

5

Export Program
Manual

Special Procedures

Special Programs • Federal-State Cooperative Program

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Introduction

The Federal and State Departments of Agriculture participate in cooperative agreements to more effectively perform export certification. The PPQ export program is expanded to enable designated State cooperators to issue export certificates at interior points of origin in the U.S.

To obtain authority to issue export certificates, a State plant regulatory agency **must** agree to sign a Memorandum of Understanding (MOU) with PPQ. The MOU is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the Federal and State Departments of Agriculture.

How States Enter the Federal-State Cooperative Program

To ensure a successful cooperative program for phytosanitary export certification, the following steps **must** be followed to officially enter the State into the Federal-State Cooperative Program (the Program).

1. Plant regulatory official of a State Department of Agriculture writes to the Deputy Administrator of PPQ and asks to participate in the Program.
2. Written request is processed through PPQ, Phytosanitary Issues Management, Export Services (ES).

3. ES and USDA-APHIS, Marketing and Regulatory Programs Business Services, Financial Management Division's Agreements Services Center (ASC) develop a standardized MOU. This document is transmitted to PPQ regional directors under a cover memorandum providing relevant guidance. A copy of the letter is provided to ASC.
4. The PPQ regional office initiates an MOU with each State plant regulatory official (SPRO), assigning regional control numbers. The same sequential control number is carried forward for those MOUs that are continuations for an additional 5-year period. The PPQ regional office submits 3 originals of the MOU to the SPRO for signature.
5. The SPRO signs all copies of the MOU and returns them to the PPQ regional office to be signed by the Regional Director. The MOU is effective upon date of final signature by the Regional Director for the period indicated in the MOU, **not** to exceed 5 years.
6. The PPQ regional office retains the original, sends one to the State, and the third to the Export Certification Specialist (ECS) with oversight responsibility for the particular state. The PPQ regional office also provides a copy of the MOU to ES and the ASC. If additional copies are needed, contact the PPQ regional office.

Basic Requirements and Procedures for Nominating State Officials

Agents may conduct phytosanitary field inspections of seed crops in cooperation with and on behalf of those State plant regulatory agencies electing to use agents and maintain a MOU with PPQ. The MOU **must** state that agents shall be used in accordance with the regulations in 7CFR 353.

The basic requirements and procedures for nominating state officials are as follows.¹

1. The State submits a letter to its ECS or other responsible officer (who might be a regional export program official or PPQ officer-in-charge) with the name of a State official (along with the official's experience and educational qualifications) to be designated as an agent of the Program. The candidate **must** meet or exceed the following basic requirements for the position of agent as listed in 7CFR 353.6, totaling 5 years.

¹ The basic requirements and procedures for nominating State officials are in accordance with PPQ *ACO Quality Manual*. See also [Special Programs • Authorized Certification Official \(ACO\) Accreditation](#) on page 5-1-1.

- A. Ability to recognize plant pests in those crops that are inspected, including symptoms and/or signs of disease-causing organisms of concern to importing countries.
- B. Bachelor's degree in biological sciences and a minimum of 1 year's experience in identifying plant pests endemic to crops of commercial importance within the cooperating State, or one of the following combinations of higher education in the biological sciences² and experience in identifying such plant pests (years of education and experience **do not** have to be acquired consecutively).

EXAMPLE

Examples of acceptable qualifications are as follows:

- ◆ 0 years education and 5 years experience
- ◆ 1 year education and 4 years experience
- ◆ 2 years education and 3 years experience
- ◆ 3 years education and 2 years experience
- ◆ 4 years education and 1 year experience

- C. Successfully complete annual training provided by the State plant regulatory agency as described in 7CFR 353.6.
 - D. Have access to Federal or State laboratories for positive identification of plant pests detected.
 - E. **No** agents shall inspect any commodities in which they or a member of their family are directly or indirectly financially interested.
2. The ECS or other responsible officer reviews the candidate's qualifications to verify that the State official has met the experience and educational requirements as stated in the North America Plant Protection Organization (NAPPO) standard section 2.4.2., 7CFR 353, and the *Export Program Manual*.
 3. The ECS forwards the candidate's name and summary of qualifications to ES for final approval.
 4. ES gives the ECS either approval to proceed with administering *PPQ's Export Certification Training* for the candidate's initial accreditation, or disapproves training for a candidate who is ineligible for accreditation due to **not** meeting the basic experience and educational requirements of the MOU.

² One year equals 12 credit units in the biological sciences. Examples of courses to meet educational requirements can be found in NAPPO standard #8, Accreditation of Individuals.



