

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE
ACTIVITIES IN FLORIDA
AUDIT REPORT NO. 33004-1-At**

MARCH 2000

**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL - AUDIT
SOUTHEAST REGION
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ATLANTA, GA 30365-3520**



UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF INSPECTOR GENERAL
Washington D.C. 20250



DATE: March 7, 2000

REPLY TO

ATTN OF: 33004-1-At

SUBJECT: Animal and Plant Health Inspection Service -
Plant Protection and Quarantine Activities in Florida

TO: Craig A. Reed
Administrator
Animal and Plant Health Inspection Service

ATTN: William J. Hudnall
Deputy Administrator
Business Services

This report represents the results of the subject audit. The Animal and Plant Health Inspection Service response to the draft report is included as exhibit C, with excerpts and the Office of the Inspector General's position incorporated into the Findings and Recommendations section of the report.

We can accept management decisions on the report's recommendations once you have provided the additional information as outlined in the report sections, OIG Position. In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days describing the corrective action taken or planned and the timeframe for implementing such action on the recommendations. Please note that the regulation requires a management decision to be reached on all findings and recommendations within a maximum of 6 months from report issuance.

We appreciate the cooperation and assistance provided during the audit.

JAMES R. EBBITT
Assistant Inspector General
for Audit

EXECUTIVE SUMMARY

ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE ACTIVITIES IN FLORIDA AUDIT REPORT NO. 33004-1-AT

PURPOSE

The Animal and Plant Health Inspection Services' (APHIS), Plant Protection and Quarantine (PPQ) is responsible for (1) detecting and preventing pests and diseases harmful to agricultural products from entering the United States and (2) controlling pests and diseases found in this country that might pose a threat to America's ability to export safe agricultural products. We performed an audit of PPQ activities in Florida to (1) evaluate whether inspection procedures to prevent diseases and pests from being introduced into the country were adequate and complied with and (2) assess internal controls over program activities.

RESULTS IN BRIEF

Pests and diseases on agricultural products have entered Florida through the State's ports undetected which have led to costly eradication and control efforts. For example, outbreaks and spread of citrus canker and Medflies in Florida have caused the State and Federal Government to spend millions of dollars to fund programs to combat the outbreaks. Our review of PPQ practices for inspecting air and ship cargos and passengers arriving in the Miami and Fort Lauderdale ports identified vulnerabilities and weaknesses which increased the risk of prohibited agricultural products entering the United States. We observed that PPQ inspectors did not (1) inspect cargo ships timely upon arrival, (2) inspect the baggage of 75 percent of arriving international airline passengers and 99 percent of cruise ship passengers arriving from foreign locations, (3) assess fines as a deterrent against airline and cruise ship passengers found to have prohibited agricultural items in their possession when entering the United States, (4) select samples of perishable cargo for inspection but, instead, allowed brokers to select the samples, and (5) ensure caterers met all foreign arriving aircraft timely and controlled regulated garbage. We also observed that cargo inspections performed during overtime periods, which accounted for over 50 percent of all cargo inspections, were not supervised.

APHIS should evaluate the amount of user fees it charges for various inspection services and the fee allocation process to ensure that adequate staff/resources are available to fund PPQ work units in Florida. The lack of funds affected PPQ's ability to perform timely and thorough inspections at Florida ports to detect and prevent undesirable pests and diseases from entering the United States.

Several PPQ employees at the Miami airport consistently reported late for duty and used Government-owned vehicles for unauthorized purposes. On March 12, 1999, we issued a management alert to APHIS concerning employee tardiness at the Miami airport. The APHIS Administrator directed the Resource Management System and Evaluation Staff to investigate the condition and take appropriate actions. We also found that one employee made questionable charges to the Government for vehicle fuel and maintenance costs. These conditions were undetected and/or uncorrected because of weak supervisory oversight and controls over employee time and attendance and vehicle operations.

KEY RECOMMENDATIONS

We recommend that APHIS (1) timely inspect all ships upon arrival from foreign ports, (2) assess whether the inspection levels for airline and cruise ship passengers is sufficient, (3) assess penalties against airline and cruise ship passengers who attempt to bring prohibited items into the country, (4) require PPQ inspectors to select and secure all samples of fresh-cut flowers, fruit and vegetables, and live plants that are to be inspected, (5) revise Federal regulations to require caterers to timely meet aircraft and seek legislation to assess civil penalties against caterers where conditions warrant such action, (6) provide adequate overtime supervision for cargo inspections, and (7) evaluate the fee rates charged for various inspections to ensure that sufficient staff/resources are available to provide adequate and timely inspections.

AGENCY POSITION

In its January 28, 2000, written response to the draft report, APHIS was in general agreement with the findings and recommendations. However, APHIS did not provide specific details, timeframes, and actions taken or planned for each of the recommendations. Its specific comments and OIG's position are presented in the relevant sections of the report for each finding. APHIS' entire response is shown in Exhibit C of the report.

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INTRODUCTION

BACKGROUND

The Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) is responsible for (1) excluding from entry into the United States (U.S.), plant pests, diseases and weeds which threaten American agricultural crops and (2) controlling plant pests and diseases within the United States so that America's ability to export safe agricultural products to other countries is not threatened.

Program Administration

PPQ Headquarters staff in Washington D.C., administers program activities through 13 regional offices and 407 field offices located throughout the country. PPQ inspectors conduct agricultural pest and disease inspection services at all international airports, shipping ports, and land border stations in the United States.

The State Plant Health Director (SPHD) in Gainesville, Florida, administers PPQ operations in Florida. The SPHD is responsible for the management of PPQ activities at six major Florida ports located in Miami, Fort Lauderdale, Tampa, Orlando, Fort Pierce, Jacksonville, and at other smaller ports.

PPQ Operations in Florida

Florida has one of the largest PPQ inspection workloads in the United States. In 1997, nearly 70 percent of all perishable commodities, fresh-cut flowers, and plants imported into the United States came through Florida ports. Miami has one of the busiest airports and seaports in the Nation and is referred to by APHIS as a "super port."

Table 1 shows PPQ activity in fiscal year (FY) 1998 at the six Florida ports.

PORT	AIRCRAFT ARRIVALS				MARITIME ARRIVALS		
	CARGO FLIGHTS		PASSENGER FLIGHTS				
	NO.	TONS OF CARGO	NO.	PASSENGERS PROCESSED	NO.	TONS OF CARGO	PASSENGERS PROCESSED
Miami	24,404	1,677,000	65,659	7,230,736	4,888	3,767,819	3,052,450
Fort Lauderdale			21,099	146,498 ¹	3,655	5,961,263	853,336
Orlando	63	4,262	11,799	1,439,483			
Tampa	6	388	1,766	215,484	1,005	442,513	
Fort Pierce			628	76,646	1,828	22,948	508,480
Jacksonville			314	1,800	2,751	16,907	
Total	24,473	1,681,650	101,265	9,110,647	14,127	10,211,450	4,414,266

¹ Totals provided by agency were incomplete.

TABLE 1

The SPHD is assisted by port directors assigned to each of the ports. The directors at several of the ports are responsible for work units located at other ports. For example, the port director for Tampa is responsible for PPQ activities in field offices in Palmetto and Fort Myers, Florida.

The SPHD also has responsibility for coordinating and cooperating with the State of Florida in agricultural pest and disease control activities. Major domestic programs in which PPQ and State officials were jointly involved at the time of the audit were the Mediterranean fruit fly (Medfly) and the citrus canker programs.

OBJECTIVES

The audit objectives were to evaluate PPQ's activities within Florida to (1) determine whether inspection procedures to prevent agricultural diseases and pests from being introduced into the United States were adequate and complied with and (2) assess internal controls over program activities.

SCOPE

The audit, performed in accordance with generally accepted government auditing standards, covered 1998 activities. We also reviewed other periods as necessary. The audit work was performed at the APHIS PPQ National Offices in Washington, D.C., and Riverdale, Maryland; the Florida State Office in Gainesville, Florida; and the ports in Miami, Fort Lauderdale, Orlando, and

Tampa, Florida. (See exhibit B). Emphasis was placed on activities at the Port of Miami due to its large volume of activity.

METHODOLOGY

To accomplish the audit objectives, our examination consisted of the following:

- Research of applicable laws and regulations. This included, but was not limited to, Title 7, Code of Federal Regulations (CFR), parts 300 through 399.
- Interviews with PPQ officials and reviews of PPQ inspector handbooks, program activity reports and other pertinent correspondence at the PPQ national office, the Florida State Office, and PPQ offices at the ports.
- Tests and analyses of PPQ controls and procedures over agricultural inspection activities, including personnel utilization.
- Observations of PPQ inspections of airplanes and ships and processing of international passengers arriving in the United States by air and cruise ships.
- Evaluation of PPQ inspections of propagative plant materials and the issuance of export certifications at plant inspection stations.
- Review of PPQ employees' time and attendance records.
- Analysis of controls over PPQ motor vehicle utilization and maintenance.
- Review of PPQ budgets and activities concerning the citrus canker and Medfly programs within Florida.

FINDINGS AND RECOMMENDATIONS

I. PPQ'S INSPECTION PROCEDURES WERE NOT ADEQUATE

Each person and/or conveyance entering the United States could potentially carry a prohibited item containing a pest or disease capable of causing damage to agriculture in this country. Areas designated as "high risk" by State and Federal officials for agricultural pest and diseases (e.g. Medfly) are normally the areas in the vicinity of air and sea ports. Agricultural products infested with diseases and pests such as the Medfly and citrus canker have entered the United States through Florida air and seaports causing damage to the State's agricultural crops. Efforts to eradicate and control the spread of the diseases and pests have cost the State and Federal Government millions of dollars.

