



Agriculture Inspections— Contaminated Products

October 19, 2021

Fiscal Year 2021 Report to Congress



Homeland
Security

U.S. Customs and Border Protection

Message from the Acting Deputy Commissioner of CBP

October 19, 2021

I am pleased to submit the following report, “Agriculture Inspections—Contaminated Products,” which was prepared by U.S. Customs and Border Protection (CBP).

This report was compiled pursuant to direction set forth in House Report 116-458, which accompanies the Fiscal Year 2021 Department of Homeland Security Appropriations Act (P.L. 116-260). The report outlines inspection requirements for identifying contamination in shipments of processed or fresh food products, recommendations for expanded and improved inspections, and associated resource requirements.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

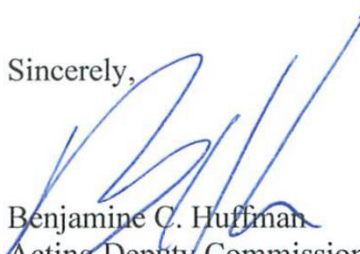
The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Chris Murphy
Chair, Senate Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions that you may have. Please do not hesitate to contact my office at (202) 344-2001.

Sincerely,


Benjamine C. Huffman
Acting Deputy Commissioner
U.S. Customs and Border Protection



Executive Summary

A CBP agriculture specialist's (CBPAS) mission is to protect the United States by preventing the entry of threats to American agriculture and natural resources through innovative policies and processes. CBPASs steadfastly work to prevent non-native pests, diseases, and contaminants from entering the United States. CBPASs are located at various frontline port environments and pathways, which include passenger and cargo terminals at airports, express consignment hubs, international mail facilities, maritime seaports, and the northern and southern land border ports of entry. CBPASs prevent threats to American agriculture and natural resources by conducting various training, targeting, enforcement, inspection and detection, identification, and outreach practices. CBPASs are under the leadership of Agriculture Programs and Trade Liaison within the Office of Field Operations, which partners with the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine to ensure that frontline CBPASs have the necessary tools and resources to facilitate their mission.



Agriculture Inspections—Contaminated Products

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I. Legislative Language

This document was compiled pursuant to direction set forth in House Report 116-458, which accompanies the Fiscal Year (FY) 2021 Department of Homeland Security (DHS) Appropriations Act (P.L. 116-260).

House Report 116-458 states:

The Secretary of Homeland Security, in coordination with the Secretary of Agriculture, shall provide a report on the inspection requirements for identifying contamination in shipments of processed or raw food products; raw processed, and finished meat products; or goods used in agriculture, including livestock feeds and feed ingredients. The report should provide recommendation for how such inspections may be expanded or improved, including any associated resource requirements.

II. Background

U.S. Customs and Border Protection (CBP) strives to conduct comprehensive inspections of agricultural commodities to mitigate the threat of non-native pests, diseases, and contaminants entering the United States. This is achieved in coordination and engagement with federal, state, tribal, and local governments. As part of its larger mission, CBP enforces policies and regulations set forth by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) to safeguard plant health, which is vital to the U.S. economy and to the environment.

In 2002, the Homeland Security Act created DHS and CBP, which transferred certain agriculture import and entry inspection functions to the newly formed DHS, effective on March 1, 2003. With the creation of DHS and CBP, PPQ officers previously under the management of USDA APHIS now are designated as CBP agriculture specialists (CBPAS) under the management of CBP. This merger not only provided a more streamlined process for mitigating pest threats, diseases, and contaminants, but also it provided DHS with the ability to recognize and prevent entry of organisms that might be used for biological warfare.

CBPASs enforce a wide range of policies falling under USDA's statutory authority. They enforce numerous regulations under the Code of Federal Regulations with the regulatory authority contained in the Animal Health Protection Act, the Endangered Species Act, the Homeland Security Act of 2002, and the Plant Protection Act. CBPASs are trained to act on the basis of guidance and policies outlined in 10 different APHIS manuals, and other documents and job aides.