ECSs may administer *PPQ's Export Certification Training* to a State official who is ineligible for accreditation for the purpose of providing knowledge of Federal regulations, which may improve the official's performance in issuing State export certificates. However, these ineligible State officials will **not** be accredited to issue export certificates until all the basic educational and experience requirements are met.

5. The ECS or designated trainer administers *PPQ's Export Certification Training* and test to the candidate following guidelines in the *Administrative Guide for Export Certification Training*. The candidate **must** achieve a score of 80% or better to be accredited to issue export certificates.
6. State officials who successfully complete Export Certification Training are granted accreditation by ES and receive an official certificate of accreditation by the ECS. Their names, accreditation numbers, dates of accreditation, and expiration dates are entered into an Authorized Certification Official (ACO) database.
7. Initial accreditation is valid for 3 years from date of issue.
8. In order to maintain ACO accreditation, ACOs or their supervisors **must** request reaccreditation training from their ECS before their expiration date.
9. The ECS, or designated trainer, administers reaccreditation training and a renewal test to the ACO following guidelines in the *Administrative Guide for Export Certification Training*. The ACO **must** achieve a score of 80% or better to retain accreditation.
10. The ECS documents reaccreditation training results in the ACO database and issues a new certificate of accreditation to the ACO. Reaccreditation is valid for 3 years from date of issue.

Maintenance of the Federal-State Cooperative Program

The Federal-State Cooperative Program is maintained as follows³:

1. ES maintains a current list of designated State cooperators in an ACO database. If there are questions concerning eligibility, qualifications, or designation of new State officials, direct them to ES through proper channels (see contact protocol in [Table C-1-1](#) on [page-C-1-2](#)).
2. State officials are responsible for notifying the ECS when a designated State cooperator retires or otherwise separates from State employment. The ECS is responsible for updating the ACO database.
3. Inactive ACOs are designated in the ACO database as on inactive status (unable to issue or sign export certificates). They can be returned to the active status when the following has been completed:
 - A. Sixty days of experience under an active ACO
 - B. Reaccreditation training and reaccreditation test

Memorandum of Understanding (MOU) for the Program

MOU for the Program is a formal document that specifies the responsibilities and areas of cooperation mutually understood and agreed to by the State and Federal Departments of Agriculture. MOUs are effective when the PPQ official signs the agreement. MOUs are renewed every 5 years. The content of the MOU is subject to change as directed by ES in collaboration with the ASC. Amendments **must** be formally signed by the SPRO and the representative of PPQ. An example of the MOU for the Program follows.

³ See also [Special Programs • Authorized Certification Official \(ACO\) Accreditation](#) on [page 5-1-1](#).

XX-XXXX-XXXX-MU

**Memorandum of Understanding (MOU)
Between the
{Insert Name of State or Other Entity} (Cooperator)
and the
United States Department Of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)
Plant Protection and Quarantine (PPQ)**

Article 1 - Purpose

This MOU provides for cooperative participation between the parties to perform export certification of commodities and to expand the system of issuance of export certificates. For the purpose of this MOU, export certificates are defined as Phytosanitary Certificate (PPQ Form 577), Export Certificate Processed Plant Products (PPQ Form 578), and Phytosanitary Certificate for Re-export (PPQ form 579). Under the expanded system, these listed certificates will be issued at interior United States points of origin, in particular, to cover containerized and door-to-door shipments intended for export. This MOU enhances the ability of USDA-APHIS-PPQ to provide export certification to customers.

Article 2 - Background

Historically, export certification was performed at points of export by Federal inspectors. A need arose for certification of commodities at interior points of commodity origin. Representatives of USDA-APHIS-PPQ and states developed an MOU that provided for export certification at interior points of the United States by inspectors from State Departments of Agriculture.

Article 3 - Authorities

USDA-APHIS-PPQ is authorized by the Plant Protection Act, Sec. 431(a), Public Law 106-224, to cooperate with other Federal agencies, the governments of foreign countries, international organizations or associations, states or their political subdivisions, farmer's associations, and other persons to detect, eradicate, suppress, control, and prevent or retard the spread of plant pests or noxious weeds.

Article 4 - Objectives

This MOU will serve to establish the cooperating parties' responsibilities under this cooperative program and to define in general terms the basis on which the parties concerned will cooperate.

