

PPQ Update and Plant Pathogen Permits

Michael J. Firko, Director Permits, Registrations and Imports, Plant Protection and Quarantine, APHIS-USDA, Michael.J.Firko@aphis.usda.gov



Michael J. Firko

I appreciate this opportunity to address concerns about plant pathogen permits. Although we in the Plant Protection and Quarantine (PPQ) Permit Unit have increased our communication with APS, we can always do more. Permit unit

staff and I will join you in Austin, TX, this summer. As usual, we'll have a booth in the exhibition area. Our booths have been a very effective method of sharing information about permits and the select agent program and for resolving individual permit issues. I hope you'll visit us.

First, some background, then I'll respond to some concerns raised in the survey. U.S. law mandates that "no person shall import, enter, export, or move in interstate commerce any plant pest, unless the importation, entry, exportation, or movement is authorized under general or specific permit...." Under U.S. law, the meaning of "interstate commerce" is broad and, in this context, includes movement of diagnostic and research samples. The new emphasis on "homeland security" following September 11, 2001, and the anthrax letters incident led to external reviews of our permitting system. Changes in U.S. policy, and subsequent increases in our work loads, have created challenges for both the permit unit and the regulated community.

Over the past few years, response time for permit applications increased. Staff vacancies were the most important factor as two of our three plant pathology permit positions

remained vacant. Because we try to process applications in the order received, evaluation of some applications did not begin until 3–6 months after receipt. In 2005, not only did we fill both vacancies in March, I “reprogrammed” a vacancy and hired a fourth plant pathologist. The backlog is starting to disappear, and we’re now better able to give applications the attention they deserve. We still recommend applications be submitted at least 3 months before the permit is needed to provide sufficient time for analysis, risk management, and state review.

We’ve been working with APS for several years to create state-by-state lists of widely prevalent pathogens (WPP). We now have separate lists of fungi, viruses, and bacteria for most states. We’ve had some false starts, but we’ve now started using an expedited process for issuing low-risk permits. So far, most states have agreed with most or all of the organisms listed for their state and have agreed to waive application review. Full implementation will rely on ePermits. To receive expedited review of permits for WPP, please include only listed pathogens on an application; if higher risk organisms are on the same application, they will determine turn-around time. Lists of WPP included in the program can be viewed at www.aphis.usda.gov/ppq/permits/plantpest/wpp/index.html. We’ll continue to add lists as the departments of agriculture for states review and clear pathogens. Although the Plant Protection Act of 2000 allows citizens to petition for deregulation of specific organisms (eliminating the need for permits), we have not received any petitions for deregulation. During our April 2005 meeting with APS, we agreed to provide a list of information we would need to consider a petition for deregulation. I hope to share this with you at the annual meeting in Austin.

With a few exceptions, we no longer authorize permittees to “hand-carry” living organisms into the country. The preferred method of importation—the method used by most permittees—has always been shipment by bonded carrier. We are taking steps, however, to provide relief. First, we have described more clearly prohibited activity. Specifically, although permittees may not hand-carry material into the country, they may hand-carry material to the port of entry. Upon arrival in the United States, permitted material is surrendered to federal officials for inspection and clearance, with subsequent

delivery to the approved facility by a bonded, domestic carrier. Many permit holders are satisfied with this option. Second, we allow federal employees with a security clearance to hand-carry permitted material into the country after PPQ clearance (case-by-case according to the permit). Third, we’re seeking partners for creation of a system to “accredit” individuals for hand-carrying.

We recently started routing most material entering the United States to the PPQ inspection station/containment facility in Beltsville, MD. Because of the new emphasis on homeland security, we now open and inspect the contents of many packages. Previously, most material was cleared at a port, but most ports never had containment facilities, and it was not safe to open packages there. To facilitate clearance of permitted pathogens entering the United States, we are installing class ii biosafety cabinets at plant inspection stations in Los Angeles, San Francisco, New York, Miami, and New Jersey. These cabinets will enable safe inspections at the port and facilitate clearance. If successful, we will expand the program to other ports.

After the anthrax letters incident, permit conditions for diagnostic labs and interstate movement of widely prevalent pathogens became too severe. But during this period, our increased oversight revealed many of these activities operating “under the radar,” in violation of federal law. Recently, we’ve made significant strides in compliance and have been able to relax certain permit conditions.

We expect the first release of our new ePermits system this year. You will be able to submit applications, and we will be able to issue permits over the Internet. This will increase accountability; reduce mailing, faxing, and other paperwork; and allow applicants to check the status of applications and permits online. State regulatory officials, PPQ field staff, and customs and border protection will also have access to ePermits.

The last few years have been difficult for all involved with plant pest permits. But, I’m confident that through continued communication, together we will create a system that better serves all our needs.

I’ll see you in Austin, TX. ■



**PUBLIC POLICY
BOARD**