DHS collaborates with intergovernmental partners, which further strengthens CBP's targeting programs and detection capabilities through extensive partnerships and collaborations with other federal agencies and industry stakeholders. CBP enforces laws on behalf of 47 federal entities and works closely with DHS partners, and other federal agencies such as USDA APHIS, USDA Food Safety and Inspection Service, and the Food and Drug Administration under the U.S. Department of Health and Human Services (HHS). CBP also collaborates with the Centers for Disease Control and Prevention, also under HHS, and the Department of the Interior, U.S. Fish and Wildlife Service.

Agriculture Programs and Trade Liaison (APTL) is the directorate under CBP's Office of Field Operations (OFO) that facilitates inspection enforcement, targeting, training, and outreach efforts to prevent the introduction of invasive species at U.S. ports of entry (POE). At more than 180 POEs nationwide, CBPASs enforce USDA statutes and regulations and carry out inspections.

III. Inspections/Port Operations/Data Report/ Recommendations

CBP Roles and Responsibilities

1. APTL/USDA

APTL oversees the nationwide CBP agricultural operation. Oversight includes pest, animal, and carrier contamination. Other contaminants that involve human health and safety are governed by other government agencies.

The memorandum of agreement between DHS and USDA, governed by the authority of the Homeland Security Act of 2002, transfers certain agriculture import and entry inspection functions from USDA to CBP. USDA is responsible for developing and issuing regulations, policies, and procedures covering the agriculture functions transferred to DHS. Those functions transferred from USDA are enforced by CBP in accordance with USDA regulations, policies, and procedures.

2. USDA APHIS PPQ Manuals

CBPASs enforce regulatory and inspection policies and guidelines using USDA APHIS PPQ commodity, export, domestic program, and emergency response manuals specific to importing into the United States, its territories, and possessions. The manuals also aid in facilitating passenger and trade operations in all modes of pathway environments, which include land border, airport, and maritime. CBPASs review any required documentation, determine inspection requirements, and/or follow final regulatory actions based on guidelines outlined in the manuals. The restrictions and guidelines are meant to mitigate or prevent foreign pest and disease outbreaks. Constant changes to countries' disease status and import/export regulations make it mandatory for CBPASs to reference these manuals consistently. Those manuals include, but are not limited to:

- Animal Product Manual,
- Fruits and Vegetables Import Requirements (FAVIR) Online Database,
- Plants for Planting Manual,
- Manual for Agriculture Clearance (MAC),
- Miscellaneous and Processed Products Manual, and
- Regulated Garbage Manual.

Animal Product Manual

This manual provides CBPASs with regulatory guidance on the import and export of animals, animal products, and animal byproducts and helps to mitigate the risk of introducing foreign animal diseases into the United States.

FAVIR

The FAVIR Database provides regulations and importation requirements for fruits and vegetables. This database also provides recommended inspection procedures, commodity guide pages, and country commodity summaries.

Plants for Planting Manual

This manual assists CBPASs in regulating imported plants and vegetative parts that are for or are capable of propagation, including buds, bulbs, corms, cuttings, layers, pollen, scions, seeds, tissue, tubers, and like structures.

MAC

The MAC provides guidelines, directions, and policy such as steps and appropriate forms to complete civil penalties and to clear passengers, vehicles, cargo, vessels, and aircraft.

Miscellaneous and Processed Products Import Manual

This manual covers processed articles of plant and nonplant sources, such as decorative articles, herbarium specimens, products from the harvesting and milling of field crops (corn, cotton, rice, sugarcane, and wheat), and products that result from harvesting, preserving, and processing fruits, herbs, nuts and other seeds, and vegetables.

Regulated Garbage Manual

This manual provides methods and instructions for proper handling and disposal of regulated garbage generated on board conveyances.

3. Training

In collaboration with USDA APHIS PPQ pest identifiers, CBPASs participate in regular training to detect and identify emerging pests and diseases. This includes participation in Agriculture Specialist Basic Training for new hires, seminars, webinars, and virtual meetings. Continued and regular training implemented by the ports and APTL, such as Asian gypsy moth (AGM) and wood packaging material training, also is provided to improve inspection techniques. As part of the national training initiative, CBPASs regularly participate in Automated Targeting System Import Cargo trainings/webinars hosted by CBP's Cargo Analysis Targeting Unit. During FY 2020, training was delivered to CBPASs on the APTL Dashboard, on CBP's Automated Targeting System Import Cargo and Import Targeting platform, and on CBP's User-Defined Rules platform.