Our review of PPQ practices for inspecting air and ship cargos and passengers arriving in the Miami and Fort Lauderdale ports identified vulnerabilities and weaknesses which increased the risk of prohibited agricultural products entering the United States. We observed that PPQ inspectors did not inspect cargo ships timely upon arrival and inspected the baggage of only about 25 percent of international passengers arriving by air and about 1 percent of passengers arriving on cruise ships. Inspectors also did not (a) assess fines as a deterrent against airline and cruise ship passengers found to have prohibited agricultural items in their possession when entering the United States, (b) select samples of perishable cargo for inspection but, instead, allowed brokers to select the samples, and (c) ensure caterers meet all foreign arriving aircraft timely and control regulated garbage. We also observed that cargo inspections performed during overtime periods, which accounted for over 50 percent of all cargo inspections, were not supervised.

FINDING NO. 1

CARGO SHIPS WERE NOT INSPECTED

PPQ officers in Miami and Fort Lauderdale did not inspect cargo ships timely upon arrival. Some inspections where serious violations were found were deferred for up to 27 hours after the ship's arrival. In FY 1998, a total of 8,543 ships arrived at the Miami and Fort

Lauderdale ports from foreign locations. The longer the violations went undetected, the greater the opportunity for insects to leave the ship and

enter the United States. To save funds, inspections of cargo ships without prior garbage or sealable food stores violations that arrived at the two Florida ports during nonduty hours were deferred until normal duty hours.

Federal regulations require that ships arriving in the United States be inspected in order to prevent plant pests from entering the country.¹ PPQ inspection procedures call for inspections of ships upon arrival if they are (a) likely to have sealable food stores on board, (b) on the current garbage violation list, or (c) likely to have critical pest risk situations. Otherwise, the inspections can be delayed until regular work hours.²

In FY 1998, a total of 8,543 foreign ships arrived in Miami and Fort Lauderdale (4,888 in Miami and 3,655 in Fort Lauderdale) from foreign locations. We reviewed 176 of the ship inspection reports that were available at the work site we visited in Miami. The reports showed that 30 (17 percent) of the 176 inspections were deferred and in 20 of the deferred inspection cases (11.4 percent) the inspectors found serious violations. The 20 inspection reports included 10 coastwise arrivals and 10 direct arrivals. The deficiencies included unsealed food stores, regulated garbage violations, and pests which were not discovered for periods ranging from 2 hours to almost 27 hours after the ships arrived in port. (See table 3.)

CONDITIONS FOUND DURING DEFERRED INSPECTIONS				
Type of Arrival	Number of Arrivals	Unsealed Stores	Garbage Violations	Pests Found
Coastwise	10	10	1	1
Direct	10	8	3	2
Total	20	18	4	3

TABLE 2

Garbage violations were noted in four of the delayed inspections. For example, one of the inspection reports was for a ship that had been in port for 3 hours prior to inspection. Upon boarding the ship, the inspector found exposed garbage covered with flies next to an open window. The flies could have carried diseases from the garbage onto shore.

Unsealed fruits and vegetables were found during 18 of the delayed inspections. Without the produce being sealed in a cooler or other protected container, any pests on the fruits or vegetables could have potentially flown onto shore. Also, unsealed produce containing the eggs

¹ 7 CFR 330.105, dated January 1, 1998.

² PPQ Airport and Maritime Operations Manual, dated June 25, 1993, pages 3.15 through 3.18.

or larva of pests could be carried off the ship by the crew and mature into adult insects once on shore. The longer the produce remains exposed, the greater the opportunity for insects to leave the ship and enter the United States.

Arriving ships should be inspected as soon as possible in order to control garbage and sealable fruits and other stores before undesirable pests and organisms come ashore. Once pests or other harmful organisms find their way into American agriculture, they are difficult and expensive to remove.

RECOMMENDATION NO. 1

Require PPQ officers to timely schedule for inspection all ships arriving from foreign ports.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following:

While PPQ is presently considering various staffing options and shifting of priorities to increase number of inspections of cargo ships, we do not believe all ships pose the same degree of risk. We are continuing efforts to adjust our level of operations to correspond more accurately to risk assessment, but, inspection of all cargo and passengers would not increase program effectiveness. Our Agriculture Quarantine Inspection (AQI) programs have always been based on scientific risk assessments, and the increased staffing of this program will provide sound data upon which to base our programmatic priorities. Fully staffing our Risk Assessment Program and generating sufficient data to reorganize and restructure the workhorse is estimated to require one year.

OIG Position:

To accept management decision, we need specific timeframes for fully staffing the Risk Assessment Program, completing sufficient data assessments, and implementing results obtained from the risk assessments. While timely inspections may not prevent violations from occurring, they are critical in order to provide for quicker detection and correction of violations. The longer unsealed fruits and vegetables and garbage violations are allowed to exist on arriving ships, the greater the risk of pests and diseases making their way onshore.

FINDING NO. 2

PROHIBITED AGRICULTURAL ITEMS BROUGHT INTO FLORIDA BY AIRLINE PASSENGERS WERE NOT INTERCEPTED

PPQ officers did not inspect the baggage of three of every four airline passengers arriving at Florida airports from foreign locations. We observed that PPQ officers inspected those airline passengers who noted on the declaration form that they possessed agricultural items or passengers selected by inspectors trained in agricultural risk assessment. In FY 1998, a total of 10,724,000 airline passengers arrived in

Florida from foreign countries. PPQ officers were able to inspect only 2,463,095 (23 percent) of the arriving passengers because of a lack of resources. Based on APHIS' AQIM data, an estimated 565,612 (5.2 percent) of the arriving international passengers brought prohibited agricultural items into the State. PPQ inspectors intercepted the prohibited items from only 107,102 (19 percent) of the 565,612 passengers. As a result, an estimated 458,510 (81 percent) of the arriving international passengers with prohibited items were not caught.

The inspection of airline passengers and their baggage is a joint effort conducted by U.S. Customs, Immigration, Public Health, and PPQ. Collectively, the inspection done by the four agencies is called the "Federal Inspection Service (FIS)." At the Miami International Airport, PPQ and U.S. Customs work together to conduct inspections of airline passengers and their luggage. The inspection is performed by an FIS inspector who may be a U.S. Customs inspector.

The PPQ airport passenger inspection procedures³ divides passenger inspections into two phases. The first phase of the inspection process is screening/profiling of arriving passengers to select passengers and their luggage for further examination. During the first phase, an FIS inspector (a) conducts a face-to-face interview with passengers and reviews their written declaration forms and (b) has the opportunity to redirect passengers cleared by other Federal agencies to a secondary inspection by PPQ. A secondary inspection can consist of as little as detailed questioning or as much as a thorough inspection of the passengers' baggage.

According to PPQ officials, airline passengers represent the highest risk for pest introduction into the United States. However, only about one out of four airline passengers arriving in Florida from foreign countries received a secondary inspection (baggage thoroughly inspected and/or x-rayed) by an FIS inspector. (See table 3.)

³ APHIS PPQ AIRPORT AND MARITIME OPERATIONS MANUAL, dated June 1993.

NO. OF PASSENGERS ARRIVING IN FLORIDA						
Location	Arriving	Inspected	Percent	Estimated No. With Prohibited Items ¹	Intercepted	Percent
Miami	8,421,364	2,338,121	27.8	551,978	84,910	15.4
Other Airports	2,302,914	124,974	5.4	66,945	22,192	33.1
Total	10,724,278	2,463,095	23.0	565,612¹	107,102	18.9
¹ Total number of prohibited items do not equal sum of individual airport totals because of AQIM estimating procedures.						

TABLE 3

Miami International Airport is one of the busiest airports in the United States for international arrivals. During our visits to the Miami Airport we observed secondary inspections of about 250 passengers. PPQ inspectors found prohibited agricultural items in eight passengers' luggage who had reported no prohibited items on their declaration form. PPQ officials estimated that 551,978 passengers arriving at Miami International possessed prohibited items. Because only about one in four of the passengers were inspected, the prohibited items were not intercepted from 467,068 (84.6 percent) of them.

The Miami Port Director stated that PPQ was performing the maximum number of inspections possible with the amount of resources available. He said in order to increase inspection activity additional resources including staff, facilities, and equipment would be required.

RECOMMENDATION NO. 2

Evaluate the inspection process for airline passengers arriving from foreign countries to develop alternatives for increasing the number of passengers inspected.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following:

PPQ is increasing its efforts in risk assessment by adding additional staff to that function in the field and headquarters. The Agency will reevaluate its inspection program based on the scientific data and will be guided by where and how it should conduct inspections which provide the greatest protection for

the country. This effort will also require one year. The risk assessment data discussed in our response to Recommendation 1 will include all forms of entry of agricultural products into the US[.]

OIG Position:

To accept management decision, we need more details and timeframes for adding additional staff to the risk assessment functions, completing the reevaluation of PPQ's inspection program, and implementing changes (specifically concerning the inspection of airline passengers) based on the reevaluation results.

FINDING NO. 3

LUGGAGE AND PERSONAL EFFECTS OF CRUISE SHIP PASSENGERS WERE NOT INSPECTED

PPQ inspectors at the Miami and Fort Lauderdale seaports did not inspect the luggage and personal effects of cruise ship passengers arriving from foreign ports. Due to a shortage of inspectors, the local port procedures allowed the inspectors to deviate from procedures contained in the APHIS Airport and Maritime Operations Manual. As a

result, passengers and crew members arriving from foreign ports could bring prohibited items harboring diseases and pests into the country without detection. Based on AQIM data for FY 1998, APHIS estimated that out of 3 million arriving cruise ship passengers arriving at Florida ports, 60,000 passengers (2 percent) brought prohibited items into the United States.

The APHIS PPQ cruise ship inspection procedures⁴ divide passenger inspections into two phases. The first phase occurs after passengers retrieve their baggage and involves (a) a face-to-face interview with the passengers, (b) a review of the Customs Declaration form which the passenger completes prior to departing the ship, and (c) an opportunity to redirect passengers cleared by other Federal inspectors to a secondary inspection by PPQ inspectors. Based on results of the first phase of the inspection, inspectors have the option of conducting the second phase of the inspection. The second phase ranges from detailed questioning to a thorough inspection of the contents of a passenger's baggage to ensure the passenger has no prohibited agricultural items.

