

APHIS PPQ Florida Policy for Restacking or Reconditioning of Maritime Cargo with Highly Mobile Actionable Pests

The USDA Animal and Plant Health Inspection Service Plant Protection and Quarantine, herein referred to as APHIS PPQ, is responsible for safeguarding American agriculture and natural resources from the risks associated with the entry, establishment, or spread of animal and plant pests and noxious weeds to ensure an abundant, high-quality, and varied food supply. One duty of APHIS PPQ is to make determinations on the admissibility of plant material arriving in maritime cargo containers and to administer fumigation treatments when necessary to mitigate pest risk.

Prior to APHIS PPQ-administered fumigations, commodities in infested sea containers often need to be restacked or reconditioned to meet the preconditions for fumigation, such as moving boxes to another container or underneath the trailer to allow for proper circulation of the fumigant. During these processes, cargo may be exposed to the open environment for variable periods of time, from a few minutes up to many hours. In the subtropical Florida climate, such restackings, particularly if drawn out, pose a risk for pest escape. The mobility of the actionable pest may impact the acceptability of allowing restacking to occur.

Low and High Mobility Categories

It is necessary to distinguish two categories of actionable pests: low mobility and high mobility. These categories present two different levels of risk for escape during the traditional restacking or reconditioning process. Below we have identified pests for each of these categories; however, these lists should not be considered all inclusive and APHIS PPQ reserves the right to amend the list as necessary.

1. Actionable pests that are immobile or have low mobility, pests which would be unlikely to move from their host material on to other commodities during transport, and pests not likely to escape into the environment when infested cargo is removed from a container during a restacking or reconditioning include, but not limited to:
 - a. Eggs of Cicadellidae and Orthoptera; eggs, nymphs, larvae or pupae of Coleoptera, Diptera, Heteroptera, Homoptera - suborder Sternorrhyncha, Hymenoptera, Lepidoptera, and Thysanoptera
 - b. Adults of some families of the Homoptera suborder Sternorrhyncha - ie. Pseudococcidae, Coccidae

2. Actionable pests which are considered highly mobile and have a higher chance of escape during restacking or reconditioning of cargo would include:
 - a. Nymphs and adults of Orthoptera, Cicadellidae, Aphididae, Psyllidae, Aleyroididae and other members of Homoptera – suborder Auchenorrhyncha
 - b. Later instars (4th and 5th) and adults of Heteroptera as well as adults of Coleoptera, Diptera, Hymenoptera, Lepidoptera, and Thysanoptera

Treatment Options

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If a commodity is found to have a highly mobile actionable pest and there is an approved treatment schedule, Department of Homeland Security Customs and Border Protection (DHS CBP) provides the broker, using an Emergency Action Notification (PPQ Form 523) with the option to treat, destroy, or re-export. If the broker chooses to treat the commodity, the treatment is applied unless the conditions in the container are unsuitable for effective treatment. These situations include when the container is packed tightly such that there is not adequate room for movement of the fumigant through the commodity; the commodity is wrapped in plastic or other material that prevents the proper efficacious treatment and aeration of the commodity; and/or there is commingling of commodities with different treatment schedules. The APHIS PPQ policy herein details the options available to brokers when these conditions are present.

Restacking and Reconditioning Policy Statement

If a highly mobile actionable pest is found within a container, no restacking or reconditioning, other than minor, will be allowed unless an APHIS PPQ-approved safeguarding structure is utilized. Restacking or reconditioning that involves moving the commodity outside of the container provides a greater opportunity for the highly mobile actionable pest to escape into the environment, where it can potentially establish and negatively impact American agriculture. In the case of commingled commodities where the highly mobile pest is nonactionable on one of the commodities but actionable on the associated commodity, no restacking or removal of commodities from the container will be allowed. Also, if the commingled commodities require different treatment schedules, APHIS PPQ will not allow restacking; therefore the remaining options are re-export or destroy.

Minor Restacking or Reconditioning

Minor restacking, defined as the redistribution of boxes within, but not removal from, the container to satisfy fumigation requirements, typically lasting approximately 15 minutes, poses low risk for pest escape and is permitted at all APHIS PPQ Florida ports. Doors on the container would be open during this action.

Restacking and Reconditioning Involving Removal of Commodity with Actionable, But Not Highly Mobile, Pest from Containers

Restacking or reconditioning that involves moving the commodity outside of the container will be allowed if the actionable pest is not considered highly mobile and will follow the procedures identified in the APHIS PPQ Treatment Manuals.

Break Bulk: Commodities Arriving in the Ship Holds and Not in Containers

Agricultural commodities may also arrive in Florida ports as break bulk and transferred from the hatches of a ship to warehouses for storage or loading onto trucks for distribution. The inspection of these commodities takes place at the warehouses and not within the hatches of the ship. If a highly mobile actionable hitchhiker pest is intercepted during the inspection of the commodity, APHIS PPQ will take action on all commodities originating from the same hatch of the ship. The broker is given the choice of treatment, if an APHIS PPQ-acceptable treatment is available; re-export; or destroy. If the

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commodities have been further commingled within the warehouse setting, APHIS PPQ will make a determination in regards to whether or not the commingled commodities, regardless of origin, will need to also receive treatment, if available, be re-exported, or destroyed.

APHIS PPQ-Approved Safeguarding Structures

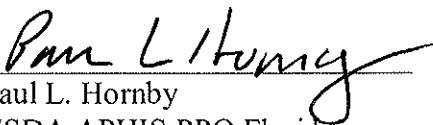
Proposal of New Methods to Mitigate Risk of Pest Escape

This policy does not preclude the development of APHIS PPQ-approved alternative effective methods to mitigate risk of pest escape while still allowing for infested cargo to be restacked, reconditioned, or transferred to a second maritime container. APHIS PPQ Florida welcomes industry input. Industry representatives should contact Paul Hornby, APHIS PPQ FL State Plant Health Director, to discuss proposed alternate methods.

Implementation of Policy

This general policy will be adhered to when highly mobile actionable pests are identified in a commodity. We recognize that every pest infestation must be evaluated individually; APHIS PPQ Florida retains the prerogative for APHIS PPQ Identifiers to make exceptions to these categorizations based on knowledge of identified pests and cargo conditions. This may result in differences between seaports but these differences will be the exception rather than the rule; in the majority of situations, APHIS PPQ Florida seaports will be consistent in these actions.

This policy is effective as of May 17, 2010.



Paul L. Hornby
USDA APHIS PPQ Florida
State Plant Health Director

5/3/10
Date