

(c) In exercising his authority under § 1.4(c) of this title to grant and deny requests, the Coordinator will comply with subsection (b) of the Freedom of Information Act, as amended (5 U.S.C. 552(b)), which requires that any reasonably segregable portion of a document shall be provided to a person requesting such document after deletion of any portions which are exempt under the Act. Therefore, unless the disclosable and non-disclosable portions are so inextricably linked that it is not reasonably possible to separate them, the document will be released with the non-disclosable portions deleted, except that the Coordinator may exercise discretion as limited by § 1.11 of this title, to release the entire document, or to make only a minimum number of deletions, e.g., the names of individuals.

[40 FR 43223, Sept. 19, 1975, as amended at 44 FR 53490, Sept. 14, 1979; 51 FR 30837, Aug. 29, 1986; 59 FR 67611, Dec. 30, 1994]

§ 370.6 Appeals.

If the request for information made under § 370.5 is denied in whole or in part, the requester may file an appeal pursuant to § 1.3(e) of this title. The appeal should be in writing and should be addressed as follows:

Administrator, Animal and Plant Health Inspection Service (FOIA Appeal), Room 313-E, U.S. Department of Agriculture, Washington, DC 20250.

[44 FR 53490, Sept. 14, 1979]

§ 370.7 Agency response to requests.

(a) The response to requests for information and to appeals shall be made in accordance with the Department regulations in § 1.5 of this title and the regulations in this part.

(b) Requests for records and information which have customarily been directed to field stations and agency headquarters may continue to be directed to those locations, notwithstanding the provisions of these regulations. If the information is not available at the location at which the request is made, or the official receiving the request is in doubt as to whether the information should be released, the official shall (1) promptly forward the request to the FOIA Coordinator, or (2)

inform the requester of the procedures established in these regulations by which the request may be sent directly to the FOIA Coordinator. The date of receipt of the request by the Coordinator shall be the determining date for purposes of the time limitations under the Freedom of Information Act and the regulations.

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Sec.

- 371.1 General statement.
- 371.2 The Office of the Administrator.
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- 371.15 Concurrent authority and responsibility to the Administrator.
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- 371.17 Availability of information and records.

AUTHORITY: 5 U.S.C. 301.

SOURCE: 54 FR 23194, May 31, 1989, unless otherwise noted.

§ 371.1 General statement.

(a) The Animal and Plant Health Inspection Service (APHIS) was created by the Secretary of Agriculture on April 2, 1972 (37 FR 6327, March 28, 1972).

(b) *Central Office.* The central offices of APHIS are located at Washington, DC, and Riverdale, Maryland, and consist of the offices of the Administrator, the Associate Administrator, six Deputy Administrators, and five Directors, as follows:

Administrator
Associate Administrator
Deputy Administrator, Plant Protection and Quarantine (PPQ)
Deputy Administrator, Veterinary Services (VS)
Deputy Administrator, Management and Budget (M&B)

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Deputy Administrator, Animal Damage Control (ADC)
Deputy Administrator, Regulatory Enforcement and Animal Care (REAC)
Deputy Administrator, International Services (IS)
Director, Policy and Program Development (PPD)
Director, Recruitment and Development (R&D)
Director, Legislative and Public Affairs (LPA)
Director, Science and Technology (S&T)
Director, Biotechnology, Biologics, and Environmental Protection (BBEP)

(c) *Field organization:* The locations of the principal field offices for the major programs are as follows:

(1) *PPQ.*

Northeastern Region: 505 South Lenola Road, Building Blason II, First Floor, Moorestown, NJ 08057.

Southeastern Region: 3505 25th Avenue, P.O. Box 3659, Gulfport, MS 39501.

South Central Region: 3505 Boca Chica Boulevard, Suite 360, Brownsville, TX 78521.

Western Region: 9580 Micron Avenue, Suite I, Sacramento, CA 95827.

(2) *VS.*

Western Region: 317 Inverness Way South, Englewood, CO 80112.

Northern Region: Building 12, GSA Depot, Scotia, NY 12302.

Southeastern Region: 500 Zack St., Suite 310, Tampa, FL 33602-4021.

Central Region: 1600 Throckmorton St., Suite 308, Forth Worth, TX 76102.

(3) *Management and Budget.*

Field Servicing Office: Butler Square West, 100 North Sixth St., Minneapolis, MN 55403.