Cruise ship inspection procedures at the two ports offered little deterrent to passengers who attempted to bring prohibited agricultural items into the country. PPQ officers at both ports did not have face-to-face interviews with passengers, review their declaration forms, or inspect baggage cruise line employees removed from ships unless a passenger was selected randomly as part of the AQIM program. The AQIM program only requires

⁴ APHIS PPQ Airport and Maritime Operations Manual, pages 3.99 & 3.100, March 1996.

a thorough inspection of baggage and personal belongings of as little as three passengers randomly selected from each ship.

Inspection procedures at the two ports were far less comprehensive than the procedures described in the APHIS manual. The following procedures were used by PPQ officers at the two ports.

- a. An announcement was made on board ship prior to passengers' departure advising them not to take undeclared agriculture items off the ship.
- b. Containers were placed on the ship's gangway and throughout the passenger exit route with signs attached that read "Please leave all fruit, plants, seeds and meats at this point. Failure to do so may result in an immediate \$50 fine."
- c. Two displays containing locked bins were located at the end of the gangway in which agricultural items could be deposited. The displays included pictures of food with the words, "Declare it, Dump it, Pay a fine."

We did observe that officers at the Miami port inspected hand-carried baggage of about 1 out of every 100 disembarking passengers. However, officers at the Fort Lauderdale port did not inspect hand-carried baggage.

PPQ officials said they did not inspect more passengers because they did not have sufficient funds to assign more than one inspector to most cruise ships. They also said AQIM data showed a low risk for cruise ship passengers and reportable pest interceptions were seldom made on items taken from individuals departing cruise vessels. For FY 1998, APHIS estimated that out of 4 million arriving cruise ship passengers at seaports surveyed in Florida; Long Beach, California; and San Juan, Puerto Rico; 80,000 passengers attempted to bring prohibited items into the United States. APHIS officials told us that about 3 million of the 4 million passengers came through ports surveyed in Florida and about 60,000 of the estimated 80,000 passengers that brought prohibited items into the country came through Florida ports.

APHIS Headquarters officials said that screening of individual passengers arriving on cruise ships was part of the agency's mission and should be performed at an acceptable level.

RECOMMENDATION NO. 3

Assign sufficient staff/resources to properly process cruise ship passengers arriving from foreign ports.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following:

PPQ has begun a new initiative to increase the number of compliance agreements with cruise ships. This will place greater responsibility on the ships themselves and will free up our staff to perform other functions which provide greater protection to American agriculture. PPQ's approach to cruise ships is consistent with risk assessment analysis to provide as much protection as possible with finite resources. By April 30, 2000, the Deputy Administrator will instruct Port Directors to begin negotiations with cruise lines to establish compliance agreements. PPQ hopes to have negotiations concluded by September 30, 2000.

OIG Position:

To accept management decision, we need additional details on (a) the initiative to increase the number of compliance agreements with cruise ships and (b) specific inspection actions/procedures included in the agreements for the cruise ship crews to follow.

FINDING NO. 4

CIVIL PENALTIES WERE NOT ASSESSED TO DETER PASSENGERS FROM BRINGING PROHIBITED ITEMS INTO THE COUNTRY

PPQ inspectors seldom assessed fines against airline and cruise ship passengers who failed to declare prohibited agricultural items in their possession when entering the United States. As a result, there is little deterrent to prevent individuals arriving at Florida ports from bringing prohibited agricultural items into the country. PPQ officials said that fines were not assessed because (a) inspectors could not be spared from their other duties to complete the

forms and to escort individuals to a U.S. Customs airport cashier where the fines are collected, (b) there was no convenient way to collect fines at the seaports, (c) a language barrier between inspectors and passengers arriving from foreign countries made it difficult to communicate PPQ's rules regarding prohibited items, and (d) the fine amounts were too small to be a deterrent.

PPQ officers have authority to assess fines against airline and cruise ship passengers who attempt to bring agricultural products into the United States that (a) are outright prohibited, (b) require treatment as a condition of entry, (c) require post entry growing, or (d) require foreign certification or a written permit but do not have the certificate or permit.⁵ The fine amounts are \$50 for the first offense of failing to declare an item and \$100 for repeated offenses. A fine of up to \$250 can be assessed against individuals who obviously try to conceal or misrepresent the item seized or intentionally try to smuggle contraband into the United States.⁶ Before an individual can be fined, they must make a negative declaration (oral or written) that they have no prohibited agricultural materials in their possession, and must be given an opportunity to amend that declaration.⁷ PPQ procedures at the Florida ports give passengers two chances to amend the declaration before they are assessed a fine.

Based on FY 1998 AQIM data, APHIS estimated that about 626,000 (4.6 percent) of airline and cruise ship passengers entering Florida ports in FY 1998 had prohibited material in their possession. (See table 4.)

Conveyance	NUMBER OF PASSENGERS				
	Arriving	Estimated No. With Prohibited Items	Percent	Items Intercepted	Percent Missed
Cruise Ship	3,000,000	60,000	2.0	¹	X
Airline	10,724,478	565,612	5.3	107,102	81
Total	13,724,478	625,612	4.6	X	X

¹ AQIM data for items intercepted from cruise ships was not available. However, due to lack of inspections, most of the prohibited items would not be intercepted.

TABLE 4

FY 1998, AQIM data showed that nationwide an estimated 3.2 million airline passengers (5.9 percent) out of 54 million that arrived from foreign countries brought prohibited items into the country.

PPQ officials at the Miami and Fort Lauderdale seaports stated that civil penalties were not assessed against cruise ship passengers because there were no provisions or agreements with U.S. Customs to collect the penalties. At the Miami airport an estimated 84,910 passengers were

⁵ APHIS PPQ Airport and Maritime Operations Manual, pages 3.105 and 2.45, dated March 1994.

⁶ APHIS PPQ Airport and Maritime Operations Manual, pages 3.106, May 1995 and 2.47, July 1997.

⁷ APHIS PPQ Airport and Maritime Operations Manual, pages 3.105, March 1994, and 2.45, July 1997.

caught attempting to enter the country with prohibited food items during FY 1998, but only 672 passengers were assessed fines. Directors at the Fort Lauderdale, Orlando, and Sanford, Florida, airports were not able to provide us with the amount of fines assessed at those locations. However, they said there were not a significant number of penalties assessed. AQIM estimates show that during FY 1998, about 22,192 passengers were caught attempting to bring prohibited agricultural items through those airports.

During our periodic observations of baggage examinations at the Miami airport, an estimated 250 passengers passed through the area. PPQ officers found prohibited items in the luggage of eight passengers, although each of the individuals noted on their Customs Declaration form that their luggage did not contain any prohibited items. Further, when the PPQ inspectors asked if they had any food items in their luggage, all eight individuals declined to amend their declaration forms. However, only one of the eight individuals was fined, and this was due to the persistence of a U.S. Customs inspector who suspected the passenger's luggage contained prohibited food items and questioned the individual regarding the contents in the luggage. The individual denied several times that there were any food items in the luggage. The customs inspector escorted the individual to the PPQ inspection area where the luggage was searched and found to contain 11 sausages concealed between layers of clothing. The customs officer insisted that the PPQ officer fine the passenger.

During visits to the Miami and Fort Lauderdale Airports, we rarely found all PPQ officers on duty in the inspection area busy. There were officers available during each of the interceptions we observed who could have completed the paperwork required to assess fines and escorted the offenders to the U.S. Customs cashier. Further, both English and Spanish speaking PPQ personnel were normally on duty who could effectively communicate with the majority of the passengers, and copies of the Customs Declaration were available in Spanish as well as English. Language was rarely a barrier to effectively inform the passengers of the requirement to declare agricultural items.

We discussed with APHIS Headquarters officials the small number of fines assessed against passengers who attempted to bring prohibited items into the country. They agreed this was a problem and said they were considering implementing a pilot program where all violators would be given a choice of either paying a fine or watching a video that showed the harmful effects caused by pests or disease brought into the United States.

RECOMMENDATION NO. 4

Collect civil penalties from airline and cruise ship passengers in all instances where violations are identified.

Agency Response:

In its January 28, 2000, written response, APHIS stated the following:

As noted above, there is no regulatory authority to collect or process fines of cruise ships. PPQ agrees that the imposition of penalties should be consistently applied. However, we question whether penalties must be imposed in "all instances" as this could eliminate discretion on the part of PPQ to recognize and deal with special circumstances. The Director of Operations will study this issue and develop a directive by October 1, 2000. A unit charged with increasing public education will be created as increased funding and resources permits.

OIG Position:

According to APHIS' Airport and Maritime Operations Manual, pages 2.45 and 3.105 revised April 30, 1998, if PPQ inspectors have legal authority to refuse entry to an article, they have authority to assess and collect civil penalties. APHIS officials in Miami, state that PPQ inspectors did not assess civil penalties against cruise ship passengers because there were no provisions with U.S. Customs to collect the penalties. As stated in the audit report, the reasons given by APHIS officials at the Miami International Airport for not assessing and collecting penalties from arriving passengers were not valid. We agree that discretion is merited in some cases; however, we found that the general practice was not to collect penalties. To accept management decision, we need specific timeframes and actions planned or taken for implementing procedures to assess and collect civil penalties against airline and cruise ship passengers where conditions warrant such actions.

RECOMMENDATION NO. 5

Evaluate whether the fine amounts (e.g. \$50) are sufficient to serve as an effective deterrent to passengers' attempts to bring prohibited items into the country.

Agency Response:

In its January 28, 2000, written response, APHIS stated the following:

PPQ agrees with OIG's conclusions that the present statutory fine amounts are not an effective deterrent. However, we cannot unilaterally change civil penalties. The national Safeguarding Review supports increasing penalty amounts, and the current legislation, "Plant Protection Act," pending before Congress, would, inter alia, increase PPQ's ability to assess higher penalties for violations. At this time, we await passage of the legislation.

OIG POSITION:

To reach management decision, we need the outcome on the pending legislation that would allow the agency to increase civil penalties against passengers caught bringing prohibited items into the country.