CBPASs also receive training from APTL's National Agriculture Cargo Targeting Unit (NACTU) located at the National Targeting Center in Sterling, Virginia. The training includes vessel targeting to identify high-risk vessels for referral and inspection.

4. Targeting

CBP's targeting capabilities and programs are critical aspects to its ability to identify potentially high-risk shipments or travelers and to intercept agricultural threats effectively and efficiently before they arrive at a POE. Local ports have the capacity to implement their targeting capabilities by creating user-defined rules to target shipments and entities of interest. NACTU supplements agriculture targeting on a national scale, resulting in the discovery of smuggled or

mismanifested prohibited items, potentially high-risk biological materials, and quarantined pests or diseases. NACTU also utilizes geospatial methodologies to research vessel risk from ships arriving from areas that are high-risk for AGM, khapra beetle, regulated garbage, and sealable fruit fly host material. General cargo and empty containers also are targeted for non-native hitchhiking pests.

5. Inspection and Detection

CBP's inspection of commodities, conveyances, and passenger baggage at land borders, seaports, express consignment facilities, international mail facilities, and airports is the first line of defense against the entry of harmful plant pests and animal diseases.

Special Operations

On the basis of situational and seasonal circumstances and in coordination with participating government agencies, CBP conducts special operations to mitigate the introduction of pests, diseases, and contaminants.

6. Identification

CBPASs receive initial pest identification training on how to perform preliminary identification of pests, diseases, and/or contaminants before sending them to USDA for a positive and final identification. To expedite trade movement, USDA has provided a process that allows CBPASs to earn cargo release authority by repeatedly identifying nonquarantine pests. CBPASs also receive training on how to use the USDA manuals properly to regulate commodities.

7. Outreach

Port visits and CBP agriculture canine outreach to schools and organizations also is provided regularly. CBP maintains effective interagency communication, conducts pest risk committees, utilizes trade forums, and participates in the USDA National Plant Board meetings and in the International Standards for Phytosanitary Measures compliance meetings.

Outreach engagement involves daily contact with travelers to promote CBP's agriculture mission. Outreach material, such as coloring/activity books, luggage tags, pamphlets, children's shades, pens, pill boxes, and jump drives, are provided to travelers. During baggage inspection, travelers are educated on:

- the importance of agriculture,
- how to declare all agriculture-related items,
- how to prepare agricultural products for travel such as by drying tea leaves or by freezing commodities, and
- inspecting for any signs of disease and infestation.

Ports have implemented the distribution of business cards by CBPASs during trade engagement to ensure that stakeholders have reliable contact information for asking general questions about agriculture quarantine inspections or for reporting any issues. A suite of educational materials created by CBP APTL also is available; the suite includes pest trading cards to educate the supply chain regarding carrier/conveyance contaminants, AGM, and wood packaging material.

Ports regularly conduct outreach to express consignment companies regarding agriculture imports that include invasive species, animal products, and biological materials. For example, in FY 2020, CBPASs assigned to the express consignment carrier facilities were mustered regularly regarding the awareness of a sudden increase in seed imports from China. That mustering continues today. Another example of outreach material that CBP has produced is a field office outreach publication in English and in Spanish to inform arriving vessels of regulated garbage regulations and contacts while in U.S. ports.

Other outreach activities include the “Don’t Pack a Pest” campaign, which educates travelers about the risks associated with carrying certain types of food, plants, or other agricultural items in passenger baggage. This outreach campaign is an intergovernmental program that works to safeguard food and agriculture not only in the United States, but also around the world. CBP additionally has public government websites that highlight agriculture actions and frequently asked questions about import and exports.

Information Sharing

CBPASs conduct Pest Risk Committee meetings and discussions with multiple ports regarding pest trends and emerging threats. CBPASs also participate in various working groups that include pathway, prevention, eradication, and rapid response. On the basis of threat assessment and Pest Risk Committee recommendations, special operations are conducted in various pathways, which results in an increase of interceptions.