(4) *ADC.*

Western Region: Building 16, Denver Federal Center, P.O. Box 25266, Denver, CO 80225-0266.

Eastern Region: 215 Centerview Drive, Suite 104, Brentwood, TN 37027.

(5) *S&T.*

Methods Development Centers:

Hoboken Methods Development Center, 209 River Street, Hoboken, NJ 07030.

Mission Methods Development Center, Moore Air Base, Route 3, Box 1000, Edinburg, TX 78539.

Otis Methods Development Center, Building 1398, Otis ANGB, MA 02542.

Whiteville Methods Development Center, P.O. Box 279, Whiteville, NC 28472.

Research Center: Denver Wildlife Research Center, Building 16, Denver Federal Center, P.O. Box 25266, Denver, CO 80225-0266.

Laboratories:

National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

National Monitoring and Residue Analysis Laboratory, P.O. Box 3209, Gulfport, MS 39503.

(6) *IS.*

Latin American Region: American Embassy, Reforma 305, Col. Cuauhtemoc 06500 Mexico, D.F. Mailing Address: c/o U.S. Embassy, Mexico City, P.O. Box 3087, Laredo, TX 78044.

Screwworm Program: Mexico-U.S. Commission for Eradication of Screwworms, P.O. Box 3087, Laredo, TX 78044.

Foot-and-Mouth Disease Program: Mexico-U.S. Foot-and-Mouth Disease Program, "AMEMB, Mexico City," P.O. Box 3087, Laredo, TX 78044.

Pan-U.S. Commission for the Prevention of Foot-and-Mouth Disease, American Embassy-AGRI, Box E, APO Miami 34002.

[54 FR 23194, May 31, 1989, as amended at 59 FR 67611, Dec. 30, 1994]

§371.2 The Office of the Administrator.

(a) *The Administrator.* The Administrator of APHIS, under the direction of the Assistant Secretary for Marketing and Inspection Services, formulates, directs, and supervises the execution of APHIS policies, programs, and activities. The Administrator is authorized to take any action, execute any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by or authorized by law and deemed by the Administrator to be necessary and proper to the discharge of the functions assigned to APHIS and to delegate, and provide for redelegation of authority to appropriate officers and employees consistent with, and with due regard to, the continuing responsibility for the proper discharge of delegations made by the Administrator. Delegations and provisions for redelegations are stated in §371.14.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for general direction and supervision of the programs and activities assigned to APHIS and is authorized to act for the

Administrator in performing all functions for which the Administrator is responsible.

(c) *Deputy Administrator, Plant Protection and Quarantine (PPQ)*. The Deputy Administrator for PPQ is responsible for:

(1) Participating with the Administrator for APHIS and other agency officials in the overall planning and formulation of all policies, programs, procedures, and activities of APHIS.

(2) Providing leadership, direction, and coordination to PPQ programs and activities to protect the Nation's agricultural resources from harmful pests, and to prevent the entry of plant pests and animal diseases into the United States and their spread in foreign commerce. The basic laws authorizing PPQ programs include:

(i) Section 102, Organic Act of September 21, 1944, as amended, and the Act of April 6, 1937, as amended (7 U.S.C. 147a, 148, 148a-148e), relating to control and eradication of plant pests and diseases;

(ii) The Mexico Border Act, as amended (7 U.S.C. 149);

(iii) The Golden Nematode Act (7 U.S.C. 150 through 150g);

(iv) The Federal Plant Pest Act, as amended (7 U.S.C. 150aa through 150jj);

(v) The Plant Quarantine Act, as amended (7 U.S.C. 151 through 164a, 167);

(vi) The Terminal Inspection Act, as amended (7 U.S.C. 166);

(vii) The Honeybee Act, as amended (7 U.S.C. 281 through 282);

(viii) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 through 2813);

(ix) The Endangered Species Act of 1973 (87 Stat. 884);

(x) Executive Order 11987;

(xi) The responsibilities of the United States under the International Plant Protection Convention;

(xii) Lacey Act Amendments of 1981 (16 U.S.C. 3401 through 3408); and

(xiii) Title III (and Title IV to the extent that it relates to activities under Title III) of the Federal Seed Act, as amended (7 U.S.C. 1581 through 1610).

(3) Participating in the development of regulations (including quarantines) pursuant to laws relating to PPQ programs and activities.