FINDING NO. 5

PRACTICES FOR SELECTION OF SAMPLES OF PERISHABLE ITEMS COMPROMISED THE INTEGRITY OF INSPECTIONS

PPQ allowed cargo brokers in Miami, acting as agents for importers, to select six out of every seven inspection samples from shipments of fresh-cut flowers. Brokers were also allowed to select samples of imported fruits and vegetables for inspection if a PPQ officer was not available. In cases where a PPQ officer selected the samples, the officer left the samples in the broker's custody until

another PPQ officer or inspection team arrived to perform the inspection. The period of time between the sample selection and the arrival of the inspection team varied from a few minutes up to 24 hours. PPQ officials said that brokers were allowed to select the large majority of samples for inspection because of staffing constraints. Because samples were not independently selected and controlled by the inspectors, the integrity of the sampling process was compromised.

Federal regulations⁸ require that PPQ inspect plants and plant products at the port of first arrival. PPQ inspection procedures require that a sample of each shipment of fresh-cut flowers and plants arriving from foreign countries be selected and inspected for disease and pests. PPQ procedures⁹ allow brokers to pull samples of the cargo for inspection if they have compliance agreements with PPQ. The Compliance Agreement (PPQ Form 519) authorizes the broker to act as the importer's agent in the sampling, presenting for inspection, and safeguarding cargo.

⁸ 7 CFR 330, Federal Plant Pest Regulations; General; Plant Pests; Soil, Stone, and Quarry Products; Garbage, part 330.105, Inspection.

⁹ USDA Training Manual for Warehouse Employees, a training program for Perishable Handlers, March 16, 1998.

In a 1997 report, the General Accounting Office (GAO) questioned the practice of allowing brokers to select samples for inspection.¹⁰ The GAO report stated in part: "In Miami, the second busiest port in the country, we observed inspectors allowing import brokers of cut flowers to select samples for inspection. With this practice, brokers could select samples that are likely to pass inspection, which reduces the credibility of the inspection."

GAO did not specifically address the problem of allowing brokers to select samples in its recommendations to the APHIS Administrator.

APHIS did not change its procedures in Miami. It continued to allow brokers and warehouse personnel to select samples of fresh-cut flowers, plants, fruits, and vegetables for inspection. If brokers suspected there was a problem with any portion of a shipment, they could exclude those items from the samples presented to PPQ for inspection.

When PPQ selected the samples, the sampling and inspection practices in Miami were as follows.

- a. A PPQ officer travels to the inspection site and selects the sample,
- b. a different officer travels to the site and inspects the sample, and
- c. if pests or diseases are found, a different officer travels to the inspection site to monitor the loading of the cargo and to seal the vehicle which transports the cargo to another location for treatment.

If one inspection team and/or one inspector performed the entire process it would allow PPQ officers to perform all of the sampling, and keep the entire process under their control. We discussed the issue with the Director of Miami Cargo Operations and four supervisory inspectors. They agreed that it would be feasible for one inspection team to complete the entire inspection in one visit. However, the Director did not believe this method would be practical during normal duty hours because the PPQ officers that perform the inspections are assigned to other specific jobs including assignments at the airport passenger terminals, the cargo inspection areas, the plant inspection station, and the maritime port. Therefore, most of these PPQ officers would not be available to perform cargo inspections until after their normal work hours.

Even if the inspections were performed during overtime by one inspector or team during a single visit, the process could be efficiently managed. The inspections we observed took between 30 and 45 minutes to complete. One inspection team could have more efficiently performed the entire

¹⁰ GAO Report GAO/RCED-97-102 Agriculture Inspection, dated May 5, 1997.

sampling and inspection process in a single visit. In many cases, the entire inspection could have been performed by one inspector which would cost less.

In nearly all cases, the entire sampling and inspection process could be completed within the minimum of 4 hours overtime which each officer is paid. Our review of PPQ officers' time and attendance reports and associated worksheets, disclosed that officers frequently worked 1 hour or less when they were called out for an inspection and were paid for a minimum of 4 hours each time. For example, one officer worked overtime hours on 14 occasions during a 2-week pay period, and on 12 of those occasions he worked 1 hour or less. During the period, the officer actually worked a total of 13.5 overtime hours but was compensated for 55 hours.

If one officer working overtime performed the sampling, inspection, and post-inspection tasks at the warehouse and was able to finish within the 2 hour minimum work period, the importer would have to pay for only 4 hours work and commute. If the tasks were complex or problems arose and it took the officer 4 hours to complete the inspection, the time charged the importer would be only 6 hours (4 hours work and 2 hours commute). Under the current method where separate officers perform each of the three tasks, the minimum time charged to perform the entire process is 12 hours or 2 hours work and 2 hours commute for each of the three officers.

RECOMMENDATION NO. 6

Require PPQ inspectors to select and secure all samples of fresh-cut flowers, fruits and vegetables, and live plants that are to be inspected.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following "The Port of Miami has revised its practices since the review, and the samples are being pulled in the presence of the PPQ officer. The Port of Miami has already implemented corrective action."

OIG Position:

We agree with the revised procedures which now require a PPQ officer to be present when samples are selected. However, the response did not address the problem of leaving samples in the possession of brokers prior to inspection. The lack of control over the samples still allows the integrity of the sampling process to be compromised. To accept management

decision, we need timeframes and actions taken or planned to address this problem.

RECOMMENDATION NO. 7

Evaluate cargo inspection procedures in Miami to determine the feasibility or options available to have one inspector or one inspection team perform the entire inspection process (sample selection, inspection, and post-inspection requirements) during one visit to the inspection site. Include in the evaluation work scheduling options to achieve maximum efficiency for any overtime hours needed to perform the inspections.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following:

The Port of Miami's inspection assignments (regular and overtime) are covered by its contract with the Union and are based on the number of units to be inspected. These standards have not been reviewed recently and need reevaluation. There may be some feasibility in team assignments, however, the amount of cargo entering the Port precludes assigning one inspector to the entire inspection in most cases. As PPQ moves toward implementation of the Safeguarding Review, much of this activity will involve how we deal with cargo inspection. Efforts are presently underway to amend the contract with the Union. Based on past experience, changing the contract is an involved and lengthy process. Therefore, it is impossible to estimate a completion date on this item.

OIG Position:

To reach management decision, we will need the timeframe for completing the reevaluation of the contract standards, the results of the reevaluation of the inspection standards, and details of the proposed amendments to the contract with the Union.

FINDING NO. 6

COMPLIANCE AGREEMENTS WITH CATERERS WERE NOT ENFORCED

Caterers at the Miami airport failed to control regulated garbage on arriving aircraft and allowed airline and airport personnel to remove uneaten in-flight meals and other food items from aircraft. Further, caterers did not meet all foreign arriving aircraft timely. PPQ officials stated they were unable to enforce compliance agreement with caterers because requirements

for caterers were not spelled out in the Federal regulations. PPQ officials also said they did not have authority to assess civil penalties against caterers who did not meet provisions included in compliance agreement. These violations increased the potential that plant pests and livestock or poultry diseases could be brought into the country in regulated garbage.

Federal regulations¹¹ describe regulated garbage as that which was on or was removed from a means of conveyance if the means of conveyance has been in any port outside the United States or Canada within the previous 2-year period. The regulations also classify unconsumed meals and other food available for consumption by passengers and crew on an aircraft as garbage.

The PPQ Operations Manual¹² requires catering firms to meet the aircraft, properly remove regulated garbage in tight leak proof containers, and ensure that meals and food items are not misappropriated. The compliance agreement between PPQ and caterers contains the following provisions.

*The caterer will meet aircraft originating from a foreign location (foreign flights) on arrival for the purpose of decatering the aircraft. The caterer will immediately notify the local Plant Protection and Quarantine (PPQ) Office * * * if unable to meet a flight upon arrival, in which case the caterer will provide control over regulated garbage through assigned caterer personnel in a manner acceptable to PPQ.*

The caterer is responsible for all regulated garbage (with exception of garbage in galley garbage containers, if this galley garbage is contracted for removal by an approved cleaning firm) including food waste, loose trays of food, and unused meals; and will not allow its unauthorized diversion, removal or use.

The PPQ Violations - Monthly Report Log for June 1998, at the Miami airport showed 11 violations involving decatering aircraft with 7 of them for incidents where caterers did not show up or showed up more than 15 minutes after international flight arrivals. Further, a compliance officer provided us with two reports where PPQ officers found that food had been improperly removed from aircraft which arrived from foreign countries. Details of the two incidents follow.

¹¹ 7 CFR, chapter III, part 330.400, subpart-Garbage.

¹² PPQ APHIS Airport and Maritime Operations Manual, page 2.91, March 1996.

- On March 24, 1998, PPQ officers found six hot meals in the jetway next to an aircraft whose flight originated in South Africa, a high risk country for the dissemination of pests and diseases into the United States. The caterer claimed the meals had been removed before the plane was released to them by the crew. It was later learned that a mechanic removed the meals from the aircraft. The mechanic said the meals were removed while caterer employees were in the galley of the aircraft and they saw him take the meals out.
- On July 9, 1998, a PPQ boarding technician found three trays of unused in-flight meals that had been removed from an airplane which arrived from the Dominican Republic, a high risk area, especially for hog cholera. The meals were found unattended on the floor of the jetway with no caterer at the airplane. It is unknown who removed the meals, but they were obviously placed in the jetway so that someone could retrieve them later.

PPQ officials in Miami said the only action they could take against the violators was to send them a warning letter. They said APHIS Headquarters officials could probably revoke the catering companies' compliance agreements, but the companies could still cater inbound international aircraft as long as they had a contract with the airlines. They also said Headquarters officials informed them that, based on discussions with the Office of the General Counsel, PPQ had no legal authority to assess civil penalties against the caterers for failure to meet arriving aircraft timely and control regulated garbage.

RECOMMENDATION NO. 8

Revise 7 CFR, part 330.400 to (a) require caterers to meet aircraft at the time of arrival and control regulated garbage as specified in their compliance agreements with the U.S. Department of Agriculture and (b) seek legislation to assess civil penalties against caterers where conditions warrant such action.

