

Permits & Regulation Program

California Department of Food & Agriculture –
Plant Health and Pest Prevention Services Division
and
UC ANR Risk and Safety Services

February 9, 2021

Presenters



- Tselot Abdissa, Environmental Scientist, Permits and Regulations, Plant Health and Pest Prevention Services, CDFA
- Dean Kelch, Environmental Program Manager, Permits and Regulations, Plant Health and Pest Prevention Services, CDFA
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Moderator - Jim Farrar, Endemic and Invasive Pests and Diseases
Strategic Initiative Leader



Purpose

- ❖ This training applies to work with plant pests (including insects and diseases) and plants (including weeds).
- ❖ Work with materials that are infectious to humans or other animals, or recombinant DNA, requires a Biological Use Authorization from a campus Biosafety Committee or Institutional Review Board.

Regulations and Agencies

- ❖ *Code of Federal Regulations, Title 7, Part 330, Federal Plant Pest Regulations*
- ❖ US Department of Agriculture – Animal and Plant Health Inspection Service (APHIS)
http://www.aphis.usda.gov/plant_health/permits/index.shtml
- ❖ *California Food and Agriculture Code, Division 4, Plant Industry (including Quarantine and Pest Control)*
- ❖ California Department of Food and Agriculture – Plant Health and Pest Prevention Services, Permits and Regulations Program
<http://www.cdffa.ca.gov/plant/permitsandregs.html>

Definitions

❖ “Pest” (Cal. Food and Agricultural Code, Section 5006):

✓ Any of the following things that is, or is liable to be, **dangerous or detrimental** to the agricultural industry of the state:

- a) Any infectious, transmissible, or contagious disease of any plant, or any disorder of any plant which manifests symptoms or behavior which the director, after investigation and hearing, finds and determines is characteristic of an infectious, transmissible, or contagious disease.
- b) Any form of animal life.
- c) Any form of vegetable life.

Definitions

❖ “Plant Pest” (Code of Federal Regulations, Title 7, Section 330.100)

- ✓ **Any living stage** of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances **which can directly or indirectly injure or cause disease or damage** in any plants or parts thereof, or any processed, manufactured, or other products of plants.

❖ Genetically Modified Organism (GMO)”

- ✓ An organism whose genetic material has been altered using genetic engineering techniques.

Regulations and agencies (CDFA)

❖ California Food and Agricultural Code, Section 6305

It is **unlawful** for any person to willfully **import into, or ship or transport within, the state any live insect or any pest** as such, **unless** the shipment or transportation and subsequent use and handling is **authorized** prior to shipment under written permit and the regulations of the director or the United States Department of Agriculture, **except the following:**

- ✓ (a) Honey bees of the species of *Apis mellifera*.
- ✓ (b) Weeds for the purpose of identification.
- ✓ (c) Beneficial or useful insects of common occurrence in the state.
- ✓ (d) Insects or other organisms of public health or animal health interest, which are not plant pests, when imported, shipped, or transported by any governmental public health agency.

When is a permit required?

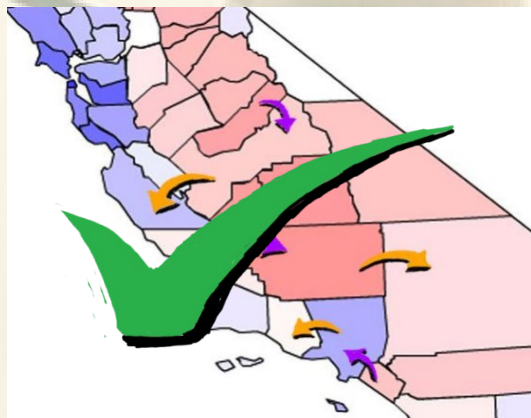
❖ When do you need a permit?



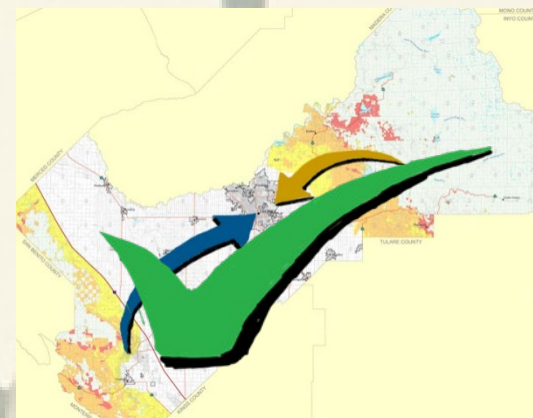
Moving In – Out of Country



Moving In – Out of State



Moving Across County Lines




Moving within County Lines

When is a permit required?

