



Compliance Agreement (PPQ Form 519)

Purpose

The purpose of a Compliance Agreement is to bring a person or firm into full compliance with the applicable requirements for handling regulated material. PPQ Form 519, Compliance Agreement, provides a written and signed agreement with shippers, dealers, carriers, facilities, and processors confirming their understanding of the methods, conditions, and procedures necessary for compliance with Plant Import Regulations. PPQ Form 519 has a variety of uses in both domestic and foreign quarantine programs. These agreements are used in emergency programs and to formalize agreements with fumigators, treatment facilities, nurseries, warehouses, and any other facility that may handle regulated materials before their treatment and/or release. Here are some examples of facilities that can operate under Compliance Agreements:

- ◆ Facilities debarking foreign logs
- ◆ Facilities in the United States importing seed from Canada for cleaning under the provisions of the Federal Seed Act
- ◆ Facilities operating under an Emergency Action Order (EAN)
- ◆ Facilities processing foreign cotton
- ◆ Facilities processing prohibited screenings from Canada under the provisions of the Federal Seed Act
- ◆ Laboratories receiving untreated foreign or domestic soil
- ◆ Processors applying dry heat
- ◆ Warehouses performing cold treatment

PPQ Form 519 can also be submitted as evidence of a violation.



Never use PPQ Form 519 for facilities approved to handle restricted meat or animal products. Refer to the *Manual for Agriculture Clearance* or the *Animal Product Manual* for information on establishments that handle animal products. **Never** use PPQ Form 519 for Postentry Agreements. Use PPQ Form 546, Agreement for Postentry Quarantine—State Screening Notice for Postentry Quarantine.

Compliance Agreements give legal permission to the recipient to handle regulated plant materials. These agreements provide instruction to the facility management and staff regarding the

requirements under APHIS regulations and policies. Both PPQ and Customs and Border Protection Agriculture Inspectors are responsible for issuing and monitoring PPQ Form 519 Compliance Agreements.

When appropriate, APHIS should consult with the State Plant Regulatory Official (SPRO), or designee. For example, consult with the SPRO on the approval of a laboratory approved to handle foreign and domestic soil. On the other hand, State concurrence is **not** needed to issue a Compliance Agreement to a warehouse at which fumigations take place to make a commodity admissible. When appropriate, the SPRO signs the Compliance Agreement and/or permit application to document his or her concurrence. Compliance Agreements give PPQ regulatory oversight of establishments that are physically, numerically, and programmatically diverse. If PPQ fails to provide sufficient oversight, the effectiveness of Compliance Agreements is lost.

The stipulations included in the Compliance Agreement must be clearly understood and attainable by the signatory. To ensure the stipulations are clearly understood and to guarantee successful compliance, PPQ may have to provide training or other informational resources to the industry.

Requirements



If you are a Customs and Border Protection Officer, consult the Manual for Agriculture Clearance for information on Compliance Agreements.

Compliance Agreements are specifically required by the following:

- ◆ 7 CFR 319.40 (Logs, Lumber and Other Unmanufactured Wood Articles)
- ◆ 7 CFR 319.77 (Gypsy Moth Host Material from Canada)
- ◆ 7CFR 361.8 (Cleaning of Imported Seed and Processing of Certain Canadian-Origin Screenings)

Moreover, signed agreements (such as Compliance Agreements) are required for mills operating under 7 CFR 319.8 (Foreign Cotton and Covers). Compliance Agreements for regulated soils are incorporated under the required permit conditions of 7 CFR 330.300.

Instructions

Before completing a Compliance Agreement, a letter or instructions requesting approval of the facility and/or the action to be undertaken must be received. This request can come from an importer, the PPQ permit staff, regional office, or any agent having jurisdiction over a facility that wishes to handle regulated materials. The Compliance Agreement is often a two-part document, the signed PPQ Form 519 and an attachment containing detailed stipulations.