Agency Position:

In its January 28, 2000 written response, APHIS stated the following:

The Office of the General Counsel's (OGC) opinion is that APHIS currently lacks authority to assess civil penalties against caterers. PPQ will explore this issue further with OGC. If it is legally possible to assess such penalties, we will issue national guidelines instructing PPQ officers about the authority. Referral to OGC will occur by February 15, 2000. If regulations are to be

revised, we will be bound by the applicable time frames for notice and public comment period.

OIG Position:

The APHIS response did not address part(a) of the recommendation. To reach a management decision for part(a), we need timeframes and details of actions proposed or taken to ensure that caterers meet aircraft timely and control garbage in compliance with agreements. To reach management decision for part(b) of the recommendation, we need OGC's final decision on whether APHIS has legal authority to assess civil penalties. If OGC determines that APHIS has legal authority to assess civil penalties against caterers, provide us with a copy of the national guidelines issued to PPQ officers.

FINDING NO. 7

**CARGO INSPECTIONS
PERFORMED DURING
OVERTIME PERIODS WERE
NOT SUPERVISED**

PPQ officials at the Port of Miami did not allow supervision of cargo inspections performed during overtime periods. Port officials interpreted APHIS PPQ's overtime policy to mean that supervisory inspectors were not permitted to work overtime on a regular basis. As a result, cargo inspections performed during overtime hours, which accounted for over 50 percent of all cargo inspections at the port,

were unsupervised. The absence of supervision of cargo inspection activities increases risk of pests and disease entering the country.

The Miami Port Director wanted supervisory oversight of cargo inspection activities performed during overtime hours but stated that APHIS' national and district offices would not authorize it. In November 1997, the port director submitted a proposal for authorization of supervisory overtime to the SPHD who forwarded the request to the APHIS Headquarters. However, the proposal was not approved. At the time of our audit, a pilot project was underway at the port, which allowed supervisors to make a limited number of overtime visits to PPQ inspection sites. According to the Miami Port Director, the purpose of the project was to gather facts and support for another request for authority to provide supervision of cargo inspections performed during overtime hours.

APHIS Headquarters officials said there must have been a misunderstanding by the Port of Miami PPQ officials regarding the agency's policy on allowing supervisory overtime. Headquarters officials pointed out that the agency's November 2, 1996, written policy (a) authorizes overtime to be performed by those employees (*i.e.*, seasonal employees, technicians, PPQ officers, supervisors) who normally perform the same type of work during regular working hours and (b) requires that overtime for

specific supervisory activities be based on the same customer service and accountability standards used for nonsupervisory overtime. The policy further states that supervisors and managers will not routinely work nonsupervisory overtime when the service can be provided by the onsite cadre of nonsupervisory employees.

We reviewed 41 supervisory cargo inspection reports that were performed during overtime hours at the Port of Miami. In 19 of the 41 cases, we requested that a supervisor accompany us to observe the inspections. Supervisors completed the other 22 reports during site visits they conducted between October 8 and 20, 1998, as part of the pilot project. Of the 41 inspections they observed, the supervisors identified deficiencies with 15 of the inspections. Examples of those discrepancies follow.

- In four cases, PPQ officers arrived late at the sites to inspect perishable products. This cost the broker and warehouse for personnel standing by to assist the inspectors. At one of the sites, we observed an aircraft crew-member removing a tray of ham sandwiches which is regulated garbage, from a plane that had just arrived from Bogota, Columbia. The PPQ officer scheduled to meet the aircraft did not arrive at this inspection site until after the incident occurred and after the PPQ supervisor had confiscated the sandwiches.
- At four sites, brokers did not select samples according to PPQ requirements--the samples were not large enough, brokers did not select flowers from all farms represented in the shipment, and sampled boxes were not listed on the PPQ Form 2/28, Sampling Breakdown Worksheet, so the sample could be verified by the inspectors.
- At one site, the PPQ inspector selected samples of live plants on a Sunday and left them in the warehouse in the custody of the broker. The samples were delivered the next day to the Miami inspection station for inspection.

We also learned of employee misconduct which occurred during unsupervised overtime hours. Examples follow.

- Officers occasionally failed to report to their assigned inspection sites. However, some of the officers still claimed overtime compensation and were paid for the jobs they did not work. Without supervision during overtime inspections, there is little chance the violators would be caught.
- Officers brought children and other family members to cargo warehouses and other overtime work sites. This is against PPQ policy because it could create liability to the agency, the airport, or the cargo warehouses.

- Officers reported to inspection sites out of uniform, sometimes only wearing tank tops and shorts. This creates a lack of respect for PPQ officers which could detract from their job effectiveness. Also, failure to wear proper apparel could be a safety factor in and around cargo warehouses.

The same type of supervisory support given during regular hours should be available during overtime hours, especially since the majority of air cargo inspections at the Port of Miami are performed after normal work hours.

RECOMMENDATION NO. 9

Clarify the agency's policy regarding supervisory overtime and ensure that the Miami Port Director provides adequate overtime supervision of cargo inspections based on workload needs and when necessary. Also, evaluate the feasibility of scheduling supervisors to work staggered shifts.

Agency Position:

In its January 28, 2000, written response, APHIS stated the following:

PPQ is committed to increasing the number of supervisors in our ports, particularly our large "super" ports like Miami. PPQ recognizes that inadequate supervision on various shifts is problematic. The policy on supervisory overtime issued by the Deputy Administrator in 1996, as cited by local PPQ managers, was meant to address only supervisors working journeyman overtime. PPQ will revisit that national policy and, in the meantime, the regional staff will assist the Port of Miami to ensure adequate supervision of officers performing overtime assignments. The Regional Director of the PPQ Eastern Region visited Miami in January to discuss plans for a review of supervisory needs in this particular area of overtime. By the end of the current fiscal year, this problem will be corrected and appropriate supervision will be in place.

OIG Position:

To reach management decision, we need (a) a copy of the revised national policy and instructions issued to the field regarding supervisory overtime and (b) details on actions planned or taken to ensure there is adequate supervision of PPQ officers performing inspections.

II. APHIS SHOULD EVALUATE USER FEES TO ENSURE FUNDING IS AVAILABLE FOR TIMELY AND THOROUGH INSPECTIONS

FINDING NO. 8

APHIS should evaluate the amount of user fees it charges for various inspection services and the fee allocation process to ensure that adequate staff/resource are available to PPQ

work units in Florida. The lack of funds affected PPQ's ability to perform timely and thorough inspections at Florida ports to detect and prevent undesirable pests and diseases from entering the United States. (See Findings Nos. 1 through 7.)

Federal policy¹³ require that each service, sale, or use of Government goods or resources provided to specific recipients be self-sustaining. Further, the policy requires that user charges be sufficient to cover the full cost to the Federal Government for providing the service.

In 1997,¹⁴ GAO reported that APHIS' ability to effectively manage its inspection program was being challenged by rapid growth in international trade and travel since 1990. A study completed in 1998, by the Florida SPHD stated that the agency's ability to proficiently keep up with the increase in international activity within the State had deteriorated further since the GAO report and was expected to get worse by the year 2000. The SPHD's report attributed the decline in effectiveness to PPQ resources not keeping up with the increases in international trade and travel. The report acknowledged this has led to disturbing shortcuts in inspection and monitoring techniques.

An example of shortcuts we observed was inspection procedures for cargo ships and cruise ship passengers. Funding to the Miami and Fort Lauderdale ports was not sufficient to provide the additional resources needed to inspect cargo ships timely and for more thorough inspections of cruise ship passengers. In addition, the inspection workload requirements exceeded the cap placed on assessing ship inspection fees.

¹³ Office of Management and Budget Circular No. A-25, User Charges, dated July 8, 1993.

¹⁴ General Accounting Office Report GAO/RCED-97-102, Agricultural Inspections, May 5, 1997.

Federal regulations¹⁵ require ships' owners to pay APHIS a \$454.50 fee for each arrival at a U.S. port in FY 1998. The number of payments for individual ships is limited to 15 in a calendar year. The payments are collected for APHIS by U.S. Customs.

Ship arrival records at the ports in Fort Lauderdale and Miami showed that 42 cruise ships docked 1,566 times and 579 cargo ships docked 5,113 times in FY 1998. A total of 2,826 of these arrivals by 117 ships were exempt from any fees for the inspection services rendered due to the 15 dockings limit. Assessment of fees for all dockings would have yielded additional revenue of almost \$1.3 million that could have been used for enhanced inspections. (See table 5.)

TYPE OF SHIP	ARRIVALS			FEES	
	TOTAL	CHARGED FEES	NOT CHARGED FEES	COLLECTED	NOT CHARGED
Cruise	1,566	457	1,109	\$ 207,707	\$ 504,041
Cargo	5,113	3,396	1,717	1,543,482	780,376
TOTAL	6,679	3,853	2,826	\$1,751,189	\$1,284,417

TABLE 5

Cruise ships take much longer to inspect because they normally have more areas on board for stores and garbage and because of the large number of passengers that have to be processed. Even so, PPQ charges cruise ships the same fee that it charges cargo ships. Since fees are collected to offset the cost of inspections, cruise ships with their higher inspection costs should be charged more. Further, no per passenger fee, similar to the \$2 per passenger fee charged to airline passengers, is charged cruised ship passengers. If such a fee was charged for cruise ship passengers, the revenue could provide additional funds needed to adequately process cruise ship passengers. (See Finding No. 3).

We discussed with APHIS Headquarters officials the need for additional funding to provide more timely and thorough inspections in Florida. They said that APHIS' inspection fee limit of 15 dockings for ships was patterned after U.S. Custom procedures. They said U.S. Customs collects fees assessed by APHIS and would resist having to collect additional fees if the 15 times per ship per year was increased. APHIS Headquarters officials agreed that a per passenger inspection fee for cruise ship passengers was a means for increasing funds for enhancing inspections and might be considered.

