Section 18 exemption and schedules are not appropriate for Export Certification.

Any State can apply for a section 18 exemption and conduct treatments for exports under this exemption. For example CA was granted an exemption for broccoli exports.

***What does it mean when an EPA label says "Supervised by"?***

When the words "supervised by" are used on a pesticide label, it has a very specific meaning under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). These words are used on pesticide labels only in reference to a chemical classified by the U.S. Environmental Protection Agency (EPA) as a "restricted use pesticide." MB is a restricted use pesticide, as is, for example, Dimilin (for grasshopper control.) "Supervision", when used by the EPA, means "to ensure that the treatment is performed in complete accordance with the label of the restricted-use pesticide." Only persons who are licensed and certified to apply restricted use chemicals are permitted under to FIFRA to supervise others performing fumigations. The license/certification must apply to the category of uses that correspond with the chemical.

***Do we need to continue to certify chambers used exclusively for exports as per the TM?***

It is again dependent upon foreign country's requirements. Some foreign countries have specific requirements for chamber certification and this information will be listed in PExD.

***Should PPQ continue to monitor fumigations or turn them over to cooperators? (In East ALL log fumos are monitored by PPQ) (In CA, WA it's half PPQ, half cooperator).***

No one recommends that all export treatments be conducted by cooperators. PPQ accepts treatments verified by cooperators and documents them on phytosanitary certificates. At least 75% of export treatments are verified by cooperators, however PPQ plays a vital role in export treatment and certification as well.

***If Cooperators monitor the fumigation, does the site (tarpaulin) still need to be certified by PPQ following guidelines in the TM?***

No, cooperator verified treatments are acceptable to place on phytosanitary certificates.

***How do we ensure proper gas dosage/distribution without readings?***

Possibilities include, but are not limited to, ensuring that the proper amount of fumigant has been injected into the stack and ensuring the stack is properly constructed and follows the instructions on the pesticide label. The Export Treatment Policy does not preclude the taking of readings during tarpaulin fumigation. If readings are taken but are not required by the importing country, the product is eligible for certification based solely on the treatment requirements listed in PExD.

**Note:** The 429 Database has been adjusted to accommodate Export Treatments.

# Policy

**Date: 8/5/2011**

## 1. PURPOSE

The purpose of this document is to clarify policy on verifying treatments within the Export Certification Program. This policy applies to treatments verified by both PPQ and its Cooperators.

## 2. BACKGROUND

In the past, Authorized Certification Officials (ACO) have used two resources to determine responsibilities for verifying treatments for the export certification program: the APHIS-PPQ Treatment Manual and the phytosanitary export database (EXCERPT/PExD). There has been some confusion regarding export treatments and the role of the Treatment Manual in determining responsibilities for verifying export treatments. The Treatment Manual is primarily designed for import treatments. Export treatments are based on the importing country requirements (the pesticide label and safety guidelines must also be followed). To assist ACOs, Export Services has developed this Export Treatment Policy.

## 3. POLICY

There are three mandatory components to consider when determining responsibilities relating to an export treatment:

1) The pesticide label must be followed

2) The safety of employees is paramount

3) Basing phytosanitary certification on the foreign country's import requirements

Export Treatments are different than import treatments. With import treatments, PPQ imposes the appropriate level of protection through our import regulations. With exports, PPQ does not have the authority to require more restrictive measures than the importing country requires.

When certifying that an export treatment has occurred, ensure that the basic components of the treatment are met. All verification activities should be based on the importing country's requirements. Importing countries treatment requirements are provided through published regulations, import permits, and other official communication. Quality assurance can be maintained at the local level to ensure that all treatments are conducted according to the importing country's requirements.

The export program heavily relies on cooperators. PPQ does not routinely train cooperators in treatments. Cooperators usually receive training/licensing from other sources and verify approximately 75% of export treatments. We accept

treatments by cooperators for inclusion on phytosanitary certificates. This is in line with the APHIS Modernization initiative to reduce cost and gain efficiencies by adjusting resource utilizations.

The treatments in the Treatment Manual have been approved by APHIS-PPQ to mitigate pests to protect U.S. agriculture. All treatments listed in the Treatment Manual are incorporated by reference into Title 7, Code of Federal Regulations, as import treatments. A review of the Treatment Manual will be undertaken to remove export related information. Export Services will transfer export treatment schedules from the Treatment Manual into the appropriate summary in the export database and any additional export treatment information, including safety guidelines, into the Export Program Manual.

## 4. FURTHER INFORMATION

Direct questions concerning this policy to Michon Oubichon, Export Services, at (301)734-5926.

Michael Watson
Associate Executive Director, Plant Health Programs, PPQ