

Plant Protection and Quarantine and the Plant Protection Act

Agenda

- Role of PPQ
- Overview Points to Remember
- PPA Purpose
- PPA Definitions
- PPA Key Provisions
- PPQ Contacts

Role of PPQ

- Mission
 - Safeguard U.S. Agriculture and natural resources against the entry, establishment, and spread of economically and environmentally significant pests, and to facilitate the safe trade of agricultural products
- Regulatory Agency

Points to Remember

- Statutes are fundamental authority granted by Congress to the Secretary of Agriculture
- Authority to administer statutes is delegated from the Secretary to the Agency (APHIS-PPQ)
- The Agency is authorized to promulgate regulations to administer the statute, which are contained in the Code of Federal Regulations (CFR)

Overview

- The Plant Protection Act was the result of a 17-year effort to modernize and streamline the plant quarantine laws.
- Enacted in 2000
- It amended and replaced 10 laws, including the:
 - Federal Plant Pest Act of 1957
 - Plant Quarantine Act of 1912
 - Federal Noxious Weed Act of 1974
- Administering regulations are promulgated in Title 7 CFR, Parts 301-353 and 360-361

PPA Purpose

- Provides a single, comprehensive statutory framework for most plant health and regulatory issues
- Provides the authority to prohibit or restrict imports, exports, or interstate movement of plant pests, plants, plant products, noxious weeds, biological control agents, articles and means of conveyance

PPA Key Provisions

- Authority over Interstate Commerce
- Remedial Measures
- Extraordinary Emergency
- Cooperation

Authority over Interstate Commerce – Sec 411

- Prohibits the importation, entry, exportation or movement of plant pests in interstate commerce without a permit

Authority over Interstate Commerce – Sec 412

- Authorizes the Secretary to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance if the Secretary determines the prohibition or restriction is necessary to prevent the introduction or dissemination of a plant pest or noxious weed within the United States

Remedial Measures – Sec 414

- Provides the Secretary with the authority to hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of any plant, plant pest, noxious weed, biological control organism, plant product, article, or means of conveyance that is moving or has moved in interstate or foreign commerce that the Secretary has reason to believe is a plant pest or noxious weed or is infested with a plant pest or noxious weed

Remedial Measures – Sec 414

- The Secretary may also take action if the movement has occurred in violation of the Act or the product has not been maintained in compliance with post-entry quarantine requirement
- Authority extends to progeny of any plant, biological control organism, plant product, plant pest, or noxious weed
- Least drastic action

Extraordinary Emergency – Sec 415

- Extraordinary emergency rarely exercised
- High bar for declaration
- Consultation and publication required
- Allows regulation of *intrastate* movement.
- Least drastic action

Cooperation – Sec 431

- Authorizes the Secretary to cooperate with other Federal agencies or entities, States or political subdivisions of States, national governments, local governments of other nations, domestic or international organizations, domestic or international associations, and other persons to carry out this title.
- The cooperator must have authority necessary to conduct operations or take measures on all land and properties within their jurisdiction other than those owned or controlled by the United States

Contacts for Information

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