The PPQ official will review the applicable quarantine and do the following:

- ◆ Visit the handling, processing, or disposal facilities, or in cases for which there are no facilities, the company's local headquarters
- ◆ Inform the applicant of all conditions to be specified in the Compliance Agreement
- ◆ Inform the applicant of the consequences of failing to abide by the conditions of the Compliance Agreement
- ◆ Confirm that regulated commodities are to be processed or handled in a manner that minimizes pest risk
- ◆ Ensure the agreement states that any treatments conducted will meet the requirements of all applicable environmental authorities
- ◆ If applicable, ensure the equipment for handling regulated materials is effective
- ◆ If applicable, certify equipment used in treatments before signing and approving the Compliance Agreement—for example, verify the incinerator is capable of burning regulated materials to ash
- ◆ Require waste products or byproducts be treated to remove any pest risk
- ◆ Verify company employees are trained
- ◆ Consult with the Permit Unit, QPAS, or other knowledgeable staff before composing a Compliance Agreement regulating a facility handling an unfamiliar commodity
- ◆ Monitor each Compliance Agreement at least once per year

To ensure the applicant understands the conditions for handling and disposing of regulated materials specified in the Compliance Agreement, complete a step-by-step review with the applicant.

Reexaminations and Amendments

Reexamine Compliance Agreements at least once, but preferably twice, annually. Amend Compliance Agreements as appropriate when the following occur:

- ◆ Signatory individual changes (obtain signature of new signatory and the SPRO)
- ◆ Applicant physically relocates
- ◆ Company name, ownership, etc. changes

All changes to the Compliance Agreement can be made as a signed and dated addendum by PPQ personnel and a responsible employee of the company.

Deviations and Cancellations

Document all deviations from the agreed-upon conditions within the Compliance Agreement. Warning letters are appropriate when deviations from the agreement occur, civil penalties may also be justified. If the establishment fails to abide by the conditions of the agreement, the PPQ Officer responsible for supervising the agreement may cancel that agreement orally or in writing. Consult with the SPHD or designee and/or headquarters staff before canceling an agreement. If an oral cancellation is made, confirm it in writing as soon as possible. The establishment has 10 days to appeal the cancellation. Appeals must be made to the Deputy Administrator.

Violations

Actions to take in order of severity:

- ◆ Warning Letter*
- ◆ Civil Penalty
- ◆ Revocation of the Compliance Agreement

* Use a USDA letterhead and **not** an APHIS Form 7060 (Warning) for the warning.

When a Warning Letter Is Appropriate (when one or more of the following apply):

- ◆ First- or second-time violation
- ◆ Violator recognized and corrected the violation and notified the PPQ Officer
- ◆ Violation is a minor technicality, was unintentional, and is correctable
- ◆ Violation was the result of a misinterpretation

When a Civil Penalty Is Appropriate:

A civil penalty is initiated by Investigative and Enforcement Services (IES). This office uses standard formulas in deciding to apply civil penalties. However, IES will confer with the SPHD for concurrence.

When Revocation of the Compliance Agreement Is Appropriate:

- ◆ Multiple violations
- ◆ Major violation
- ◆ Willful and intentional violation

Examples


On the following pages are examples of a blank Compliance Agreement, a Compliance Agreement for the reexport of imported cotton, and a Compliance Agreement for regulated soil.

Specific examples of Compliance Agreements can also be found in the following manuals: *Emergency Programs*, *Export*, *Fire Ant*, *Gypsy Moth*, *Japanese Beetle*, *Karnal Bunt*, and *Treatment*.