¹⁵ 7 CFR 354.3(b)(1), dated January 1, 1998.

RECOMMENDATION NO. 10

Evaluate the amounts of the various fees charged for inspections to ensure that funding is adequate to provide timely and thorough inspections.

RECOMMENDATION NO. 11

Revise 7 CFR, part 354.3(b) to increase the number of times individual cargo and cruise ships can be assessed a fee in a calendar year to ensure that sufficient funds are available to provide adequate and timely inspections.

RECOMMENDATION NO. 12

Assess cruise ships a per passenger inspection fee similar to the fee assessed airline passengers

Agency Position:

In its January 28, 2000, written response to the three recommendations, APHIS stated the following:

Airline passenger user fees have been increased effective January 1, 2000. The increase was accomplished through legislative action. PPQ will explore the other possibilities of fee increases that the OIG Report suggests; but, decisions on inspections of cruise ships and cargo will be based on scientific risk assessment. Time frame for completion is approximately one year because we must staff our Risk Assessment Program and obtain sufficient information to reorganize the workhorse.

OIG Position:

To reach management decision for Recommendation No. 10, we need the evaluation results of the various inspection fees based on scientific risk assessment data. The APHIS response did not specifically address Recommendations Nos. 11 and 12. In order to accept management decision for these two recommendations, we need specific timeframes and actions taken or planned to address the recommendations.

III. APHIS' SUPERVISION OF PPQ INSPECTION ACTIVITIES NEEDS STRENGTHENING

We found that several PPQ employees at the Miami airport consistently reported late for duty and used Government-owned vehicles (GOV) for unauthorized purposes. We also found that one employee made questionable charges to the Government for vehicle fuel and maintenance costs. These conditions went undetected and/or uncorrected because of a low level of supervisory oversight and weak controls over employee time and attendance and vehicles operations.

FINDING NO. 9 EMPLOYEES WERE CONSISTENTLY TARDY FOR WORK

PPQ officials had no system in place to monitor the times employees at the Miami airport reported to, or departed from, their duty stations. During the period September 1 through October 7, 1998, six habitually tardy employees were paid for approximately 90 hours that they did not work. This occurred because of a lack of supervisory monitoring or other controls over employees' work attendance.

The APHIS directive on employee conduct and responsibilities¹⁶ requires employees to report for duty on time and render full, honest, and industrious service in the performance of their assigned duties.

For the period September 1 through October 7, 1998, we reviewed records that listed all entries and exits of the 161 PPQ employees at their work area at the Miami airport. We found that six of the employees were consistently late for work. (See table 6.)

¹⁶ APHIS Directive 4735, Conduct and Responsibilities, dated February 27, 1991.

EMPLOYEE	DAYS TARDY	UNEXCUSED ABSENCES (IN HOURS:MINUTES)				LOST WAGES
		REGULAR ¹	NIGHT	SUNDAY/HOLIDAY	TOTAL	
1	17	9:42		1:53	11:35	\$ 232
2	27	0:18	35.5	10.01	46.12	1,211
3	12	6:58		1:14	8:12	193
4	30	7:36		1:22	8:58	179
5	19	3:23	4:5	2:24	10:40	227
6	14		4:0	0:33	4:41	62
Total		27:57	44:54	17:27	90:18	\$2,104

¹ Regular hours are from 6a.m. until 6p.m. Night hours are paid at 110 percent (1.1) of the employee's wage rate. Sunday/Holiday hours are paid at 200 percent (2 times) the employee's wage rate.

TABLE 6

The Metro-Dade Aviation Department issues identification badges for security purposes to PPQ personnel who work at the airport. The identification badges contain a magnetic stripe which must be swiped through a reader each time an employee enters or exits work areas. Each time a badge is swiped, a record is made that lists the badge owner's name, the date and time of the swipe, and the location of the reader where the swipe was made. Airport rules require that when two or more persons enter or exit a restricted area together, each must swipe their badge through the reader to record their entry or exit from the restricted area.

The badge swipe records for the six employees in question showed that they reported late for work on most days during the period reviewed. However, each of the employees completed and signed time and attendance sheets certifying that they were present for the entire shifts.

We interviewed the six employees concerning their tardiness. However, none of their explanations justified the employees' unexcused absences. Details of two of the employees excuse follow.

Employee No. 2 - The employee claimed to have been conducting surveillance activities of off airport catering companies in his personal vehicle prior to reporting to work. However, documentation provided by the employee did not support his claim.

Employee No. 3 - The employee claimed the Director of Airport Operations gave her permission to take compensatory time off without prior approval for working late during most of the employee's shifts. The Director of Airport Operations confirmed the employee's statement. However, the port director said the Director of Airport Operations did not have authority to grant the employee compensatory time off. Further, the employee's daily badge swipe records did not substantiate the individual's claim of working overtime. Two PPQ supervisors claimed they saw the employee arrive to work late on several occasions after the date the employee was questioned about being tardy. A subsequent review of employees' identification badge swipe records for the period of November 1 through December 3, 1998, showed this employee continued to report late for work.

On March 12, 1999, we issued a management alert to APHIS concerning employee tardiness at the Miami airport. The APHIS Administrator responded that the Resource Management System and Evaluation Staff would investigate the condition and would take appropriate actions. As of August 31, 1999, the investigation had not been conducted.

RECOMMENDATION NO. 13

Require the Miami Port Director to implement procedures and controls to ensure that employees work the hours in which they certified to on their time and attendance records.

RECOMMENDATION NO. 14

Require the Resources Management System and Evaluation Staff to review Metro-Dade Aviation Department security system records and PPQ employee pay records for FY's 1998 and 1999, to identify employees that were paid for periods of unexcused absences, and recover improper payments from and take appropriate administrative action against employees who received pay for periods of unexcused absences. Provide us with the results of the investigation and the actions taken.

Agency Position:

In its January 28, 2000 written response to the two recommendations, APHIS stated the following:

There are presently two ongoing investigations in the Port of Miami for employee misconduct. Additionally, there are two other investigations ongoing concerning overtime and time and

attendance allegations. PPQ will take appropriate disciplinary and managerial action when abuses of time and attendance is substantiated.

The Port of Miami is also exploring the use of a computerized badge identification system to record all employee work arrival and departure times. These recording devices can be used for overtime assignment (i.e., to verify when an employee reports and completes overtime assignment). This system also provides a verification of the employee's day-to-day time and attendance. This system costs \$40,000 for Miami. PPQ is considering the feasibility of purchasing these systems for our "super" ports.

OIG Position:

To reach management decision for Recommendation No. 13, we need specific timeframes for actions taken or planned to monitor employees' work arrival and departure times to ensure hours certified to are actually worked. To reach management decision for Recommendation No. 14, we need the results of the investigations and actions taken against employees that were paid for periods of unexcused absences.

FINDING NO. 10

**MANAGEMENT DID NOT MONITOR
EMPLOYEES' USE OF GOV'S AND
CREDIT CARDS**

We noted instances of improper use of Government vehicles and questionable charges to the Government for vehicle maintenance totaling \$747 made by one PPQ employee. These discrepancies occurred due to a lack of supervisory oversight.

Improper Use of GOV's

APHIS requirements¹⁷ dictate that GOV's be used for official purposes only, and employees who operate GOV's or Government leased vehicles be familiar with GOV regulations. Operators should exercise discretion and avoid any situation which gives the appearance that a GOV is being used for a purpose other than official business. Any employee who willfully uses or authorizes the use of a GOV for other than official purposes shall be suspended for not less than 30 days.

PPQ employees used GOV's without completing a record or log to document the vehicle operator, purpose, time, destination, and total miles driven for each trip. The keys to the GOV's were kept in easily accessible locations available to numerous PPQ personnel.

¹⁷ APHIS Manual 4735 SDG, Personnel Management Issuance System, Conduct and Responsibilities, Supervisor's Desk Guide, dated October 1990.

Our review of PPQ records and discussions with PPQ managers disclosed two incidents where PPQ employees improperly used GOV's. In one incident the employee drove a GOV to his residence and left it illegally parked. The employee's neighbor reported the parking violation to the Miami Police Department and the vehicle was subsequently towed and impounded by the police. In the other incident PPQ officials found drug paraphernalia in a GOV which PPQ managers later discovered had been driven by an employee to unauthorized locations. PPQ officials initiated administrative actions against the two employees involved. However, the agency did not establish and implement controls to prevent future occurrences of improper use of GOV's.

PPQ supervisors suspected other employees assigned to the Miami airport were using GOV's improperly. The improper use of a GOV exposes the Government to unnecessary liability, especially, if the vehicle is involved in an accident or used in the commission of an illegal act.

Questionable Fuel and Maintenance Costs

A PPQ employee charged questionable vehicle fuel and maintenance expenses of \$747 to the Government. Credit card receipts for gas and oil purchases and paid invoices for service and maintenance on GOV's assigned to PPQ at the Miami airport were placed in a drawer in a supervisor's office, and were not utilized to authenticate expenses the Government paid for.

We reviewed the FY 1998 fuel and maintenance costs totaling \$18,559 for GOV's assigned to the Miami airport and found one employee made four questionable charges to the Government totaling \$746.53. Details of the charges follow.

- An invoice from business A, dated May 4, 1998, was for \$649.95 to replace the air conditioner on a PPQ vehicle. Shortly after the repair, a PPQ technician and another mechanic at a different repair facility inspected the vehicle and found that the air conditioner had not been replaced.
- An invoice from business A, dated September 9, 1998, was for \$40 for an oil change. Originally the invoice was for \$19.95 but it had been altered to \$40.00. Between August and November 1998, other PPQ employees had 12 oil changes on GOV's at a cost of \$19.95 each.
- Two Government credit card transactions dated September 12, 1998, at business A were made 11 minutes apart. One charge was for \$21.87 and had "REGLR" on the charge slip. The charge slip indicated

20 gallons of gasoline was purchased. The other charge was for \$42.60 and had "AUTO" on the charge slip. Neither the PPQ files nor the charge slip showed what the \$42.60 was for. A Government credit card charge transacted at business B for \$45.41 on September 18, 1998, included \$8.98 for snacks.