- ❖ A permit may be needed for any movement of an organism.
- ❖ Consult agricultural commissioner for specific species, locations, and intended activities

Overview of Permits



- ❖ Federal Permits
- ❖ State Plant Pest Movement Permits
- ❖ Diagnostic & Research Permits

How to obtain a permit (USDA)

❖ **Plant Protection and Quarantine (PPQ) Form 526 – Application and Permit to Move Live Plant Pests or Noxious Weeds**

- ✓ required from APHIS for the importation, interstate movement, or environmental release of plant pests (plant feeding insects, mites, snails, slugs, and plant pathogenic bacteria, viruses, fungi, etc.), biological control organisms of plant pests and weeds, bees, parasitic plants, and Federally listed noxious weeds.

Plant Protection and Quarantine (PPQ) Form 526 Example

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 is 0570-0054. The time required to complete this information collection is estimated to average 0.50 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. FORM APPROVED OMB NO. 0570-0054

No permit can be issued to move live plant pests or noxious weeds until an application is received (7 CFR 350 (live plant pests) or 7 CFR 360 (noxious weeds)).

U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE PERMITS AND RISK ASSESSMENT, UNIT 133 RIVERDALE, MARYLAND 20737 APPLICATION FOR PERMIT TO MOVE LIVE PLANT PESTS OR NOXIOUS WEEDS		SECTION A - TO BE COMPLETED BY THE APPLICANT					
3. TYPE OF PEST TO BE MOVED <input type="checkbox"/> Pathogens <input type="checkbox"/> Arthropods <input type="checkbox"/> Noxious Weeds <input type="checkbox"/> Other (Specify) _____ <small>This permit does not authorize the introduction, importation, interstate movement, or release into the environment of any genetically engineered organisms or products.</small>		1. NAME, TITLE, AND ADDRESS (include Zip Code)					
A. SCIENTIFIC NAMES OF PESTS TO BE MOVED		B. CLASSIFICATION (Orders, Families, Races, or Strains)	C. LIFE STATES, IF APPLICABLE	D. NO. OF SPECIMENS OR UNITS	E. SHIPPED FROM (Country or State)	F. ARE PESTS ESTABLISHED IN U.S.?	G. MAJOR HOST(S) OF THE PEST
4.							
5.							
6.							
7. WHAT HOST MATERIAL OR SUBSTITUTES WILL ACCOMPANY WHICH PESTS (indicate by line number)							
8. DESTINATION		9. PORT OF ARRIVAL		10. APPROXIMATE DATE OF ARRIVAL OR INTERSTATE MOVEMENT			
11. NO. OF SHIPMENTS		12. SUPPLIER		13. METHOD OF SHIPMENT <input type="checkbox"/> Air Mail <input type="checkbox"/> Air Freight <input type="checkbox"/> Seapage <input type="checkbox"/> Auto			
14. INTENDED USE (Be specific; attach outline of intended research)							
15. METHODS TO BE USED TO PREVENT PLANT PEST ESCAPE				16. METHOD OF FINAL DISPOSITION			
17. Applicant must be a resident of the U.S.A. (We agree to comply with the safeguards printed on the reverse of this form, and understand that a permit may be subject to other conditions specified in Section B and C.)		SIGNATURE OF APPLICANT (Must be person named in Item 1)				18. DATE	
WARNING: Any alteration, forgery, or unauthorized use of this document is subject to civil penalties of up to \$250,000 (7 U.S.C. 6774(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C. 61001).							
SECTION B - TO BE COMPLETED BY STATE OFFICIAL							
19. RECOMMENDATION <input type="checkbox"/> Concur (Approve) <input type="checkbox"/> (Accept USDA Decision)		<input type="checkbox"/> Comments (Disapprove)		20. CONDITIONS RECOMMENDED			
21. SIGNATURE		22. TITLE		23. STATE		24. DATE	
SECTION C - TO BE COMPLETED BY FEDERAL OFFICIAL							
25. PERMIT NO.							
PERMIT <small>(Permit not valid unless signed by an authorized official of the Animal and Plant Health Inspection Service)</small> <small>Under authority of the Plant Protection Act of 2000, permission is hereby granted to the applicant named above to move the pests described, except as deleted, subject to the conditions stated on, or attached to this application. (See standard conditions on reverse side.)</small>							
<small>* For exotic plant pathogens, attach a completed PPQ Form 526-1.</small>							
24. SIGNATURE OF PLANT PROTECTION AND QUARANTINE OFFICIAL		25. DATE	26. LABELS ISSUED	27. VALID UNTIL	28. PEST CATEGORY		
PPQ FORM 526 (OCT 2001) <small>Previous editions are obsolete.</small>							

