Results from the Survey on the APHIS Permitting Process

The American Phytopathological Society (APS), the Entomology Society of America (ESA), the Society of Nematologists (SON), and the Mycological Society of America (MSA) all aspire to prevent the introduction and movement of pests that could impair the availability and affordability of our food, feed, and fiber. Therefore, these societies support the APHIS-PPQ mission. In response to concerns and questions from their membership and members of affiliated scientific societies regarding the processes in place to obtain permits to move and study plant pests, the APS Public Policy Board developed a survey for the four societies. The survey, which was posted online between February and early April 2005, focused on learning about members' experiences and concerns related to the 526 permitting process over the last two years. Although we recognize that the survey responses are not comprehensive of all permit applicants, because all who use the permit system have not necessarily had access to or responded to the survey, we do believe that it provides a good perspective on the problems routinely confronted by permit applicants.

Summary of Responses on the Permitting Process

Several questions were posed concerning the experiences of respondents with the APHIS permitting process within the last two years. Most respondents appreciate the need for regulation of certain pests; aspects of the process itself are the greatest source of frustration among respondents. The most cited frustration was the delay in receiving permits after submission of a request. Of the 147 respondents (out of 221) who had received permits by the time of this survey, only 29% had received the permits within 3 months of submitting their request; 24% had received the permits within 4–6 months; 21% within 7–9 months; and 12% within 10–12 months. More than 11% waited more than 12 months to receive permits.

A common concern among respondents is the perceived "overregulation" of movement of indigenous pathogens. The concern is that the permitting process is as complex and slow for shipment of indigenous pathogens between states as it is for importation of nonindigenous pathogens. A regulatory system based on state borders has no biological or scientific basis, and thus, the logic behind the requirement for indigenous or widespread pathogens to be held to the same scrutiny as nonindigenous pathogens baffled some respondents. Although respondents indicated that permitting for these types of pathogens is not warranted, a common theme was that if indigenous pathogens must be regulated, the process should not be at the same level of stringency or as lengthy as that used for nonindigenous pathogens.

A lack of rapid and informed communication between APHIS and applicants was another commonly stated frustration among respondents. Although most respondents sympathized with the increasingly heavy workload and the evolving processes facing APHIS personnel, many commented that responses to queries for clarification of the permit application, the process, or the shipping requirements were slow (more than one week) or nonresponsive. When respondents received responses the APHIS representative generally tried to be helpful. However, several comments indicated that responses they received were inaccurate and sometimes conflicting among the various APHIS representatives to whom their calls were referred or transferred.

Once permits were received, 46% of respondents indicated that the stipulations associated with those permits generally were reasonable. Of the 36% who found the stipulations unreasonable, the major concerns were that the stipulations did not take into account the biology of the organism and the environment in which the organism was to be used. Examples in this latter category included unnecessary restriction of conditions for housing "dead herbarium specimens," moving cultures needed for teaching that naturally occur over wide areas of the country and are of little pathogenic significance, and conditions for use of nondisease causing and beneficial microbes. Several respondents expressed concern over the specific requirement that permitted pathogens cannot be hand-carried, requiring shipment by bonded carriers, which not only increases costs considerably, but often results in cultures, eggs, or spores that are dead on arrival due to delays in the shipping process or inappropriate handling.

According to survey respondents, 78% indicated that the permitting process has a negative impact on extension (diagnosis) (15%), business (11%), teaching (7%), and research (67%). Also, 80% believe the permitting process negatively affects our ability to protect plant health.

Recommendations

We were pleased to have had the opportunity to meet with APHIS on April 13, 2005, to discuss the results of the survey. APHIS is making progress in addressing our concerns, and we look forward to and encourage continued dialogue on this topic. The following recommendations were proposed to APHIS to address the needs of members in the scientific community who are concerned about plant health and crop biosecurity in the United States. We urged that APHIS modify the current 526 permitting system to help APHIS and plant health specialists in the public and private sectors ensure that the United States has a safe, viable, and competitive agricultural production system:

- Improve the efficiency and clarity of the application process
  - Institute an online process for submission and tracking of applications
  - Provide informative and explicit instructions with examples of standard operating procedures, etc.
  - Provide applicants with a reasonable estimated timeline for the permitting process
- Improve communication at all stages of the process
  - Provide rapid, accurate, and timely responses to queries
  - Institute a feedback mechanism to evaluate programs and personnel

Results from the Survey continued on page 108

Summary of Survey Questions and Responses

In the last 2 years, how would you rate your experiences with APHIS permitting? (please select one rating)

Response	No. of Responses	%
+2 (very positive)	13	5.9
+1	35	15.8
0	24	10.9
–1	63	28.5
–2 (very negative)	60	27.1
No experience	26	11.8

Was the permit for (please select one):

Response	No. of Responses	%
Movement of a state-to-state plant pathogen	83	41.7
Import of a plant pathogen from another country	43	21.6
Both state-to-state movement and import from another country	47	23.6
Other	26	13.1

What amount of time did it take from application to receipt of your permit? (please select one)

Response	No. of Responses	%
1–3 months	43	21.7
4-6 months	35	17.7
7-9 months	31	15.7
10-12 months	18	9.1
More than 12 months	17	8.6
Have not yet received	30	15.2
Permit denied	1	0.5
Other	23	11.6

What amount of time did it take from application to receipt of your permit? (please select one)

Response	No. of Responses	%
1–3 months	43	21.7
4-6 months	35	17.7
7-9 months	31	15.7
10-12 months	18	9.1
More than 12 months	17	8.6
Have not yet received	30	15.2
Permit denied	1	0.5
Other	23	11.6

How would you rate the stipulations on your permit? (please select one rating)

Response	No. of Responses	%
+2 (very reasonable)	34	18.4
+1	51	27.6
0	30	16.2
–1	39	21.1
–2 (very unreasonable)	27	14.6
No stipulations	4	2.2

If you've contacted APHIS staff in the last 2 years, how would you rate your satisfaction with your most recent contact? (please select one rating)

Response	No. of Responses	%
+2 (very satisfied)	22	10.5
+1	45	21.4
0	30	14.3
-1	40	19.0
-2 (very dissatisfied)	30	14.3
Have not contacted	43	20.5

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- Develop and institute regulations based on science and probabilities
  - Use quarantine principles and regulations to determine risk and need to regulate
  - Allow the movement of widely prevalent plant pathogenic organisms in the United States to be regulated at the local level
  - Increase the duration of permits to enable completion of research projects and reduce workload of APHIS personnel ■