CBPASs share relevant significant agriculture incident reports with CBP officers and with other approved partner government agencies for operational awareness. APTL creates agriculture enforcement alerts that are gleaned from a significant agriculture incident report and that do not contain any sensitive personally identifiable information.

8. Resources

Ports have a constant need for adequate facilities, tools, and technology to operate effectively. In addition, all modes of entry require staff for effective inspections. Increasing arrivals of importations and of passengers require improvements to existing facilities and equipment for productive use by the additional staff.

Technology

CBP deploys a cadre of specialized technology and other resources to screen passengers and cargo to prevent the introduction of harmful plant pests and foreign animal diseases. CBPASs utilize the CBP Agricultural Inspection Form 288 Ship Inspection Report, Vessel Risk List, and Automated Targeting Vessel Tracker systems to assess arriving vessels for agricultural quarantine risk, such as prior violations, presence of AGM, regulated garbage, presence of khapra beetle, sealable fruit fly host material, etc.

Tools, Supplies, and Equipment

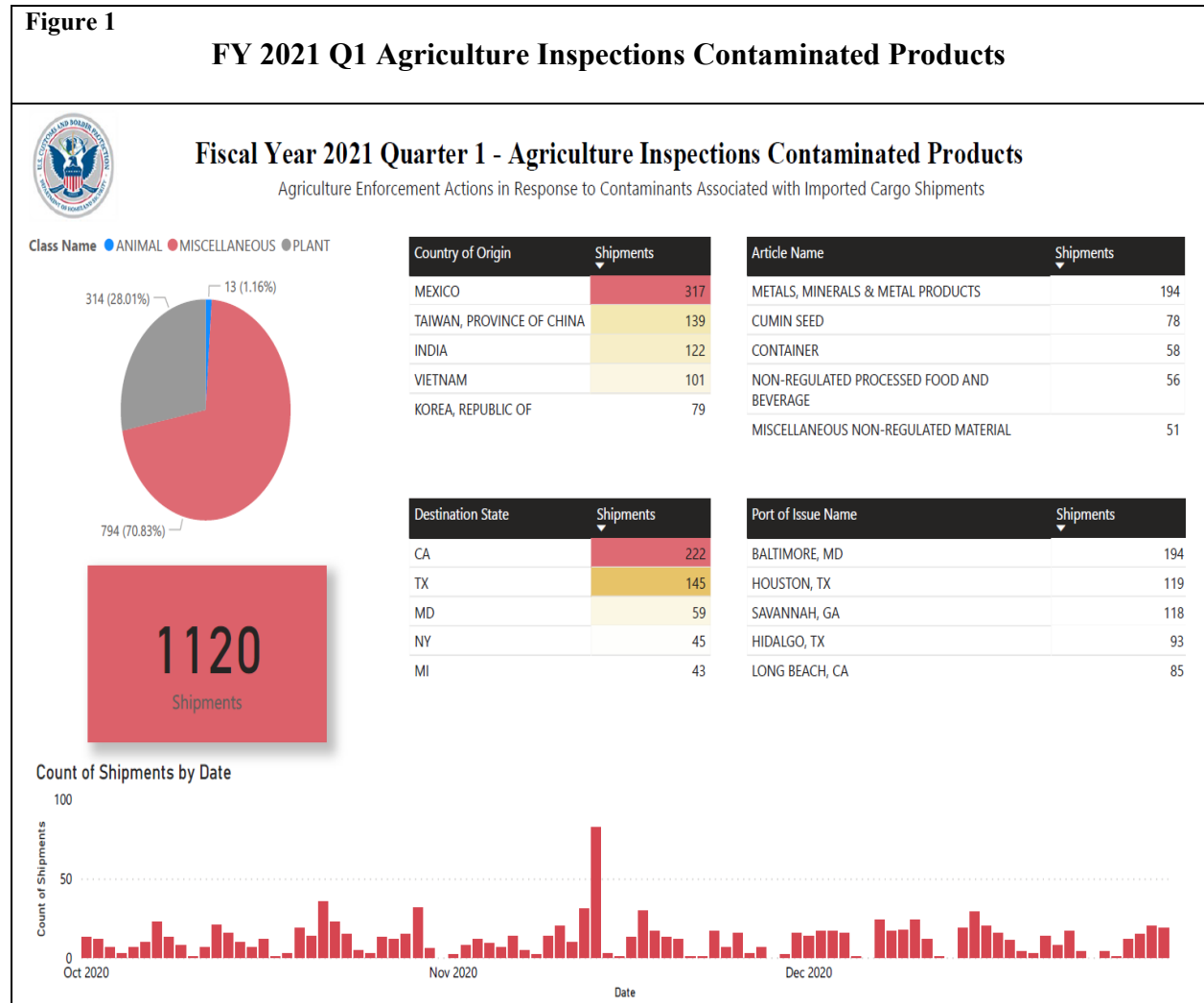
CBPASs utilize a variety of tools to aid in detecting prohibited products. These tools include detector dogs, nonintrusive inspection technology, microscopes, computers, and targeting technology.

