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- Outdated,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
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

Publish Proposed Rule
2015

60 Day Public Comment Period

Address Comments and Publish Final Rule
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?

LIFE IS PECULIAR...

WOULDN'T YOU LIKE TO HAVE YOUR LIFE TO LIVE OVER IF YOU KNEW WHAT YOU KNOW NOW?

WHAT DO I KNOW NOW?