



Notice to industry- Plant Health Work Plans under Phase 2 of the Regulatory Cooperation Council

In February 2011, President Obama and Prime Minister Harper launched the Canada-United States Regulatory Cooperation Council (RCC). The Leaders created the RCC to facilitate closer cooperation between our two countries to develop smarter and more effective approaches to regulation to make the United States (U.S.) and Canadian economies stronger and more competitive, while meeting the fundamental responsibilities to protect the safety and welfare of our citizens.

The initial *Joint Action Plan* provided an opportunity to enhance Canada-U.S. regulatory cooperation through the identification of specific regulatory issues and challenges that agencies on both sides of the border would work together to resolve or improve.

The new RCC Joint Forward Plan enhances the work initiated in the 2011 RCC Joint Action Plan by moving from a focus on individual initiatives toward the development of more ambitious regulatory partnerships. Given key successes in the first phase of RCC and continued stakeholder supports, the Joint Forward Plan was released on August 27, 2014 and outlines the next phase of work under the RCC.

The Canadian Food Inspection Agency and the United States Department of Agriculture Animal and Plant Health Inspection Service (USDA-APHIS) have been working closely to develop three plant health work plans under phase 2 of RCC:

- Post-entry quarantine
- ISPM 15
- Electronic certification

Post-Entry Quarantine

Certain plant taxa from designated countries must be grown for up to two years under specific post-entry quarantine (PEQ) conditions to be eligible for importation into the United States, as per CFR 319.37-7. This also applies to these plants if they first enter Canada prior to re-export to the U.S. APHIS recognition of PEQ conducted under CFIA oversight as meeting U.S. phytosanitary import requirements would facilitate trade in these plant taxa and provide additional assurance to the U.S. of the safety of these products. The goal of this project is for CFIA and APHIS to develop and implement a process for plant taxa grown in Canada that require post-entry quarantine to be

recognized by the United States as meeting U.S. phytosanitary import requirements. The process will include mechanisms for clear communication between APHIS, CFIA and stakeholders to ensure successful implementation and operation over the long term.

ISPM 15 Implementation

In 2003, Canada and the U.S. implemented the International Standard for Phytosanitary Measures (ISPM) 15: *Regulations of Wood Packaging Materials in International Trade* (ISPM 15) which advocates treatment and marking of wood packaging (WP) moving in trade. However an agreement to exempt WP moving in international trade between Canada and the United States was agreed. ISPM 15 represents a harmonized international approach to minimizing the movement of quarantine pests associated with WP. Recently, Canada and the United States agreed to remove this exemption to prevent the movement of pests like the Asian longhorned beetle and the emerald ash borer. Both countries agreed that implementation would be harmonized but triggered by the publication of a U.S. Federal Rule. Both countries have agreed to delay full enforcement of requirements following adoption of the rule while adopting a phased-in implementation approach based on minimal enforcement and maximum compliance promotion to minimize trade impacts. In order to improve the predictability in implementation of ISPM 15, the countries have proposed a work plan under the Regulatory Cooperation Council (RCC) 2. Stakeholders will benefit from the work plan through a coordinated regulatory approach including a shared communication and awareness effort aimed at achieving the goal of preventing the spread of regulated pests. Components of the work plan include:

1. Identification and publication of a clear timeline for implementation
2. Development of a joint communication/outreach plan that identifies harmonized regulatory activities working with bi-national stakeholders;
3. Ongoing communication to trans-border traders and other key stakeholders through the phased-in implementation and reduced enforcement phase
4. Ongoing evaluation of compliance levels and targeted communication to non-compliant sectors to improve compliance ahead of full enforcement
5. Feedback from stakeholders on components of the overall plan.

Electronic certification

Phytosanitary certificates are official documents issued by the National Plant Protection Organization (NPPO) of the exporting country to the NPPO of the importing country to

indicate that consignments of plants, plant products or other regulated articles meet specified phytosanitary import requirements. Electronic exchange of certificates (e-Cert) would increase the efficiency of the exchange of certificates between importing and exporting countries, improve reporting and security of the transmission of the certificates, and reduce the opportunity for fraudulent activity. Under this initiative, APHIS and CFIA will work together towards implementing a mechanism that will allow electronic exchange of phytosanitary certificates (e-Phyto) between Canada and the United States. Both countries will identify the technical options required for E-Cert data exchange and will consider initiating a trial to transmit phytosanitary certificate.