How to obtain a permit (CDFA)

❖ **Pest Exclusion Form 66-026 - Application and Permit to Move and Use Live Plant Pests or Insects or Noxious Weeds**

- ✓ This application is for the movement of live plant pests into or within California. For example, movement of a bacterial pest from Riverside to Fresno, would need to obtain a permit.
- ✓ This form should be submitted directly to the CDFCA Permits and Regulations branch for review and issuance of a permit.

How to obtain a permit from CDFA

❖ Protocols

- ✓ Describe the project and activities in detail (who, what, where, when, why, how), especially secure **transport**, secure **handling**, & secure **disposal**
- ✓ Be prepared to answer questions (check email/phone messages)
- ✓ With the COVID-19 pandemic, applications are digitally accepted

- ❖ Request a permit at least 30 days or more before the specimen is needed.

How to obtain a permit (CDFA)

❖ Download form 66-026

at: https://www.cdfa.ca.gov/plant/docs/forms/Form_66-026.pdf

❖ Complete and submit to:

Permits@cdfa.ca.gov

NO PERMIT WILL BE ISSUED TO MOVE AND USE LIVE INSECTS OR PLANT PESTS OR NOXIOUS WEEDS UNTIL A COMPLETED APPLICATION IS RECEIVED.

DEPARTMENT OF FOOD AND AGRICULTURE PLANT HEALTH AND PEST PREVENTION SERVICES 1220 N STREET, ROOM 210 SACRAMENTO, CALIFORNIA 95814		SECTION A - TO BE COMPLETED BY APPLICANT			
APPLICATION AND PERMIT TO MOVE AND USE LIVE PLANT PESTS OR INSECTS OR NOXIOUS WEEDS		1. NAME AND ADDRESS (Include Zip Code)			
		2. TELEPHONE NUMBER, FAX NUMBER, EMAIL			
3. TYPE OF ORGANISM <input type="checkbox"/> Arthropod <input type="checkbox"/> Pathogen <input type="checkbox"/> Noxious Weed <input type="checkbox"/> Biocontrol Agent <input type="checkbox"/> Other					
4. SCIENTIFIC AND COMMON NAMES OF ORGANISMS	CLASSIFICATION (Order, Family, etc.)	LIFE STAGES	NUMBER OF SPECIMENS	MOVED OR SHIPPED FROM	WHAT HOST MATERIAL WILL ACCOMPANY PEST?
5. ADDRESS OF USE LOCATION IF DIFFERENT THAN ITEM 1.		6. NAME AND ADDRESS OF SUPPLIER		7. DESTINATION COUNTY	
8. APPROXIMATE DATE OF MOVEMENT	9. NUMBER OF SHIPMENTS	10. METHOD OF SHIPMENT <input type="checkbox"/> Mail <input type="checkbox"/> Freight <input type="checkbox"/> Baggage <input type="checkbox"/> Auto			
11. INTENDED USE (Be specific; state whether use will be in a laboratory and/or greenhouse and/or in the field, and, in the case of pathogens, state whether use will include plant inoculation.)					
12. METHODS TO BE USED TO PREVENT ESCAPE OF THE ORGANISMS			13. METHOD OF FINAL DISPOSITION		
14. I/We agree to comply with the conditions attached to this form, and understand that the permit is subject to other conditions which may be prescribed.		SIGNATURE OF APPLICANT		DATE	
SECTION B - TO BE COMPLETED BY STATE OFFICIAL					
PERMIT				PERMIT NUMBER	
(Permit not valid unless signed by an authorized official of Plant Health and Pest Prevention Services Division)					
Under authority of Section 6305 of the Food and Agricultural Code, permission is hereby granted to the applicant named above to move and use the organisms described, except as deleted, subject to the conditions stated on, or attached to, this application. (See attached standard conditions.)					
VIOLATION OF ANY OF THE CONDITIONS OF THIS PERMIT SHALL BE SUFFICIENT CAUSE FOR ITS IMMEDIATE REVOCATION.					
15. SIGNATURE OF STATE OFFICIAL			16. DATE ISSUED		17. EXPIRATION DATE
Attachments may accompany application if space on application is insufficient. FORM 66-026 (6-05) Plant Health and Pest Prevention Services				Copy to: County Agricultural Commissioner Pest Exclusion Area Biologist Plant Pest Diagnostics Branch Supplier File	