Personnel

As of October 2021, CBP employs 2,940 CBPASs at POEs across the country. CBP uses its agriculture resource allocation model analyzed by OFO’s Planning Program Analysis and Evaluation Directorate to project the number of CBPASs required to staff the POEs.

9. Data

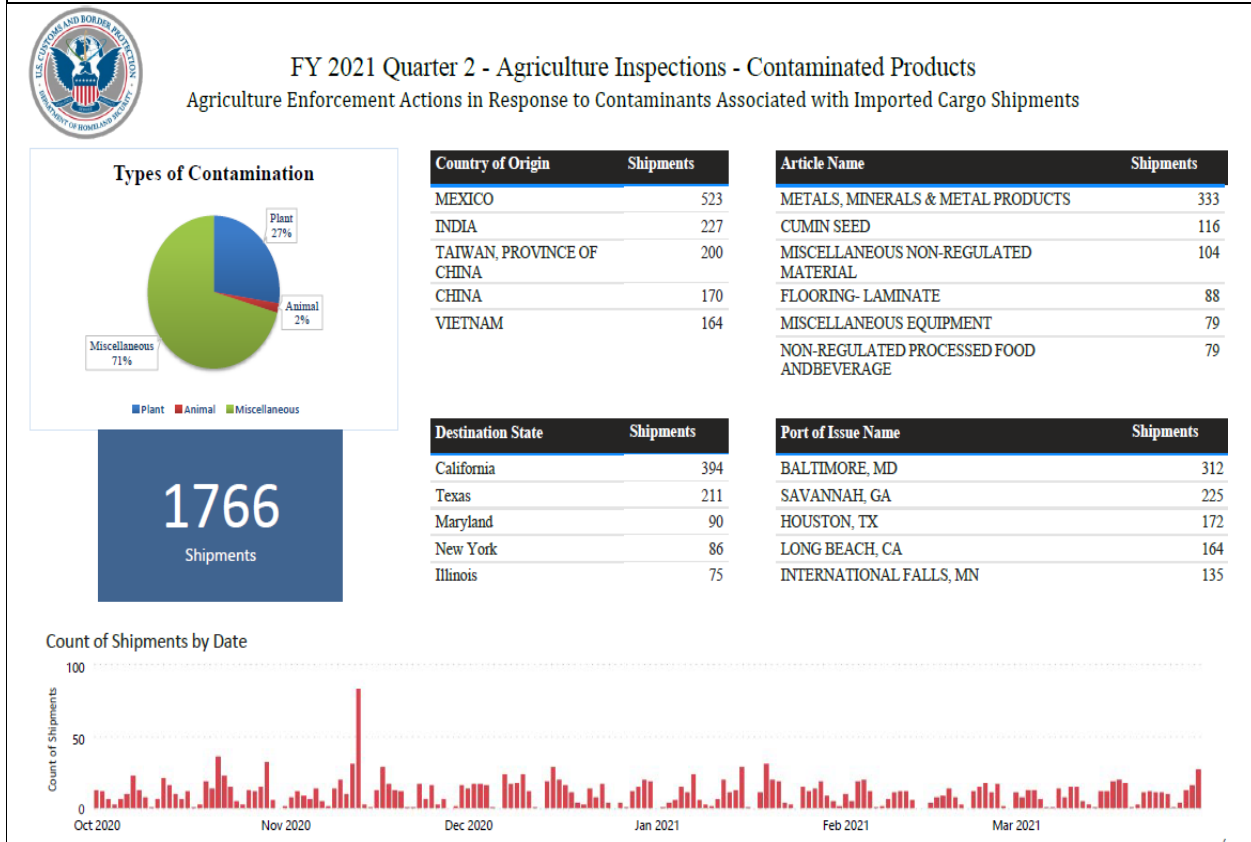
Contaminants are defined as the presence of an unwanted substance or foreign material in a physical body or in the natural environment that can cause serious harm to U.S. agriculture and natural resources. Figures 1 and 2 reflect FY 2021 Quarters (Q) 1 and 2 agriculture inspections contaminated products.



