

B

CPP Management
Guidelines

Approval Protocol for Establishing Preclearance

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Introduction

The *Approval Protocol for Establishing Preclearance* appendix provides guidelines to be followed when constructing and operating a certified commodity treatment facility. APHIS certified fruit and/or vegetable treatment plants help facilitate the importation of precleared agricultural commodities into the United States.

Commodity Treatment Facilities in Foreign Countries

Foreign fruit or vegetable producers and/or exporters must adhere to the following guidelines to construct and operate an Animal and Plant Health Inspection Service (APHIS) certified commodity treatment facility.



The Director of Preclearance Programs and/or the responsible IS Preclearance Program Manager will return (without action) any unsolicited plans that are received directly from foreign producers/exporters or engineering firms. Correct protocol requires that all proposals, plans and drawings must be submitted through, and be recommended to APHIS by the host country's national plant protection service.

Guidelines and Procedures for Construction and Operation

Interested foreign producers and/or exporters must follow these guidelines:

1. Foreign producers and/or exporters must contact their national plant protection service and submit a proposal to construct a commodity treatment facility that will operate in accordance with APHIS specifications and ultimately enable the shipment of precleared agricultural products to the United States.

2. Host country's national plant protection service will review proposals received from local agricultural producers and/or exporters, and forward the approved proposals to both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager.
3. Host government, not APHIS, reviews all applicants and makes the final selection(s) that enable the construction of a commodity treatment facility.
4. Director of Preclearance Programs¹, in collaboration with IS Preclearance Program Managers, will review all proposals for construction of commodity treatment facilities and initiate the following actions:
 - A. Request a new pest-risk analysis for the specific commodity and country if a pest-risk analysis has not been previously completed.
 - B. Determine if surveys for actionable pests are required. If necessary, guidelines and techniques for conducting an acceptable survey will be forwarded to the host country's national plant protection service.
 - C. Write a work plan. Work plans are jointly developed by the Director of Preclearance Programs, IS Preclearance Program Manager, and the host country's national plant protection service.
 - i. Original draft work plan is developed typically by the host country plant protection service
 - ii. Work plan must include the provision for a Cooperative Service Agreement and the establishment of a trust fund to pay the salary and expenses of APHIS personnel assigned to provide certification for proposed commodity treatment facilities



APHIS, through the Director of Preclearance Programs¹ reserves the right to limit the number of commodity treatment facilities that APHIS approves in each country.

5. Director of Preclearance Programs¹ provides written notification to appropriate host country officials when APHIS accepts (or rejects) a proposal to establish a preclearance treatment facility.
6. Host country officials subsequently notify local agricultural producers and/or exporters when APHIS accepts (or rejects) a proposal to establish a preclearance treatment facility.

¹ Director of Preclearance Programs, USDA-APHIS-PPQ-AHPIS PHP, Port Operations, Preclearance Staff, 4700 River Road, Unit 60, Riverdale, MD 20737.

7. If APHIS accepts a proposal to establish a preclearance treatment facility, the foreign agricultural producers and/or exporters subsequently contract with local engineering firm(s) to develop detailed plans and drawings.



PPQ's Center for Plant Health Science and Technology (CPHST) will provide, upon request, a list of manufacturers, dealers, and engineering firms known to supply and/or install equipment for foreign commodity treatment facilities. This list is updated frequently by CPHST staff.

8. Foreign producers and/or exporters then submit detailed plans and drawings to both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager through the host country's national plant protection service. At least three copies of the plans and drawings must be submitted. The Ministry retains one copy and forwards two copies to the appropriate APHIS parties. Copies forwarded to APHIS should either be written in English, or have an English translation attached.
9. IS Preclearance Program Manager will review the accessibility of specific locations proposed for facility construction.
10. IS Preclearance Program Manager then prepares and submits a report to the Director of Preclearance Programs¹. The IS Preclearance Program Manager and PPQ Director of Preclearance Program will jointly approve or not approve any plans submitted for review.

