

Framework for Canada-United States Perimeter Approach to Plant Protection

hereafter referred to as the “Framework”

1. Goal

This Framework is an operational plan for cooperation on a perimeter approach for protecting Canada and the United States from risks posed by the introduction and spread of plant pests and invasive species. The goal is the development of equivalent approaches and regulatory alignment to facilitate safe trade in plants and plant products and other regulated articles between Canada and the United States.

2 Background and Scope

Overview

The Regulatory Cooperation Council (RCC) was created by the United States' President Barack Obama and Canadian Prime Minister Stephen Harper in 2011 as a mechanism to promote regulatory cooperation and alignment to facilitate trade and provide benefits for industry and consumers. The RCC also provides a forum for increased stakeholder engagement to help determine priorities and optimize resources.

The initial RCC Joint Action Plan, released on December 11, 2011, (United States www.trade.gov/rcc) (Canada <http://actionplan.gc.ca/en/page/rcc-ccr/regulatory-cooperation-council>) outlined 29 initiatives in 4 broad sectors – Agriculture and Food, Transportation, the Environment, and Health & Personal Care Products and Workplace Chemicals. Of the various initiatives, a high priority was placed on developing a North American perimeter approach to minimizing plant health risks that could impact agriculture and/or the environment in Canada and/or the United States. This document outlines a framework to support ongoing Canada-United States bilateral engagement and regulatory alignment in order to mitigate risks associated with plants and plant products and other regulated articles arriving into the United States or Canada from third countries and to facilitate trade between Canada and the United States.

Perimeter Approach to Plant Protection

The integrated nature of the North American economies provides opportunities for improved alignment of regulatory approaches on plant health issues of mutual concern. The North American Perimeter Approach (NAPA), created in 2007, has been a successful forum for providing policy dialogue, information exchange, and a proactive approach to issue identification and resolution for mitigation of plant pest risks, particularly from third countries. Under NAPA, bilateral working groups

of technical experts were created to address plant health issues of mutual concern. This initiative has resulted in successful cross-border cooperation on several issues, including development of a cooperative program for preclearance of bulbs from the Netherlands and a cooperative approach to address the increased detection of Asian gypsy moth egg masses associated with commercial vessels.

The RCC Perimeter Approach to Plant Protection Work Plan was finalized on July 3, 2012 (United States <http://www.trade.gov/rcc/documents/Perimeter-Approach-to-Plant-Protection.pdf>)(Canada <http://actionplan.gc.ca/en/page/bbg-tpf/beyond-border-action-plan>). The Work Plan reinvigorates the NAPA approach and formalizes a mechanism for regulatory cooperation on plant health issues of mutual concern. Moreover, it provides the momentum for the United States and Canada to take a more ambitious approach to regulatory cooperation and to focus on the shared perimeter.

This Framework provides an operational plan for APHIS and the CFIA to identify plant health risks of common concern and where appropriate, to work jointly towards an aligned regulatory approach and the development of harmonized measures to address these risks. For plant health concerns of mutual interest considered a priority to both countries, work plans will be developed, and pilot projects may also be developed to test new approaches. This framework is expected to lead to adjustments of the border requirements for relevant commodities between Canada and the United States, resulting in facilitated movement of regulated commodities across the border while providing appropriate protection for agriculture and the environment.

This Framework will not replace the work of other plant health bilateral fora.

3 Authority

The CFIA and USDA-Animal and Plant Health Inspection Service (APHIS), under the authority of their *Plant Protection Act / Plant Protection Regulations*, administer programs for the prevention of the introduction and spread of quarantine pests and the facilitation of trade in agricultural and forestry products.