On November 30, 1998, the U.S. Department of Agriculture's National Finance Center suspended PPQ's authority to charge automobile expenses to six credit cards assigned to the facility at the Miami airport. The National Finance Center took this action because the GOV expenses charged to the credit cards were excessive when compared to the number of miles the vehicles were driven during the previous 12-month period. This further indicates that questionable charges were being made on Government credit cards assigned to GOV's at the Miami airport.

RECOMMENDATION NO. 15

Instruct the Miami Port Director to establish procedures to monitor and control the use of GOV's and ensure that charges associated with GOV's are allowable and reasonable before being paid.

RECOMMENDATION NO. 16

Review vehicle fuel and maintenance costs associated with GOV's at the Port of Miami to identify improper charges and recover the improper charges from responsible PPQ employees and take additional administrative actions deemed appropriate.

Agency Position:

In its January 28, 2000, written response to the two recommendations, APHIS stated the following:

PPQ management has initiated measures to ensure that Agency policies and guidelines are followed and that disciplinary actions are imposed when infractions surface. Quality assurance positions are planned for the regional office to help ensure oversight on such issues and to monitor compliance with management directives. Five new Employee Relations Specialist will be hired within the coming year to ensure prompt disciplinary decisions. Two incidents of misconduct identified by OIG have pending disciplinary action proposals awaiting processing.

The Florida State Health Plant Director has established a new position for the State, a Vehicle Transportation Specialist. The employee in this position has already created a database for all Florida work unit vehicles. Florida record keeping will include vehicle tag, model, emission testing for vehicle, and local work unit data spread sheets will be created showing vehicle gas purchases and scheduled maintenance or repairs. These reports will enhance supervisor accountability that is required in the area of vehicle maintenance and record keeping.

OIG Position:

To reach management decision for Recommendation No. 15, we need copies of APHIS policies and procedures established to monitor and control the use of GOV's and details of measures initiated to ensure that these policies and procedures are followed. To reach management decision for Recommendation No. 16, we need details of the final results of the investigations and actions taken or planned against employees who made improper charges related to GOV's.

EXHIBIT A - SUMMARY OF MONETARY RESULTS

Finding No.	Description	Amount	Category
9	Improper Salary Payments	\$2,104	Questioned Cost/Loans Recovery - Recommended
10	Improper Vehicle Maintenance Costs	747	Questioned Cost/Loans Recovery - Recommended
Total		\$2,851	

EXHIBIT B - LOCATIONS WHERE AUDIT WORK WAS PERFORMED

APHIS PPQ ORGANIZATION/WORK SITE	LOCATION
APHIS PPQ National Office	Washington, D.C. and Riverdale, Maryland
State Plant Health Director	Gainesville, FL
Port of Miami	Miami, FL
Miami International Airport	Miami, FL
Seaport - Port of Miami	Miami, FL
Fort Lauderdale Work Unit	Fort Lauderdale, FL
Fort Lauderdale International Airport	Fort Lauderdale, FL
Seaport - Port Everglades	Fort Lauderdale, FL
Orlando Work Unit	Orlando, FL
Orlando International Airport	Orlando, FL
Herndon Work Station	Orlando, FL
Sanford Work Station	Sanford, FL
Tampa Work Unit	Tampa, FL
Seaport - Port of Tampa	Tampa, FL
Tampa International Airport	Tampa, FL
Mac Dill Air Force Base	Tampa, FL
Palmetto Work Station	Palmetto, FL

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Service

Washington, DC
20250

January 28, 2000

SUBJECT: PPQ's Response to OIG's Audit Report No. 33004 1 AT

TO: James R. Ebbitt
Assistant Inspector General
for Audit
Office of the Inspector General

Thank you for the opportunity to comment on the subject report. We appreciate your auditing assistance and are looking forward to receiving the final version of the report.

A handwritten signature in black ink, appearing to read "Bobby R. Acord".

Bobby R. Acord
Associate Administrator
Animal and Plant Health
Inspection Service

Enclosure



APHIS - Protecting American Agriculture

An Equal Opportunity Employer

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

PPQ'S RESPONSE TO OIG'S AUDIT REPORT NO. 33004-1-A T

STATEMENT NO. 1 PPQ'S INSPECTION PROCEDURES WERE NOT ADEQUATE

FINDING NO. 1: CARGO SHIPS WERE NOT INSPECTED TIMELY

PPQ's role in inspecting cargo ships is an important and vital key to meeting our responsibilities to protect this nation's agriculture and to ensure that plant and animal pests and diseases do not threaten this country's ability to export our agricultural products. PPQ is presently studying ways to increase our inspection efforts in cargo ships in accordance with good scientific data and evidence that would substantiate where and how our inspection efforts would be effective.

The audit states that 8,542 cargo ships arrived in Miami and Ft. Lauderdale, combined for FY 1998, and indicates that, in 11.4% of all deferred ship inspections, "serious violations" were found. It implies that all cargo ships, regardless of port of origin, pose the same risks. PPQ has conducted extensive risk assessments for vessels and cruise ships, and we have no evidence that deferred boarding raises the level of risk.

OIG's audit suggests timely inspections guarantee violations do not occur or could lessen the chances of infestations and spreading of pests to this country. Historically, we have not found this to be the case. With the vast increase of cargo shipping in the last few decades and increased trading in the global economy, along with the host of other higher risk pathways, PPQ is not at this time adequately staffed to inspect each and every ship as it arrives in port.

Recommendation No. 1: Require PPQ officers to timely schedule for inspection [of] all ships arriving from foreign ports.

Agency Position: While PPQ is presently considering various staffing options and shifting of priorities to increase number of inspections of cargo ships, we do not believe all ships pose the same degree of risk. We are continuing efforts to adjust our level of operations to correspond more accurately to risk assessment, but, inspection of all cargo and passengers would not increase program effectiveness. Our Agriculture Quarantine Inspection (AQI) programs have always been based on scientific risk assessments, and the increased staffing of this program will provide sound data upon which to base our programmatic priorities. Fully staffing our Risk Assessment Program and generating sufficient data to reorganize and restructure the workhorse is estimated to require one year.

FINDING NO. 2: PROHIBITED AGRICULTURAL ITEMS BROUGHT INTO FLORIDA BY AIRLINE PASSENGERS WERE NOT INTERCEPTED

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

The audit points out that PPQ only intercepted an estimated 19% of prohibited agricultural items for FY 1998. It states that PPQ is presently inspecting too few passengers. PPQ is studying a variety of ways to increase, not necessarily passenger inspection, but the effectiveness of our protection program, all of which are based on scientific risk assessment. Present staffing resources cannot provide 100% inspection of all passengers arriving from foreign ports, and not all passengers arrive from ports of high pest risk. Therefore, it would not be efficient or beneficial to spend as much time inspecting their luggage as other passengers arriving from countries known to harbor certain pests.

AQI monitoring results demonstrate that an increase in traditional passenger inspection will not result in an increase of quarantine interceptions. However, the use of such information permits PPQ to select those flights with the highest level of pest risk. PPQ is considering other initiatives to facilitate selectivity, such as employing new x-ray equipment and technology; redesigning federal inspection facilities to increase effectiveness of flight inspection; requiring permits or phytosanitary certificates for agricultural products; seizing products lacking valid documents; prohibiting entry of all agricultural products in passenger baggage; and, developing options for passengers to dispose of agricultural items prior to inspection or voluntarily proceed through the inspection process.

Recommendation No. 2: Evaluate the inspection process for airline passengers arriving from foreign countries to develop alternatives for increasing the number of passengers inspected.

Agency Position: PPQ is increasing its efforts in risk assessment by adding additional staff to that function in the field and headquarters. The Agency will reevaluate its inspection program based on the scientific data and will be guided by where and how it should conduct inspections which provide the greatest protection for the country. This effort will also require one year. The risk assessment data discussed in our response to Recommendation 1 will include all forms of entry of agricultural products into the US

FINDING NO. 3: LUGGAGE AND PERSONAL EFFECTS OF CRUISE SHIP PASSENGERS WERE NOT INSPECTED

The OIG audit questions PPQ's efforts in Miami and Ft. Lauderdale for inspecting cruise ship passenger luggage. The Report suggested that a critical shortage of inspectors to do this function should be addressed. We have found that cruise ships pose a very low threat, i.e., the chance of a cruise passenger bringing in a prohibited agricultural product which could pose a threat to this country is very small.

PPQ conducted a statistical survey for a one-year period of cruise ships transiting the Caribbean. The survey showed that, of 10,000 passengers randomly sampled, a total of

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

261 interdictions were achieved. This equates to an extremely low interdiction rate of .027 and, PPQ concludes that cruise ships present low risks of pest introduction. Resources allocated to cruise ships and inspections of their passengers are better utilized in activities involving higher risk of pest introduction.

Recommendation No. 3: Assign sufficient staff/resources to properly process [all] cruise ship passengers arriving from foreign ports.

Agency Position: PPQ has begun a new initiative to increase the number of compliance agreements with cruise ships. This will place greater responsibility on the ships themselves and will free up our staff to perform other functions which provide greater protection to American agriculture. PPQ's approach to cruise ships is consistent with risk assessment analysis to provide as much protection as possible with finite resources. By April 30, 2000, the Deputy Administrator will instruct Port Directors to begin negotiations with cruise lines to establish compliance agreements. PPQ hopes to have negotiations concluded by September 30, 2000.

FINDING NO. 4: CIVIL PENALTIES WERE NOT ASSESSED TO DETER PASSENGERS FROM BRINGING PROHIBITED ITEMS INTO THE COUNTRY

OIG's report recommends that civil penalties be assessed against cruise ship passengers. However, there is no infrastructure or provision with US Customs to collect and process such fines. The Department of Treasury inspectors collect and process these fines.