The following criteria are used to determine if locations for commodity treatment facilities are acceptable:

- A. Proximity to an international airport or maritime port
- B. Proximity to production areas
- C. Availability of adequate temporary lodging for PPQ TDY Officers
- D. Safety of the facility
 - i. Facility must be in a generally secure area and roads leading to the facility must be safe for both day and night travel
 - ii. If roads are not deemed safe for night travel, inspection services will be limited to eight-hour shifts that allow for adequate travel time to and from the treatment facility during daylight hours

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- 11.** Finalized treatment facility plans and drawings are subsequently forwarded to CPHST for review.
 - A.** Staff Specialists are assigned to analyze plans and drawings for technical compliance with APHIS preclearance requirements.
 - B.** If necessary, the CPHST Staff Specialist will correspond directly with the foreign engineering firm and/or producer/exporter.
- 12.** CPHST staff will provide written notification to both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager when treatment facility plans are technically sound. If modifications are required, the CPHST Staff Specialist will recommend corrective action to ensure the proposed facility is in compliance with APHIS standards.
- 13.** Director of Preclearance Programs¹ notifies both the host country government and foreign producer/exporter(s) when proposed plans have been technically approved by CPHST personnel
- 14.** Once CPHST has approved construction plans, foreign producers have one year to initiate treatment facility construction.



The Director of Preclearance Programs¹, in consultation with the responsible IS Preclearance Program Manager, may revoke approval if the applicant has not initiated construction within the initial year.

- 15.** Engineering firm and/or foreign exporter/producer(s) are required to make necessary equipment modifications as required, and notify both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager when this has been accomplished.
- 16.** Foreign producers then request an official visit from CPHST for the purpose of inspection, testing, and certification. Included in the request should be a proposed time frame.
- 17.** In most cases, a CPHST staff specialist will be dispatched to do the inspection and initial performance testing. This requires an advanced notice of at least three weeks to arrange for preparation of travel authorization, passport, visa, country clearance, and airline tickets. All costs, including salary, per diem, and travel will be charged to the trust fund, which is to be paid in advance by the foreign producer(s)

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- 18.** Director of Preclearance Programs¹ confirms that the Cooperative service Agreement is properly signed and that a trust fund has been established. The Director of Preclearance Programs then notifies CPHST of proposed dates for official commodity treatment facility inspection(s) and performance testing.
- 19.** CPHST acknowledges the proposed date and may propose an alternative date if necessary. Once a final date has been established by the Director of Preclearance Programs, the CPHST staff specialist(s) initiate actions to secure needed travel documents.
- 20.** CPHST then makes an official request to the foreign producer(s) and/or engineering firm to complete at least one performance test prior to the official facility inspection date. CPHST will provide instructions as required.
- 21.** Engineering firm and/or foreign producer(s) send results of the preliminary performance test to both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager. The Director of Preclearance Programs subsequently forwards these results to the appropriate CPHST staff specialist.
- 22.** CPHST staff specialist subsequently reviews the results of the preliminary test(s) to determine preliminary acceptability. If acceptable, CPHST then sends a staff specialist to the new facility for final performance testing.
- 23.** Two or more official performance tests are conducted at the foreign treatment facility, under the on-site direction of a CPHST staff specialist or a designated representative. These tests will require the following:
 - A.** On-site presence of a representative of the engineering firm that constructs the facility.
 - B.** Packinghouse employees (at least one who speaks English), including the following:
 - i.** Fork-lift operator
 - ii.** Hoist operator
 - iii.** Crew to load and unload baskets, weigh fruit, and assist in the placement and removal of required portable equipment

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- C.** Enough fruit or vegetables to run two or more tests at full-load capacity. Fruit or vegetables should be of uniform size and shape.



Fruit or vegetables used during the performance tests must be adequately safeguarded if the fruit or vegetables are to be shipped to the United States. Additionally, shipment must await the arrival of the assigned APHIS inspector, who will issue the preclearance document (APHIS form 203) to accompany each shipment. If this is impractical, then treated fruit or vegetables should be diverted to other markets.