Regulatory authority is provided by:

a. in Canada:

Plant Protection Act. S.C. 1990. c.22
Plant Protection Regulations, SOR/95-21 2
Canadian Food Inspection Act S.C. 1997, c. 6

b. in United States:

United States Code of Federal Regulations CFR 319.37
United States Plant Protection Act, June 20, 2000

4. Guiding Principles and Approaches

In support of this Framework, the CFIA and the USDA-APHIS will institute a cooperative mechanism that incorporates principles and approaches to address phytosanitary issues identified to be of mutual concern, that:

- supports identification of existing phytosanitary issues of mutual concern where a bilateral regulatory approach could result in increased phytosanitary protection, facilitation of safe trade, and/or more efficient use of resources;
- emphasizes cooperation on emerging phytosanitary issues at the earliest inception for the purpose of aligning regulatory approaches between the CFIA and APHIS;
- supports joint priority-setting, harmonized work planning, program delivery and reporting;
- enhances efficiency through the optimization of resources at multiple levels;
- recognizes the value of ongoing bilateral communication and information exchange;
- promotes coordination and consistency of strategies for stakeholder engagement; and
- recognizes that regulatory alignment will be subject to Legislative differences between the two countries.

5. Governance

5.1. Steering Committee

Implementation of this Framework will be managed by a Steering Committee with representatives from the CFIA and USDA-APHIS.

The Steering Committee identifies and prioritizes issues of mutual concern, taking into account threats to plant health, trade impacts, and stakeholder input, and establishes task-specific Working Groups.

The Steering Committee members, in coordination with each organization's planning and priority-setting cycle, have the authority to:

- identify and prioritize projects appropriate to this workplan;
- authorize the formation of project-based Working Groups;
- appoint Working Group leads;
- approve Working Group project plans;
- support Working Groups and foster participation of Working Group leads and members in bilateral discussions to explore areas for alignment;
- recommend decisions on resources and ensure resources are available for completion of projects;
- request progress and other reports;

- approve recommendations of the task-specific working groups; and
- decide on further actions as necessary.

5.1.1 Membership

The Steering Committee is comprised of senior representatives from USDA-APHIS and the CFIA.

Current membership is stated in Appendix III.

5.1.2 Administration

The Steering Committee will meet annually and will communicate regularly throughout the year. Additional meetings may be convened at the request of any members. The time and place for the meetings will be determined in consultation with Steering Committee members.

5.1.3 Steering Committee Secretariat

CFIA and USDA-APHIS Coordinators will provide the Steering Committee with support (e.g., conference call/meeting arrangements, development of agendas and minutes, information management), and will track-progress towards completion of the project work plans. Updates on RCC projects and discussions on proposed new projects and priorities can take place at the annual APHIS/CFIA Plant Health Technical Bilateral meeting.

5.1.4 Projects

The Steering Committee will consider projects based on factors such as, imminent threats to plant health, trade impacts, or stakeholder input. These projects will have formalized work plans outlining objectives, reporting, stakeholder engagement and a timeline for deliverables.

The current project list, under the RCC Perimeter Approach to Plant Protection Work Plan, will be appended to this framework document and updated yearly.

5.2 Working Groups

Co-leads will be named from each country.

5.2.1 Working Group Co-Leads

The leads are the accountable for the delivery of the project and are appointed by the Steering Committee. They are responsible for ensuring that the project progresses effectively and efficiently.

The working group co-leads are responsible for :

- preparing and maintaining the work plan (e.g., timelines, deliverables, reporting requirements);
- delivering the project according to the plan;
- documenting the activities/milestones/deliverables according to the plan;
- managing project resources and leading project team members within the scope of the agreed plan;
- organizing and maintaining communication (e.g. conference calls, e-mail exchanges, meetings/workshops, etc. as appropriate) between project team members;
- ensuring opportunities for stakeholder engagement;
- producing the deliverables for approval by the Steering Committee; and,
- preparing regular update reports for the Steering Committee.

5.2.2 Working Group Members

The working group is comprised of individuals from the CFIA and USDA-APHIS having appropriate and complementary professional, technical or specialist skills who, under the direction of the working group lead, are responsible for carrying out the assigned work.

Working group members are responsible for:

- interpreting the overall aim of the project and how their expertise contributes to that aim;
- contributing to the development and implementation of the work plan;
- ensuring that their part of the project work satisfies the needs of the project and is completed on time;
- providing information for project documentation as required; and
- providing updates on progress to their project lead.

Current membership is stated in Appendix III

6. Communication/Consultation

Each working group will determine the most appropriate strategy for completing its work plan. Communication between working group members and with stakeholders can be by teleconference, electronically, or by face-to-face meetings. The strategy for stakeholder consultation and communication is outlined in Appendix II.

