

DRAFT CRITERIA FOR THE RECOGNITION OF STATE-MANAGED OFFICIAL CONTROL

The following criteria will be used by the Plant Protection and Quarantine (PPQ) program of the U.S Department of Agriculture's Animal and Plant Health Inspection Service to evaluate State petitions for Federal recognition of State-managed Official Control programs for plant pests. Such petitions will be reviewed carefully by PPQ's Official Control Advisory Panel (OCAP) to ensure that criteria are satisfactorily met. If PPQ determines that a petitioning State(s) meet the criteria based upon the OCAP's review, the State's petition will be approved. Subsequently, PPQ will seek to enter into a memorandum of understanding with the State(s), formally providing Federal recognition of the State-managed Official Control program and terms to allow the State(s) to legally act to prevent the entry of a specified plant pest via domestic or foreign commerce. PPQ, specifically the OCAP, will determine the mitigation measures to be employed at United States ports-of-entry to support the State-managed Official Control program; these mitigation measures will be equivalent to (cannot be more stringent than) domestic mitigation measures.

THE CRITERIA:

I: The Petitioning State(s) Demonstrate that the Pest is Present and of Consequence

The petition should include reasonable evidentiary documentation demonstrating that:

1. The area of the State(s) to be protected under Official Control is either pest-free or the pest population is under an appropriate level of phytosanitary management;
2. The pest is economically and/or environmentally significant; and
3. It is technically feasible to eradicate or contain the pest with phytosanitary measures.

Reasonable evidentiary documentation can include, but is not limited to, any of the following examples of documents that may be available:

- Pest data sheets
- Pest risk analyses (PRA)
- Comprehensive pest survey data
- State inspection reports
- Port interception data
- National Agricultural Pest Information System (NAPIS) data
- Global Pest and Disease Database (GPDD) and CABI documentation
- Scientific and academic literature

Some of this documentation may be maintained by the State and some may be obtained by the State from the Plant Protection and Quarantine (PPQ) program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service or other appropriate sources. Evidence may be developed by the State or in collaboration with PPQ.

In acknowledgement that sufficient reasonable evidentiary documentation may not be available at the time of the State(s) petition submission, PPQ will allow for the recognition of State-managed Official Control under the condition that State(s) can generally support the pest distribution and consequence information in its petition and will conduct a comprehensive pest survey to provide supplemental evidentiary documentation within one year. PPQ will initially allow a year for the State(s) to conduct a comprehensive pest survey and provide supplemental evidentiary documentation specified by PPQ. After the initial year, State(s) can request up to an additional year to complete a comprehensive pest survey and provide supplemental evidentiary documentation demonstrating to PPQ that their efforts are being conducted in good faith. If the State(s) fail to provide reasonable supplemental evidentiary documentation in a timely manner, PPQ can rescind its recognition of State-managed Official Control.

What constitutes an appropriate level of phytosanitary management will be addressed in the following sections of this document.

II: The Petitioning State(s) Must Have or Be Able to Obtain Legal Authority to Act on the Pest

The petition should provide evidence that State regulatory authority exists to restrict the movement of non-quarantine pests or quarantine pests that are not under domestic quarantine. This can be demonstrated by indicating that the State(s):

- Have a regulatory quarantine in place to maintain pest freedom or limit pest distribution
- Have the commitment and capability to enact, implement, and enforce a regulatory quarantine in a timely manner

In those cases when State(s) have a regulatory quarantine in place, the petition should provide a copy of the State or local (as well as tribal if applicable) mandatory quarantine regulations associated with pest management programs, testing protocols (if applicable), and other related actions recently taken to maintain pest freedom or contain pest distribution.

In those cases when State(s) have the commitment and capability to enact a regulatory quarantine, but do not currently have such a regulatory quarantine in place to address the pest, PPQ will allow the State(s) the opportunity to put a regulatory program in place in one year.

After the initial year, State(s) can request additional time to enact a regulatory quarantine contingent upon demonstrating to PPQ that their efforts are being conducted in good faith. If the State(s) fail to enact a regulatory quarantine in a timely manner, PPQ can deny recognition of State-managed Official Control.

III: Technically Sound Containment/Eradication is Possible

State-managed Official Control programs should meet the following criteria:

- Mitigation measures are the least restrictive needed to assure adequate protection
- A process exists to regularly evaluate the feasibility of mitigation measures and demonstrate evidence of effectiveness (quality assurance)
- Annual reports are provided to PPQ showing evidence of the program's effectiveness as it relates to areas of phytosanitary management (ranging from pest monitoring and detection, diagnostics and identification, regulatory activity, and control measures). For example, in relation to phytosanitary inspection, the following kind of information would be particularly significant in reporting the program's effectiveness:
 - A description of the type of inspection process used;
 - A listing of the type and quantity of material inspected;
 - An account of the origin of the material inspected and the name of person inspecting; and
 - A report on the location, date, and results of inspection.
- States must be able to define and describe their programs and provide supporting documentation including compliance agreements, auditing reports, and maps defining the regulated and protected areas,
 - If monitoring is conducted in the State, the State must supply copies of the pest survey programs, which must be ongoing/yearly.
 - If the pest is not established and the State has relied on the actionable pest list to keep it out, the State can propose establishing a monitoring and maintenance program.
- All relevant and significant pathways are addressed; and
- Appropriate diagnostic capability is demonstrated.

NOTE: The criteria above are open to future revision, as needed by determination of the PPQ OCAP, to ensure the best possible, science-based evaluation of petitions for Federal recognition of State-managed Official Control of plant pests.