



# Southern Plant Board

**President**, Gene Cross, North Carolina (919) 733-3933  
**Vice President**, Sancho Dickinson, Oklahoma (405) 522-5879  
**Secretary-Treasurer**, Harry Fulton, Mississippi (662) 325-7765

**Contact Address:** Plant Industry Division  
North Carolina Department of Agriculture & Consumer Services  
1060 Mail Service Center  
Raleigh, NC 27699-1060

## RESOLUTION NO. 2

### PHYTOSANITARY FEE COLLECTION BY STATES

The USDA, APHIS, PPQ is charged with the implementation of the federal export certification program; however, current federal staff resources needed to fully conduct the program are limited. As such, individual states enter into compliance agreements with the USDA, APHIS, PPQ in order to assist with the certification functions required by trading partners. In a recent review of the program, the USDA, APHIS, PPQ utilized the services of a consultant to review the program and to determine the need for program fee increases. Based on this review, the USDA, APHIS, PPQ proposed a fee increase along with charges for each issued by state cooperators.

The Southern Plant Board membership has determined the proposed additional charges will likely be difficult to collect from state customers using PCIT, since the exporter of record may not be the billable entity. Further, membership concluded that many individual state fee structures are set by state statute or pursuant regulations. State agencies may not have statutory authority to collect a federal charge and/or transfer funds to the federal government. This may force some states to cancel their cooperative agreements with the USDA, thus increasing certification workloads beyond available budgetary and staffing resources for states continuing to cooperate in the export program. Finally, a federally mandated certificate fee may be in conflict with state statutes and regulations. As a result, the collection of such fees by the state on behalf of the federal government may be considered an unfunded mandate requiring states to perform additional tasks and work without compensation.

**RESOLVED** by the Southern Plant Board at its annual meeting in Nashville, Tennessee on April 9, 2008 that the membership recommends USDA, APHIS, PPQ avoid imposing fees that may conflict with state statutes or rules. Further, the Southern Plant Board membership recommends that USDA, APHIS, PPQ develop a fee structure to compensate states that may collect fees on behalf of the agency.

Motion to Adopt: Sancho Dickinson, Chair, SPB Resolutions Committee  
Seconded by: Harry Fulton, MS

#### **Distribution:**

Cindy Smith, Administrator, USDA, APHIS  
Rebecca Bech, Deputy Administrator, USDA, APHIS, PPQ  
Bob Ehart, NASDA  
Walker Gray Haun, President, National Plant Board  
Regional Plant Board Presidents

#### **Member States**

Alabama – Arkansas – Florida – Georgia – Kentucky – Louisiana – Mississippi  
North Carolina – Oklahoma – Puerto Rico – South Carolina – Tennessee – Texas – Virginia