Article 5 - Mutual Responsibilities

The Cooperator and USDA-APHIS-PPQ mutually agree to/understand that:

- a. Overall direction and control of this cooperative program is to be maintained by USDA-APHIS-PPQ. However, personnel of the Cooperator will remain administratively responsible to the Cooperator.
- b. The Cooperator shall be responsible for conducting inspection and certification in accordance with the policies, directives, and regulations of USDA-APHIS-PPQ and within the scope of the law.
- c. The Cooperator will retain administrative responsibilities for its personnel authorized to participate in the program.
- d. The Cooperator will solely issue export certificates listed in Article 1 of this document for international commerce.

Article 6 - Cooperator Responsibilities

The Cooperator agrees:

- a. To designate *Mr./Ms./Dr.—Insert full name* as its authorized representative who shall be responsible for collaboratively administering the activities conducted under this MOU.
- b. In conducting the Basic Phytosanitary Export Certification Program to/that:
 - (1) Cooperate with USDA-APHIS-PPQ in the inspection and certification of commodities for export.
 - (2) Nominate to USDA-APHIS-PPQ qualified state inspectors to perform inspection and certification work.
 - (3) Ensure that nominees for designation as inspectors under this MOU meet or exceed the basic requirements as defined in Export Certification regulations, 7 CFR 353.6(b).
 - (4) Submit to USDA-APHIS-PPQ, for review and concurrence, the names and qualifications covering those personnel nominated for designation as inspectors.
 - (5) Cooperative personnel authorized to issue export certificates under this MOU shall participate, without cost to USDA-APHIS-PPQ, in an orientation and training program conducted by USDA-APHIS-PPQ.
- c. In conducting the Phytosanitary Field Inspection of Seed Crops Program to/that:
 - (1) Use **only** those agents that meet or exceed the basic requirements as defined in Export Certification regulations, 7 CFR 353.6(a).
 - (2) Provide agents with training and resources in accordance with 7 CFR 353.6(a)(2).
 - (3) Terminate, after notification, an agent's participation in the inspection activities when the agent is identified as **not** following established procedures for proper recording or reporting of pest organisms found.
 - (4) Monitor inspection activities of designated agents during each growing season in cooperation with USDA-APHIS-PPQ.

Article 7 - USDA-APHIS-PPQ Responsibilities

USDA-APHIS-PPQ agrees, in conducting the Basic Phytosanitary Export Certification Program, to/that:

- a. Designate *Mr./Ms./Dr.—Insert full name* as its authorized representative who shall be responsible for collaboratively administering the activities conducted under this MOU.
- b. Issue an Authorized Certification Official Certificate to qualified cooperative personnel who have complied with the requirements of Article 6 of this MOU.
- c. Conduct a training program for qualified cooperative employees prior to designation.
- d. Provide refresher training every three years for qualified cooperative employees designated as an inspector under Article 6 of this MOU.
- e. Provide the Export Program Manual, and other pertinent information as is necessary and appropriate for the proper certification of commodities to be exported, on the Internet at web address: http://www.aphis.usda.gov/import_export/plants/manuals/domestic/xpm.shtml.
- f. Provide program oversight by conducting field audits of facilities and personnel to ensure conformance with USDA-APHIS-PPQ regulations, policies, and procedures.

Article 8 - Statement of No Financial Obligation

Signature on this MOU **does not** constitute a financial obligation on the part of USDA-APHIS-PPQ. Each signatory party is to use and manage its own funds in carrying out the purpose of this MOU. Transfer of funds or items of value is **not** authorized under this MOU.

Article 9 - Limitations of Commitment

This MOU and any continuation thereof shall be contingent upon the availability of funds appropriated by the Congress of the United States. It is understood and agreed that any monies allocated for purposes covered by this MOU shall be expended in accordance with its terms and the manner prescribed by the fiscal regulations and/or administrative policies of the party making the funds available. If fiscal resources are to transfer, a separate agreement **must** be developed by the parties.

Article 10 - Congressional Restriction

Under 41 USC 22, **no** member of, or delegate to, Congress shall be admitted to any share or part of this MOU or to any benefit to arise therefrom.

Article 11 - Amendments

This MOU may be amended at any time by mutual agreement of the cooperating parties in writing.

Article 12 - Termination

This MOU may be terminated by either party upon *(Insert number of calendar days)* days written notice to the other party.

Article 13 - Effective Date and Duration

This MOU will be in effect upon date of final signature and will continue for five years from the date of signature. This MOU shall supersede all previous Memoranda of Understanding for export certification between cooperating parties.

INSERT {NAME OF COOPERATOR}

Insert {Name of Signatory}
Insert {Title of Signatory}

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE**

Insert {Name of Signatory}
Regional Director

Date

List of Active MOUs for Federal-State Cooperative Programs

All States have entered into a MOU for Federal-State Cooperative Program. MOUs are in effect for five years. See [Figure 5-4-1](#) below for a list of active Federal-State MOUs.