FY 2021 Q1 report (October-December) shows the top 5 shipments by country of origin, top 5 commodity/article name, top 5 shipment destination, and top 5 port of issuance. The FY 2021 Q1 report also includes the number of emergency action notifications by class name, by total number of shipments, and by shipment count by date.

Figure 2

FY 2021 Q2 Agriculture Inspections Contaminated Products



FY 2021 Q2 report (January-March) shows the top 5 shipments by country of origin, top 5 commodity/article name, top 5 shipment destination, and top 5 port of issuance. The FY 2021 Q2 report also includes number of emergency action notifications by class name, by total number of shipments, and by shipment count by date

10. Recommendations for Improvements and Expansion of Inspections

Planning for existing, emerging, and mitigating future agriculture risks should involve additional and consistent activities to maintain adequate outreach, hiring, training, overtime, new equipment, supplies, facilities, and evolving technology capabilities assessed in accordance with resource needs for emerging threats. Staffing numbers frequently fluctuate because of attrition and other factors, highlighting the importance of sustained hiring efforts. Equipment and technology need to be upgraded periodically to sustain enhanced inspections and detections while facilitating the movement of passengers and trade in a timely manner.

IV. DHS Action Plan

APTL's 2020 Strategic Plan creates specific priorities that convey APTL's mission to CBPASs in the field and to stakeholders. The focus is on ensuring that the agriculture mission is equipped to meet emerging threats to strengthen border security. Phase I of the APTL 2020 Strategic Plan focuses on expanding training and on leadership opportunities to attract and retain a diverse talent pool of CBPASs. It also focuses on strengthening data processes for successful integration into CBP systems. The strategic plan implements a stronger agencywide focus on agriculture threats, targeting, and screening in concert with CBP initiatives.

Another goal is to continue a risk-based approach to identifying high-risk pathways. This includes risk and pathway analysis; agriculture targeting; and research on evolving pest, disease, and contaminant movements.

V. Conclusion

CBP and its partners work together to prevent and eradicate the entry of non-native contaminants into the United States. The continued success of these partnerships is critical to the U.S. economy and to national security. To ensure that these partnerships remain successful, it is essential that CBPASs have the right tools, supplies, equipment, facilities, staffing, and training to perform their mission-critical duties.

Appendix. List of Abbreviations

Abbreviation	Definition
APTL	Agriculture Programs and Trade Liaison
AGM	Asian Gypsy Moth
APHIS	Animal and Plant Health Inspection Service
CBP	U.S. Customs and Border Protection
CBPAS	CBP Agriculture Specialist
DHS	Department of Homeland Security
FAVIR	Fruits and Vegetables Import Requirements
FY	Fiscal Year
HHS	U.S. Department of Health and Human Services
MAC	Manual for Agriculture Clearance
NACTU	National Agriculture Cargo Targeting Unit
OFO	Office of Field Operations
POE	Port of Entry
PPQ	Plant Protection and Quarantine
Q1	First Quarter
Q2	Second Quarter
USDA	U.S. Department of Agriculture