Compliance Agreement (PPQ Form 519):

Examples

TABLE H-6-1: Instructions to Complete PPQ Form 519, Compliance Agreement

If the block is:	Then follow these instructions to complete PPQ Form 519:
1. NAME AND MAILING ADDRESS OF PERSON OR FIRM	ENTER the name and mailing address of the person or establishment with whom the agreement is being made
2. LOCATION	ENTER the location of the specific property(ies) for which the agreement is signed
3. REGULATED ARTICLE(S)	ENTER the specific regulated articles to which the agreement applies, such as "Cotton Bales"
4. APPLICABLE FEDERAL OR STATE COOPERATIVE DOMESTIC QUARANTINE(S) OR REGULATIONS	ENTER the legislative titles, parts, and subparts for the regulated articles, such as "7CFR 353"
5. I/WE AGREE TO THE FOLLOWING	<p>ENTER the stipulations which apply to the establishment for each quarantine or regulation affecting the establishment</p> <ul style="list-style-type: none"> ◆ Make clear to the establishment that stipulations in the compliance agreement do not preclude compliance with other sections of a quarantine or regulation ◆ If there is not enough space to list the stipulations, then write "See attached sheets" (attach the sheets to the original PPQ Form 519 and all its copies)
6. SIGNATURE	HAVE the responsible official of the establishment sign
7. TITLE	ENTER the responsible official's title
8 DATE SIGNED	ENTER the date the establishment official signed the agreement
9. AGREEMENT NO.	ASSIGN and ENTER a compliance agreement number
10. DATE OF AGREEMENT	ENTER the date of the agreement
11. PPQ OFFICIAL (Name and Title)	ENTER the name and title of the USDA-APHIS-PPQ official executing this agreement
12. ADDRESS	ENTER the USDA-APHIS-PPQ address
13. SIGNATURE	USDA-APHIS-PPQ Officer-in-Charge SIGNS (at a minimum)
14-16	<div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>Important</p> <p>Complete Blocks 15-17 only when the State is involved in cooperating with enforcing Federal quarantines.</p> </div> </div>
14. STATE AGENCY OFFICIAL	ENTER the name and title of the State official
15. ADDRESS	ENTER the State agency's address
16. SIGNATURE	HAVE the State official sign

Distribution of PPQ Form 519

Distribute PPQ Form 519 as follows in [Table H-6-2](#):

TABLE H-6-2: Distribution of PPQ Form 519, Compliance Agreement

If the compliance agreement:	Then:
Affects one work unit	<ol style="list-style-type: none">1. GIVE the original to the establishment2. KEEP a copy for PPQ files in the area where the establishment is located
Affects more than one work unit	<ol style="list-style-type: none">1. GIVE the original to the establishment2. GIVE copies to all work units affected by the agreement3. KEEP a copy for PPQ files in the area where the establishment is located

Compliance Agreement (PPQ Form 519):
Examples

UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE		FORM APPROVED OMB NUMBER 0579-0054
COMPLIANCE AGREEMENT		According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0054. The time required to complete this information collection is estimated to average 1.25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.
1. NAME AND MAILING ADDRESS OF PERSON OR FIRM Hong Theav Quality Grains, Inc. Highway 5 West Crosby, ND 58727		2. LOCATION Crosby, ND Highway 5 West 1-800-510-XXXX
3. REGULATED ARTICLE(S) Canadian Origin Seed and Screenings		
4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS Federal Seed Act of 1937		
5. I/We agree to the following: Refer to Attachment for Compliance Agreement Conditions		
6. SIGNATURE <i>Hong Shear</i>	7. TITLE President and CEO	8. DATE SIGNED 10/11/20XX
The affixing of the signatures below will validate this agreement which shall remain in effect until canceled, but may be revised as necessary or revoked for noncompliance.		9. AGREEMENT NO. FSARC0005
		10. DATE OF AGREEMENT 11/25/20XX
11. PPQ OFFICIAL (Name and Title) Tilahun Gamta State Plant Health Director		12. ADDRESS USDA, APHIS, PPQ 3509 Miriam Ave., Suite A Bismark, ND 58501 (701) 250-XXXX
13. SIGNATURE <i>Tilahun Gamta</i>		
14. STATE AGENCY OFFICIAL (Name and Title) S. Anis Ahmed Seed Commissioner		15. ADDRESS State Seed Department State University Station PO Box 54XX Fargo, ND 58105 (701) 231-XXXX
16. SIGNATURE <i>S. Anis Ahmed</i>		
PPQ FORM 519 (FEB 2002)		

FIGURE 8-7: PPQ Form 519