

AMERICAN SEED TRADE ASSOCIATION



Phytosanitary FAQ's - December, 2014

- **Use of PCIT:** PCIT (Phytosanitary Certification Issuance and Tracking System) is an APHIS electronic system for issuing phytosanitary certificates (PC). This is a menu-driven system that makes it much easier to obtain PCs. PCs can be issued by APHIS as well as state/county officials using PCIT. One major advantage of PCIT is that all PCs issued electronically are stored in a database, and if there are any issues with a shipment being held at a foreign port of entry, the PC can be tracked very quickly.

Under the National Seed Health System (NSHS), entities including crop improvement associations and seed companies can become accredited to conduct certain activities in support of phytosanitary certification: phyto field inspections, seed testing, seed sampling, seed visual inspection (see the NSHS website at www.seedhealth.org). Using PCIT, if you have NSHS accreditation, you can enter this information into PCIT and APHIS will issue the PC. This can be a useful option in some cases.

If you have questions about PCIT, the contact person in APHIS is Michael Perry. He can be reached at: Michael.j.perry@aphis.usda.gov or by phone at (301) 851-2279. APHIS has been very willing to organize webinars on the use of PCIT.

- **Quick response to holds on shipments or new phyto requirements:** Shipments can be held at foreign as well as U.S. ports of entry. Reasons can vary from paperwork issues to detections of pests of phytosanitary concern through inspections or seed testing conducted by the receiving NPPO. If the PC was issued through PCIT it is much easier to get needed information to help resolve the problem. If the shipment is being held at a foreign POE, the importer often tries to resolve the problem with the local authorities (often with little success!). In these situations ASTA can often help. The ASTA person on staff that deals with phytosanitary issues is Ric Dunkle (rdunkle@amseed.org phone # 703-226-9275). Once notified, he will investigate with the appropriate folks in APHIS and USDA's Foreign Ag Service (FAS). Before APHIS can begin any response, they will need copies of the import permit (if applicable), PC, and other relevant documentation (i.e. bill of lading, invoices, etc.) that will help them target with their counterparts. APHIS and FAS have agriculture attaches stationed in many foreign countries, plus APHIS has a staff of trade directors and export/import specialists that are ready to assist. It must be emphasized that if there is a valid reason for denying entry of a shipment such as a legitimate pest detection, the best to hope for is assistance in re-exporting or returning the shipment.
- **Be aware of non-seed borne pathogens that might get added to lists; beware of non-pathogens that might be added to a phyto:** Although countries are supposed to publish their phytosanitary import requirements and pest lists with the IPPC as well as notify the WTO of any changes to their phytosanitary requirements, there are exceptions. APHIS staff constantly monitors WTO notices and the IPPC portal to keep this database up to date as much as possible.

Many countries issue import permits to outline their phyto requirements. This is where additional pests that are technically unjustified first show up. Typical examples of technically unjustified pests include pests for which the plant species is not a host; seed is not a pathway (such as a foliar or soil-borne pathogen), the pest already occurs in the country and is not under official control; the pest does not occur in the U.S. or in the state or area where the seed was produced; or the organism produces no phytosanitary risk. Another issue is when an import permit is issued after the seed is harvested and the permit requires a phyto field inspection for a given pest. Unless there is a seed test or treatment that will be accepted in lieu of the inspection, this could prevent issuance of the phyto.

The best approach is to apply for the import permit as soon as possible, and if/when pests that appear not to be technically justified are on the permit, contact APHIS or ASTA for assistance. APHIS has had some success in getting technically unjustified pests taken off import permits, but it does take time, often several months or more.

- **Re-export issues; how are APHIS and the states making re-export easier:** Re-export continues to be a difficult situation especially for certain regions (EU) and countries (Mexico). The International Standard for Phytosanitary Measure (ISPM 12) was recently modified to help resolve re-export problems. Under the revised ISPM 12, an importer can ask for a field inspection or seed test for a pest that is not a phytosanitary requirement for the first country of import (country of re-

export) but is a requirement for the country of final destination. This declaration can be put in the Additional Declaration section on the phyto under a subheading "Additional Official Phytosanitary Information" section of the phyto and would be considered official information for the purpose of re-export certification. However, certain countries (for example, countries in the EU) require very specific language and if it is not the same as that on the original phyto, will not accept the re-export phyto. (APHIS recently got the EU to accept either version for the foreseeable future). **NOTE:** Often there is a pest requirement for the country of final destination that was not a requirement for the first country of import; unless the country of final destination will accept a seed test or treatment that can be performed in the country of re-export, the re-export certificate cannot be issued.

A common re-export issue that comes up is when a company wants to re-export seed through the U.S. to a country where the seed to that country from the country of origin is prohibited. In most cases it is prohibited because there has never been a market access request and a PRA has never been undertaken. Until that has been completed, the re-export certificate cannot be issued.

