

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

COMPLIANCE AGREEMENT

Public reporting burden for this collection of information 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 form. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to USDA, OIRM, Clearance Officer, Room 404-W, Washington, DC 20250. When replying refer to the OMB number and Form Number in your letter.

1. NAME AND MAILING ADDRESS OF PERSON OR FIRM

2. LOCATION

3. REGULATED ARTICLE(S)

Mexican Avocados

4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS

7 CFR 319.56-2ff

5. *I/We agree to the following:*

A. Distribute Mexican avocados only within the following approved States: Colorado, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

B. Receive Mexican avocados only from USDA, APHIS, PPQ approved orchards and packing houses in Mexico.

C. Maintain records reflecting receipt and sales of Mexican avocados. This includes dates, amounts, invoices, permit numbers, names of shippers/distributors, and final destination. Make buyer aware of distribution limitations (refer to Section F below).

D. Cooperate with a PPQ Officer's request to perform a compliance inspection of shipments and records. Records should be kept separate and made available for audits.

E. The establishment may recondition shipments within the approved Northern States but must ensure that:

1. Once in the approved states, if any avocados are removed from their original shipping boxes and repackaged, the stickers required on the fruit must not be removed or obscured and the new boxes must be clearly marked with all the following information: the identity of the grower, packing house, and exporter, and the statement " Not for distribution in AL, AK, AZ, AR, CA, FL, GA, HI, LA, MS, NV, NM, NC, OK, OR, SC, TN, TX, WA, Puerto Rico, and all other U.S. Territories."

2. Confine movement of avocados to points within the approved States. Violations of federal regulations may result in civil penalties that could range from \$500 to \$500,000.

F. Prior to sales/distribution:

1. Before transferring the avocados to any person (i.e., a second-party handler*) for movement or distribution, the permittee must confirm that the second-party handler has entered into a compliance agreement with APHIS. Any person other than the permittee (i.e., a second-party or subsequent handler*) who moves or distributes the avocados following their importation into the United States must enter into a compliance agreement with APHIS. A compliance agreement will not be required for an individual place of business that only offers the avocados for sale directly to consumers.

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2. Any second party or subsequent handler* who transfers the avocados to another person for movement or distribution must confirm that the person receiving the avocados has entered into a compliance agreement with APHIS. If the second party or subsequent handler transfers the avocados to a person who has not entered into a compliance agreement, APHIS may revoke the handler's compliance agreement for the rest of the current shipping season. APHIS may deny an application for an import permit from, or refuse to enter into a compliance agreement with, any person who has had his or her import permit or compliance agreement revoked twice within any 5-year period.

3. Compliance Agreements are not valid unless signed by a PPQ official and applicant.

"Any person who knowingly violates the Plant Protection Act (PPA) (7 U.S.C. §§ 7701 et. seq.) and/or the Animal Health Protection Act (AHPA) (7 U.S.C §§8301 et. seq.) may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, and one year prison term, or both. Additionally, any person violating the PPA and/or the AHPA may be assessed civil penalties of up to \$250,000 per violation or twice the gross gain or gross loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater."

* Including: wholesalers, brokers, and retailers

6. SIGNATURE	7. TITLE	8. DATE SIGNED
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.
		10. EFFECTIVE DATES OCTOBER 15, 2004 - APRIL 15, 2005
11. PPQ OFFICIAL (<i>Name and Title</i>)	12. ADDRESS	
13. SIGNATURE		
14. STATE AGENCY OFFICIAL (<i>Name and Title</i>)	15. ADDRESS	
16. SIGNATURE		