❖ Pest Exclusion Form 66-045 - Application and Permit to Move and Use Plant Quarantine Commodities

✓ This application is used for the importation and movement of plant material that normally would not be allowed entry into California from areas within the U.S. or allowed movement within California due to plant pest quarantines.

NO PERMIT WILL BE ISSUED TO MOVE AND USE PLANT QUARANTINE COMMODITIES UNTIL A COMPLETED APPLICATION IS RECEIVED							
DEPARTMENT OF FOOD AND AGRICULTURE Plant Health and Pest Prevention Services 1220 N Street, Room 210 Sacramento, California 95814				SECTION A - TO BE COMPLETED BY APPLICANT			
APPLICATION AND PERMIT TO MOVE AND USE PLANT QUARANTINE COMMODITIES				1. NAME AND ADDRESS (Include Zip Code)			
				2. TELEPHONE FAX/EMAIL			
3. TYPE OF PLANT QUARANTINE COMMODITY <input type="checkbox"/> Plants <input type="checkbox"/> Other (Specify)							
4. SCIENTIFIC AND COMMON NAME OF COMMODITIES	5. LIFE STAGES IF PLANT MATERIAL (Seedlings, trees, firewood, etc.)	6. IF SEEDLINGS OR TREES, INDICATE HOW THEY WILL BE SHIPPED (e.g., bare root, field dug, balled & burlap, in containers, etc.)		7. NUMBER OF PLANTS OR OTHER COMMODITY	8. GROWN OR PRODUCED IN (County and State)		
9. ADDRESS OF USE LOCATION IF DIFFERENT THAN ITEM 1.				10. NAME AND ADDRESS OF SUPPLIER		11. DESTINATION COUNTY	
12. APPROXIMATE DATE OF MOVEMENT			13. NUMBER OF SHIPMENTS	14. METHOD OF TRANSPORTATION <input type="checkbox"/> Mail <input type="checkbox"/> Freight <input type="checkbox"/> Baggage <input type="checkbox"/> Auto			
15. INTENDED USE (Be specific and state whether use will be in a laboratory and/or greenhouse and/or in the field.)							
16. METHODS TO BE USED TO PREVENT ESCAPE OF THE ORGANISMS				17. METHOD OF FINAL DISPOSITION			
18. I/We agree to comply with the conditions attached to this form, and understand that the permit is subject to other conditions which may be prescribed.			19. SIGNATURE OF APPLICANT		20. DATE		
SECTION B - TO BE COMPLETED BY STATE OFFICIAL							
PERMIT							21. PERMIT NO.
(Permit not valid unless signed by an authorized official of Plant Health and Pest Prevention Services Division)							
Under authority of Section 3154 of the California Code of Regulations, permission is hereby granted to the applicant named above to move and use the commodities described, except as deleted, subject to the conditions stated on, or attached to, this application. (See attached standard conditions.)							
VIOLATION OF ANY OF THE CONDITIONS OF THIS PERMIT SHALL BE SUFFICIENT CAUSE FOR ITS IMMEDIATE REVOCATION.							
22. SIGNATURE OF STATE OFFICIAL			23. DATE ISSUED		24. EXPIRATION DATE		
Attachments may accompany application if space on application is insufficient.				Copy to: County Agricultural Commissioner Pest Exclusion Area Biologist Program Supervisor, Pest Exclusion Supplier Origin State Department of Agriculture File			
FORM 66-045 (06-05) Plant Health and Pest Prevention Services							

Renewals & Amendments

- ❖ When a Permit is due to expire, CDFA will contact the permittee to **renew, revoke, or amend** the current permit
- ❖ QC Permits require annual renewal and State Plant Pest Permits require bi-annual renewal

Consequences for Violations

- 1. Civil Penalties (fines)**
- 2. Damage to University's reputation**
- 3. Loss of research funding**
- 4. Damage to growers' product and reputation**
- 5. Potential liability for losses by growers**
- 6. Possible criminal charges under the Plant Protection Act**