- **What is an acceptable form of the document, PDF, color, does it need to be stamped by the state? Etc....:** Assuming that the document in question is the PC, the official document has to be printed on APHIS-approved watermark paper. The official PC requires an official stamp that can be put on the by the state ACO (Authorized Certifying Officer). If duplicate copies are needed they need to be certified copies.
- **What resources are out there on the Net where companies can go to and check for the list of requirements for imports and exports to each country?** For exports of U.S. origin commodities, APHIS maintains a database of phyto import requirements of most countries called PEXD (formerly EXCERPT). To access it, google APHIS PCIT and the home page for PCIT comes up, and there is a link to PEXD from there. Once in PEXD you can enter the country and genus/species of the commodity intended to be exported and you will obtain both general and specific phytosanitary import requirements. There is also the IPPC portal (www.ippc.int) but it is usually not fully up to date. Otherwise, you need to get onto websites of countries of interest. Countries like Mexico and Australia have good databases as does the EU, but many under developed countries do not have the resources to maintain such databases.

Another option is to get into PEXD and under "general requirements" for a given country, there is a contact provided for that particular NPPO office. Unfortunately, as mentioned earlier, the phyto requirements are often communicated on the import permit which is frequently different from what might be in a country's official database of requirements.

- **Is there a download file that is offered by the website where companies can use the file to upload into their current systems for good quality checks?** Not that we are aware of. Most countries would be reluctant to do that because their requirements change so often; and there are language issues as well.
- **Is there a process in the states for requesting phytos? Are they harmonized across the states?** Most states/counties require the use of PCIT to submit applications. In general phytosanitary certification processes, including forms used for field inspections, etc. are not harmonized which does cause problems for companies that produce seed in several states and have to deal with state variations in these processes. In general, there seems to be reluctance on the part of states (as well as APHIS) to move toward harmonization.
- **What are the service level agreements on the time frame for getting phytos completed?** In general phytosanitary certification is provided within a day or two of submitting an application. However, there are exceptions depending on the level of complexity. The time it takes a state to issue a phyto will depend on the availability of state inspectors to perform the various services needed for phytosanitary certification (field inspections, seed sampling, inspection and/or testing, etc.) and staff (ACOs) available to issue the phyto. However, if you are an accredited entity under NSHS for these functions, it takes a lot less time to get a PC issued by submitting this information to the state or going through PCIT directly and then having APHIS issue the phyto.
- **How to combat/resolve inaccurate/non- scientific-based phyto declarations: example country X requires that we have a lab test for pest XX but it's a disease that affects onions and not sweet corn:** Any time this happens APHIS needs to be made aware, and again, the best way is to seek help from ASTA. Unless countries are formally challenged by the U.S. NPPO (APHIS), these problems will never get permanently resolved. APHIS will raise these issues with the foreign country (NPPO) through official channels. However, they need industry (and state) assistance to prepare scientifically-based arguments. Usually the more information we can provide up front, the less time it will take to get these problems

resolved. Typical types of information needed include copies of import permits or other documentation where the AD requirement was communicated; scientific references such as journal articles or abstracts, etc. that refute the rationale for the AD; any history of detections (or lack thereof) in the state where the seed was produced. ASTA (through Ric Dunkle) also has access to the CABI crop compendium and other databases and can help search and collect relevant scientific information and advocate with APHIS and others for its members. Sometimes these problems can be resolved fairly quickly; in other cases, depending on the trading partner involved, it may be many months of interaction and negotiation through formal bilateral discussions.

- **Any updates on the USDA/IDA interpretations of having a lab result overturn a field inspection. Not sure where our regulatory team stands/has made any progress on this one from a carrot sanitation standpoint for example.** This has been an issue that started with the EU's AD requirements for Stewart's wilt (SW) on corn seed. In some cases, SW is found at low levels in field inspections, and when the resultant seed is tested, it comes up negative for SW (because the seed transmission rate is so low). Could the seed test result be used in lieu of the field inspection? In a recent APHIS-EU technical bilateral, an agreement on this issue was finally reached. This agreement applies to **corn, sunflower, tomato, and bean (Phaseolis) seed**. For these particular seed spp., the seed can be certified on the basis of a negative seed test if the seed is from an official sample EVEN if there was a positive detection during a field inspection and EVEN if the seed was not treated for that particular pest (unless there is a specific testing requirement in the EU directive). This should resolve most of the issues that have been occurring recently. However, this agreement only applies to the EU; similar issues involving other trading partners will have to be negotiated bilaterally by APHIS. ASTA will work with its members and APHIS as these situations arise.

For further assistance contact Ric Dunkle at ASTA: EMAIL: rdunkle@amseed.org; (703) 226-9275