- D.** Appropriate equipment to operate the treatment facility.
- 24.** Pending the outcome of the CPHST-led inspection and performance tests, the new facility may be certified. An official certificate of approval will be issued at a later date, which may be renewed annually, pending completion of additional performance tests.
 - 25.** CPHST staff specialist notifies both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager in writing of the results (pass or fail).
 - 26.** In case of failure, the facility operator should make required adjustments and/or improvements and then contact the Director of Preclearance Programs¹ to arrange for another performance test at a later date.

Finalizing the Establishment of the Import Process

Upon the completion of successful performance tests the following events occur to finalize the establishment of an import process:

- 1.** CPHST Staff Specialist notifies, in writing, both the Director of Preclearance Programs¹ and the responsible IS Preclearance Program Manager.
- 2.** Director of Preclearance Programs subsequently notifies the Permits and Risk Assessment (P&RA) Permit Chief of the treatment facility approval
- 3.** Permit Chief subsequently notifies (by electronic mail) all PPQ field offices at U.S. ports-of-entry. Ports expected to receive immediate shipments may be notified by telephone
- 4.** Director of Preclearance Programs arranges for a PPQ TDY Officer or responsible Foreign Service National/Agricultural Foreign Service employee to supervise commodity treatments.

¹ Director of Preclearance Programs, USDA-APHIS-PPQ-AHPIS PHP, Port Operations, Preclearance Staff, 4700 River Road, Unit 60, Riverdale, MD 20737.



Model Preclearance Work Plan

MODEL PRECLEARANCE WORK PLAN

I. DEFINITIONS

- A.** Products Being Exported (*type with scientific name*)
- B.** Pests and/or Organisms of Concern (*list with scientific name*)
- C.** Participating Organizations (*list separately*)
- D.** Cooperative Agreement (*statement; put actual agreement in as an appendix*)

II. USDA REGULATIONS GOVERNING ENTRY OF EXPORTED PRODUCT

- A.** Cite CFR, etc. (*statement; copy in appendix*)
- B.** Condition of Entry (*If any forms, wrappers, etc.*)

III. RESPONSIBILITIES

- A.** USDA-APHIS-IS (*office responsible, TDY, etc.*)
- B.** Cooperator/Exporter/Government Agency (*list all*)

IV. TREATMENT

- A.** Procedures (*reference Treatment Manual*)
 - i. Type of Treatment Required
 - ii. Equipment Certification Requirement
 - iii. Monitoring Procedure
 - iv. Prior to Treatment (*fruit cutting, etc.*).

- B.** Safeguards

V. INSPECTION

- A.** Sampling Rate Requirement (*all situations*)
- B.** Location of Inspection(s)
 - i. Field
 - ◆ Pre-Harvest
 - ◆ Post Harvest, etc.
 - ii. Processing Plant, Inspection Sites, etc.

- C.** Safeguards

VI. PROGRAM REVIEW (*Determine and list appropriate pest-risk criteria and thresholds that would result in program review that could result in program suspension and/or termination in specific (A) production areas and environs; and/or (B) packing and inspection/treatment areas*)

VII. SHIPPING REQUIREMENTS (*by Air/Sea/Land*)

- A.** Safeguards
- B.** Sealing Requirements

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Commodity Preclearance Cooperative Service Agreement

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Introduction

The *Commodity Preclearance Cooperative Service Agreement* chapter covers the trust fund establishment portion of the Cooperative Service Agreement which must be met before implementation of a preclearance program.

Cooperative Service Agreement

APHIS and the cooperator must agree to a Cooperative Service Agreement before a preclearance program can be implemented. The Cooperative Service Agreement establishes terms and conditions that must be met prior to program implementation.

Cooperative Service Agreements are initiated and managed by the MRP Business Services, Financial Management Division, Agreements Team at APHIS headquarters in Riverdale, MD. The trust fund established through a Cooperative Service Agreement must have sufficient capacity to reimburse all APHIS costs and ensure suitable living conditions for APHIS TDY personnel.

Preclearance program operations will **not** begin until sufficient funds have been deposited into the trust fund. Program operations will cease if trust fund accounts fall below one-third the estimated operational cost of the program, or upon indication that the program **is not** meeting the needs of the host country export commodity group(s). One Cooperative Service Agreement must be established for each commodity or group of similar commodities within a specific foreign country.