Cooperating State	MOU Number	Date Expires
Alabama Department of Agriculture and Industries	07-8301-0058-MU	02/26/2012
Alaska Department of Natural Resources	06-8560-0401-MU	02/26/2012
Arizona Department of Agriculture	07-8540-0532-MU	11/02/2011
Arkansas State Plant Health Board	07-8440-1035-MU	10/29/2011
California Department of Food and Agriculture	07-8520-1116-MU	08/23/2012
Colorado Department of Agriculture	07-8564-0397-MU	12/07/2011
Commonwealth of the Northern Mariana Islands	06-8510-1028-MU	09/19/2011
Connecticut Agricultural Experiment Station	07-8210-0175-MU	02/14/2012
Delaware Department of Agriculture	07-8210-0179-MU	02/01/2012
Florida Department of Agriculture and Consumer Services	07-8312-0037-MU	02/22/2012
Georgia Department of Agriculture	07-8313-0038-MU	02/26/2012
Hawaii Department of Agriculture	04-8510-0094-MU	04/13/2009
Idaho Department of Agriculture	07-8568-0529-MU	12/19/2011
Illinois Department of Agriculture	07-8217-0197-MU	03/11/2012
Indiana Department of Natural Resources	07-8218-0176-MU	05/16/2012
Iowa Department of Agriculture and Land Stewardship	06-8450-0891-MU	01/18/2010
Kansas Department of Agriculture	05-8453-0032-MU	05/17/2010
Kentucky Department of Agriculture	07-8321-0044-MU	02/12/2012
Louisiana Department of Agriculture	08-8434-0171-MU	05/31/2013
Maine Department of Agriculture	07-8223-0043-MU	05/22/2012
Maryland Department of Agriculture	07-8224-0156-MU	06/01/2012
Massachusetts Department of Food and Agriculture	07-8225-0173-MU	02/22/2012
Michigan Department of Agriculture	07-8231-0172-MU	03/26/2012
Minnesota Department of Agriculture	07-8235-0191-MU	03/11/2012
Mississippi Department of Agriculture and Commerce	07-8328-0039-MU	01/25/2012
Missouri Department of Agriculture	03-8447-0031-MU	01/15/2008
Montana Department of Agriculture	08-8572-0628-MU	02/20/2013
Nebraska Department of Agriculture	07-8456-0027-MU	11/06/2011
Nevada Department of Agriculture	08-8576-0749-MU	07/09/2013
New Hampshire Department of Agriculture	07-8233-0171-MU	03/15/2012
New Jersey Department of Agriculture	07-8234-0177-MU	02/26/2012
New Mexico Department of Agriculture	08-8580-0402-MU	01/24/2013

FIGURE 5-4-1: List of Active Federal-State MOUs

Cooperating State	MOU Number	Date Expires
New York State Department of Agriculture & Markets	07-8236-0180-MU	03/15/2012
North Carolina Department of Agriculture and Consumer Services	07-8337-0125-MU	02/22/2012
North Dakota Department of Agriculture	07-8462-1042-MU	01/25/2012
Ohio Department of Agriculture	07-8230-0170-MU	08/14/2012
Oklahoma Department of Agriculture	07-8444-0536-MU	11/19/2011
Oregon Department of Agriculture	02-8584-0530-MU	02/26/2007
Pennsylvania Department of Agriculture	07-8242-0174-MU	03/07/2012
Rhode Island Department of Environmental Management	07-8244-0181-MU	02/14/2012
South Carolina Department of Plant Industry	07-8345-0041-MU	02/27/2012
South Dakota Department of Agriculture	03-8959-0097-MU	12/14/2008
Tennessee Department of Agriculture	07-8347-0042-MU	02/01/2012
Texas Department of Agriculture	05-8412-0098-MU	04/24/2010
Utah Department of Agriculture	07-8588-0408-MU	10/31/2011
Vermont Department of Agriculture	07-8250-0185-MU	03/15/2012
Virginia Department of Agriculture and Consumer Services	07-8251-0178-MU	02/06/2012
Washington Department of Agriculture	04-8550-0097-MU	11/24/2008
West Virginia Department of Agriculture	07-8254-0055-MU	03/08/2012
Wisconsin Department of Agriculture	06-8234-0187-MU	03/11/2012
Wyoming Department of Agriculture	07-8592-0399-MU	01/18/2012

FIGURE 5-4-1: List of Active Federal-State MOUs