7. Resource Considerations

Projects undertaken under this Framework initiative will require commitment and dedicated resources by both Canada and the United States in order to be successful. This Framework will not impose specific resource obligations on either country; however, each country will be responsible for the costs incurred in each party's own interest related to the support of this Framework. In addition, the resourcing of all projects must be achieved within current budget allotments.

Appendix I - 2012 Working Groups

- A) Coordination of approaches to regulatory oversight of approaches to regulatory oversight to Chrysanthemum White Rust (CWR) (United States www.trade.gov/rcc) (Canada <http://actionplan.gc.ca/en/page/rcc-ccr/regulatory-cooperation-council>)
- B) Streamlining of a commodity certification process – revision of the U.S.-Canada Greenhouse Certification Program (USC-GCP) – (United States www.trade.gov/rcc) (Canada <http://actionplan.gc.ca/en/page/rcc-ccr/regulatory-cooperation-council>)

Appendix II – Stakeholder Communication and Consultation

1. Consultation and Engagement with Stakeholders

Stakeholder engagement will be a key component in the development of RCC priorities and in the implementation of work plans under the RCC. Under this Framework, the United States and Canada will solicit stakeholder input in determining priority projects and plans and share that information through yearly public meetings on RCC activities and accomplishments.

Under the Framework, decisions for projects and priorities will be set by the Steering Committee, taking into account the views of key stakeholders. Each working group will determine the best mechanism to ensure stakeholders are consulted for their input on the specific project and provided with updates on the progress of the work plan.

2. Target Audience of Stakeholders

The target audience of stakeholders will include but are not limited to several categories of interested groups, both in the United States, e.g., the National Association of State Departments of Agriculture (NASDA), and Canada, e.g., the Provincial Ministries of Agriculture and cross-border organizations such as the Pacific Northwest Economic Region. *The list below is **not comprehensive** but merely serves as guidance for the outreach efforts of the Steering Committee and Working Groups. This list will be jointly managed by the Secretariat.

*Target Groups

- Trade Associations for the Forestry, Grain and Field Crops, Horticulture, Nursery, and Greenhouse sectors
- Farmers' Associations
- Tribal Partners (United States) / Aboriginal groups (Canada)
- State, Tribal, and Provincial Agriculture Officials
- Other public officials/agencies
- Chambers of Commerce
- Commercial businesses
- General public

3. Annual Work Plan Priority Projects

The CFIA and APHIS will formally solicit feedback at least once per year on topics and priorities for consideration as RCC projects. This will occur via a mechanism such as a webinar, joint town hall meeting, or e-mail solicitation (such as through the APHIS Stakeholder Registry) and will take place prior to the Annual APHIS/CFIA Plant Health Bilateral meeting. APHIS and CFIA will also provide updates on RCC projects and solicit feedback on RCC activities during established forums such as National Plant Board meetings (for the United States).

4. Identifying Key Issues – Project Work Plans

The task of reaching out to the stakeholders on the individual projects will be the responsibility of the United States and Canada working group leads who will share and solicit feedback from stakeholders on the pending list of work plan priorities and confirm interest and support for any new ideas.

5. Communication/Consultation

In addition to the yearly stakeholder consultation on RCC projects and priorities, the United States and Canada working group leads will conduct ongoing stakeholder engagement through appropriate modes of communication, such as webinars, conference calls, face to face consultation, internet notices, or any other means necessary to solicit input and provide updates on work plan priorities.

6. Frequency of Communication

Frequency of communication is wholly dependent on the needs of the projects and will depend on stakeholder participation and interest. At the minimum, working group leads plan will reach out to stakeholders twice a year to update them on work priorities and subsequent updates.

Appendix III – Membership Listing - Steering Committee, Working Group Leads, Secretariat

Steering Committee:

- Gregory Wolff, CFIA
- Marie-Claude Forest, CFIA
- Rebecca Bech, USDA-APHIS
- Osama El-Lissy, USDA-APHIS

Working Group Co-Leads:

- *To be appointed.*

Steering Committee Secretariat:

- Steve Côté, CFIA
- Terri Dunahay, APHIS