Understand your responsibilities

- Review entire permit carefully
 - The permit holder is solely responsible for ensuring compliance with all statutory requirements and specifically listed permit conditions.
 - Failure to comply with the terms and conditions of a permit may be cause for: Cancellation of permit(s), seizure of regulated materials, Denial of future permits, fines, criminal prosecution
- Work with permitting agency to correct any discrepancies
- Follow all permit requirements and documentation
- Modify or amend permit if project or work with pest changes.
 - Get any variances or changes in writing
- Renew permit (or re-apply) before it expires
 - Plan ahead and start at least 60 days before expiration

Reporting a permit-related violation

- Be aware of and comply with any notification requirements for violations or deviation from permit
- If you find a potential violation has occurred, immediately report to:
 - County / Center Director
 - ANR Risk & Safety
 - On campus, report to Compliance Office or EH&S
 - We will help you make report to permitting agency

UC ANR Best Practices

- Develop working relationship with Ag Commissioner and staff
- Get things in writing – especially any variations from regulations or permits
- When applying for grants, consider if a permit may be required
- If collaborating with PI from campus or other institution: get your own permit for your portion of work or ensure your work and location is included as part of permit.
- When sending pests or plants to colleagues, make sure the person receiving is aware of regulations and permits

UC ANR Best Practices

- Provide copies of permit to all involved
 - Staff working on project
 - Local Ag Commissioner(s)
 - County Director, Center Director, department chair
 - Risk & Safety or Compliance office (campus / ANR)
- Train anyone working on project about permit requirements and limitations
 - Collaborators, staff, etc.
- Use Safety Note 146 for awareness and training:

<https://ucanr.edu/sites/safety/files/1394.pdf>

Safety Note #146

QUARANTINED AND REGULATED PEST PERMIT REQUIREMENTS



Research and extension activities associated with exotic pests (including insects, diseases, plants, etc.) often require a permit from the California Department of Food and Agriculture (CDFA) and/or U.S. Department of Agriculture (USDA). In addition, import (from out-of-state or out-of-country) of pests, soil, or certain plant materials also requires a permit from CDFA and/or USDA. Permits may be required even if you are working with staff from the CDFA, USDA, or the local Agriculture Commissioner on a project. Failure to obtain a permit may result in regulatory action, including fines or loss of research funding.

When Do I Need a Permit?

- When propagating, raising, or transporting plant pests which are subject to quarantine. **Pest Exclusion Form 66-045 - Application and Permit to Move and Use Plant Quarantine Commodities:** This application is used for the importation and movement of plant material which normally would not be allowed entry into California from areas within the U.S. or allowed movement within California due to plant pest quarantines.
- When moving or using plant pests across counties within the state. **Pest Exclusion Form 66-026 - Application and Permit to Move and Use Live Plant Pests or Insects or Noxious Weeds:** This application is for the movement of live plant pests within California. For example, an individual who wishes to move a bacteria from Riverside to Fresno, would need to obtain a permit. This form should be submitted directly to CDFA's Plant Health and Pest Prevention Services office for review and issuance of a permit.
- When importing plant pests, soil, or plant materials from outside the state. There are various USDA forms depending on type of pest or quarantine status. See USDA website: http://www.aphis.usda.gov/plant_health/permits/index.shtml

For more information, see the following websites from the CDFA Plant Health and Pest Prevention Services:

- Permits and Regulations: <https://www.cdfa.ca.gov/plant/permitsandregs.html>
- California State List of Noxious Weeds: <http://plants.usda.gov/java/noxious?rptType=State&statefips=06>

When working with regulated pests, it is recommended to contact the CDFA Plant Health and Pest Prevention Services, Permits and Regulations Program and/or your County Agricultural Commissioner to verify whether a permit is required. Telephone and e-mail addresses are available at the CDFA website listed above.

Once you obtain a permit from CDFA or USDA, be sure to read all of the conditions and procedures carefully and then follow the permit requirements. Distribute copies of the permit among all collaborators or staff who may work on the project and provide them training to ensure they are aware of and follow permit requirements. If the permit requirements do not match your experimental protocols or if your experiment changes, you will need to work with CDFA to revise the permit.

For more information and resources, see the website: <https://ucanr.edu/sites/plantpest/>

If you have any questions, please contact Brian Oatman at boatman@ucanr.edu or (530) 750-12624.



Questions

Please type questions into Q & A in Zoom