PPQ does not discount OIG's observations that civil penalties are not always assessed against airline passengers who bring in prohibited items. This tendency may very well be a function of the meager amount of the penalty. PPQ will revisit the problem of consistency and revise its policies. The intent of the civil penalty program is to deter passengers from intentionally smuggling or concealing items from inspection. Other factors, such as language difficulties, cultural differences or even honest mistakes, are taken into consideration when determining whether to assess a civil penalty. It may not be feasible for all violators to be assessed a civil penalty regardless of the circumstances.

PPQ agrees that a greater educational effort needs to be made to inform the traveling public of the law and regulations. PPQ is considering various possibilities such as including the use of permits by passengers carrying fruits and vegetables.

Recommendation No. 4: Collect civil penalties from airline and cruise ship passengers in all instances where violations are identified.

Agency Response: As noted above, there is no regulatory authority to collect or process fines of cruise ships. PPQ agrees that the imposition of penalties should be consistently applied. However, we question whether penalties must be imposed in "all instances" as this could

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

eliminate discretion on the part of PPQ to recognize and deal with special circumstances. The Director of Operations will study this issue and develop a directive concerning the consistent use of civil penalties. We estimate publication of the directive by October 1, 2000. A unit charged with increasing public education will be created as increased funding and resources permits.

Recommendation No. 5: Evaluate whether the fine amounts (e.g. \$50) are sufficient to serve as an effective deterrent to passengers' attempts to bring prohibited into the country.

Agency Position: PPQ agrees with OIG's conclusions that the present statutory fine amounts are not an effective deterrent. However, we cannot unilaterally change civil penalties. The national *Safeguarding Review* supports increasing penalty amounts, and the current legislation, "Plant Protection Act," pending before Congress, would, *inter alia*, increase PPQ's ability to assess higher penalties for violations. At this time, we await passage of the legislation.

FINDING NO. 5: PRACTICES FOR SELECTION OF SAMPLES OF PERISHABLE ITEMS COMPROMISED THE INTEGRITY OF INSPECTIONS

The OIG audit raises questions about Miami's practice of allowing the cargo brokers to select six out of every seven inspection samples from shipments of fresh-cut flowers. Since the auditor's visit, the sampling practice in Miami has been revised to ensure credibility of the samples pulled for the inspection process. Cut flower samples can no longer be pulled without the presence of a PPQ officer(s). Through partnership with the Miami Perishable Coalition and compliance agreements established with seven of the largest cut flower warehouses/airlines, it has been agreed that one out of every 15 shipments will be sampled by a PPQ sampling team. Sampling of perishable cargo at warehouses/airlines not under compliance agreements, which usually receive small shipments of perishables, is now conducted by the officer(s) assigned to inspect such facilities.

Overtime usage is being reevaluated nationwide. PPQ supports the principle that overtime should be used efficiently. Local managers, including those of the Port of Miami, will be held accountable for the utilization of overtime assignments and work. There is no simple solution for this problem, and we share OIG's concern about this issue. PPQ will provide nationwide leadership and control in this area.

Recommendation No. 6: Require PPQ inspectors to select and secure all samples of fresh-cut flowers, fruits and vegetables, and live plants that are to be inspected.

Agency Position: The Port of Miami has revised its practices since the review, and the samples are being pulled in the presence of the PPQ officer. The Port of Miami has already implemented corrective action.

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

Recommendation No. 7: Evaluate cargo inspection procedures in Miami to determine the feasibility or options available to have one inspector or one inspection team perform the entire inspection process during one visit to the inspection site. Include in the evaluation work scheduling options to achieve maximum efficiency for any overtime hours needed to perform the inspections.

Agency Position: The Port of Miami's inspection assignments (regular and overtime) are covered by its contract with the Union and are based on the number of units to be inspected. These standards have not been reviewed recently and need reevaluation. There may be some feasibility in team assignments, however, the amount of cargo entering the Port precludes assigning one inspector to the entire inspection in most cases. As PPQ moves toward implementation of the *Safeguarding Review*, much of this activity will involve how we deal with cargo inspection. Efforts are presently underway to amend the contract with the Union. Based on past experience, changing the contract is an involved and lengthy process. Therefore, it is impossible to estimate a completion date on this item.

FINDING NO. 6: COMPLIANCE AGREEMENTS WITH CATERERS WERE NOT ENFORCED

Recommendation No. 8: Revise 7 C.F.R. § 330.400 to (a) require caterers to meet aircraft at the time of arrival and control regulated garbage as specified in their compliance agreements with the U.S. Department of Agriculture and (b) provide authority to assess civil penalties against caterers where conditions warrant such action.

Agency Position: The Office of the General Counsel's (OGC) opinion is that APHIS currently lacks authority to assess civil penalties against caterers. PPQ will explore this issue further with OGC. If it is legally possible to assess such penalties, we will issue national guidelines instructing PPQ Officers about the authority. Referral to OGC will occur by February 15, 2000. If regulations are to be revised, we will be bound by the applicable time frames for notice and public comment period.

FINDING NO. 7: CARGO INSPECTIONS PERFORMED DURING OVERTIME PERIODS WERE NOT SUPERVISED

Recommendation No. 9: Clarify the agency's policy regarding supervisory overtime and ensure that the Miami Port Director provides adequate overtime supervision of cargo inspections based on workload needs and when necessary. Also, evaluate the feasibility of scheduling supervisors to work staggered shifts.

Agency Position: PPQ is committed to increasing the number of supervisors in our ports, particularly our large "super" ports like Miami. PPQ recognizes that inadequate supervision on various shifts is problematic. The policy on supervisory overtime issued by the Deputy Administrator in 1996 as cited by local PPQ managers, was meant to address only supervisors

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

working journeyman overtime. PPQ will revisit that national policy and, in the meantime, the regional staff will assist the Port of Miami to ensure adequate supervision of officers performing overtime assignments. The Regional Director of the PPQ Eastern Region visited Miami in January to discuss plans for a review of supervisory needs in this particular area of overtime. By the end of the current fiscal year, this problem will be corrected and appropriate supervision will be in place.

STATEMENT NO. 2 APHIS SHOULD EVALUATE USER FEES TO ENSURE FUNDING IS AVAILABLE FOR TIMELY AND THOROUGH INSPECTIONS

FINDING NO. 8: APHIS SHOULD EVALUATE THE AMOUNT OF USER FEES IT CHARGES FOR VARIOUS INSPECTION SERVICES AND THE FEE ALLOCATION PROCESS

Recommendation No. 10: Evaluate the amounts of the various fees charged for inspections to ensure that the funding is adequate to provide timely and thorough inspections.

Recommendation No. 11: Revise 7 C.F.R. § 354.3(b) to increase the number of times individual cargo and cruise ships can be assessed a fee in a calendar year to ensure that sufficient funds are available to provide adequate and timely inspections.

Recommendation No. 12: Assess cruise ships a per passenger inspection fee similar to the fee assessed airline passenger.

Agency Position: Airline passenger user fees have been increased effective January 1, 2000. The increase was accomplished through legislative action. PPQ will explore the other possibilities of fee increases that the OIG Report suggests; but, decisions on inspections of cruise ships and cargo will be based on scientific risk assessment. Time frame for completion is approximately one year because we must staff our Risk Assessment Program and obtain sufficient information to reorganize the workhorse.

STATEMENT NO. 3 APHIS' SUPERVISION OF PPQ INSPECTION ACTIVITIES NEED STRENGTHENING

FINDING NO. 9: EMPLOYEES WERE CONSISTENTLY TARDY FOR WORK

Recommendation No. 13: Require the Miami Port Director to implement procedures and controls to ensure that employees work the hours which they certified to on their time and attendance records.

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

Recommendation No. 14: Require RMSES to review Metro-Dade Aviation Department security system records and PPQ employee pay records for FY's 1998 and 1999 to identify employees that were paid for periods of unexcused absences, and recover improper payments from and take appropriate administrative action against employees who received pay for periods of unexcused absences. Provide us with the results of the investigation and the actions taken.

Agency Position: There are presently two ongoing investigations in the Port of Miami for employee misconduct. Additionally, there are two other investigations ongoing concerning overtime and time and attendance allegations. PPQ will take appropriate disciplinary and managerial action when abuses of time and attendance is substantiated.

The Port of Miami is also exploring the use of a computerized badge identification system to record all employee work arrival and departure times. These recording devices can be used for overtime assignments (i.e., to verify when an employee reports and completes overtime assignments). This system also provides a verification of the employee's day-to-day time and attendance. This system costs \$40,000 for Miami. PPQ is considering the feasibility of purchasing these systems for our "super" ports.

FINDING NO. 10: MANAGEMENT DID NOT MONITOR EMPLOYEES' USE OF GOVERNMENT VEHICLES (GOV) AND CREDIT CARDS

The OIG Report notes deficiencies of the Port of Miami in controlling and maintaining the correct use of Government vehicles and credit cards.

Recommendation No. 15: Instruct the Miami Port Director to establish procedures to monitor and control the use of GOV's and ensure that charges associated with GOV's are allowable and reasonable before being paid.

Recommendation No. 16: Review vehicle fuel and maintenance costs associated with GOV's at the Port of Miami to identify improper charges and recover the improper charges from responsible PPQ employees and take additional administrative actions deemed appropriate.

Agency Position: PPQ management has initiated measures to ensure that Agency policies and guidelines are followed and that disciplinary actions are imposed when infractions surface. Quality assurance positions are planned for the regional office to help ensure oversight on such issues and to monitor compliance with management directives. Five new Employee Relations Specialists will be hired within the coming year to ensure prompt disciplinary decisions. Two incidents of misconduct identified by OIG have pending disciplinary action proposals awaiting processing.

EXHIBIT C – APHIS RESPONSE TO THE DRAFT REPORT

The Florida State Health Plant Director has established a new position for the State, a Vehicle Transportation Specialist. The employee in this position has already created a data base for all Florida work unit vehicles. Florida record keeping will include vehicle tag, model year, make and model, emission testing for vehicle, and local work unit data spread sheets will be created showing vehicle gas purchases and scheduled maintenance or repairs. These reports will enhance supervisor accountability that is required in the area of vehicle maintenance and record keeping.