(4) Cooperating with and providing technical assistance to State and local governments in regard to plant pest control programs. Cooperating with and providing technical assistance to foreign governments with regard to pests and diseases of international quarantine significance. These activities are carried out by the PPQ Operational Support Unit and by PPQ regional and field offices.

(d) *Deputy Administrator, Veterinary Services (VS)*. The Deputy Administrator for VS is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing the administration of the national programs to protect the health of the Nation's livestock and poultry resources involving:

(i) Section 306 of the Tariff Act of June 17, 1930, as amended (19 U.S.C. 1306);

(ii) Act of August 30, 1890, as amended (21 U.S.C. 102 through 105);

(iii) Act of May 29, 1884, as amended, Act of February 2, 1903, as amended, and Act of March 3, 1905, as amended, and supplemental legislation (21 U.S.C. 111 through 114a, 114a through 1, 115 through 130);

(iv) Act of February 28, 1947, as amended (21 U.S.C. 114b through 114c, 114d-1);

(v) Act of June 16, 1948 (21 U.S.C. 114e through 114f);

(vi) Act of September 6, 1961 (21 U.S.C. 114g through 114h);

(vii) Act of July 2, 1962 (21 U.S.C. 134 through 134h);

(viii) Act of May 6, 1970 (21 U.S.C. 135 through 135b);

(ix) Sections 12 through 14 of the Federal Meat Inspection Act, as amended, and the portion of section 18 of the Act that pertains to the issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 612 through 614, 618);

(x) Improvement of poultry, poultry products and hatcheries (7 U.S.C. 429);

(xi) 28 Hour Law, as amended (45 U.S.C. 71 through 74);

(xii) Export Animal Accommodation Act, as amended (46 U.S.C. 466a through 466b);

(xiii) Purebred animal duty-free entry provision of Tariff Act of June 17, 1930, as amended (19 U.S.C. 1202, Part I, Item 100.01);

(xiv) Virus-Serum Toxin Act (21 U.S.C. 151 through 158);

(xv) Sections 203 and 205 of Agricultural Marketing Act of 1946, as amended, with respect to voluntary inspection and certification of inedible animal byproducts and inspection, testing, treatment, and certification of animals and a program to investigate and develop solutions to the problems resulting from the use of sulfonamides in swine (7 U.S.C. 1622, 1624);

(xvi) Section 101(d) of the Organic Act of September 21, 1944 (7 U.S.C. 430);

(xvii) The Swine Health Protection Act (7 U.S.C. 3801 through 3812); and

(xviii) Conducting diagnostic and related activities necessary to prevent, detect, control or eradicate foot-and-mouth disease and other foreign animal diseases (21 U.S.C. 113a).

(xix) Sections 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note).

(3) Providing leadership and direction in planning, developing, budgeting, staffing, and implementing field programs through the Regional Directors for all phases of domestic activities in VS.

(4) Directing, coordinating, and integrating the activities of subordinate staffs that provide support in planning, coordinating, and developing animal health information systems and maintaining a Federal-State program operation capable of responding to exotic disease outbreaks.

(5) Cooperating with and providing technical assistance to State and local governments, other APHIS organizations, other Federal agencies, and colleges and universities with regard to VS programs and activities.

These activities are carried out by the VS Operational Support Unit and by VS regional and field offices.

(e) *Deputy Administrator, Management and Budget (M&B)*. The Deputy Administrator for M&B is responsible for:

(1) Participating with the Administrator of APHIS and other agency offi-

cial in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing management support functions of the agency, including Equal Employment Opportunity (EEO) and Civil Rights, budget and finance, personnel, administrative services, and information resources management activities.

(3) Advising and assisting the Administrator and other agency officials on agency legislative affairs. Providing advice and direction to legislative liaison. Fulfilling reporting requirements, including the management and control of timely responses to inquiries from Members of Congress and others as referred by the White House or the Office of the Secretary of Agriculture.

(4) Leading and guiding program and administrative reviews and inspections to assess the implementation of policies and procedures, and to assess the accomplishment of program and administrative objectives.

(5) Evaluating and taking final disposition on all administrative issuances.

(6) Coordinating General Accounting Office (GAO) and Office of the Inspector General (OIG) activities in APHIS.

(7) Administering the execution of cooperative agreements and Master Memoranda of Understanding, all agreements between APHIS and other agencies, and all agreements that require the signature of more than one Deputy Administrator or Director.

(8) Providing management support services for the Federal Grain Inspection Service (FGIS), the Office of Transportation (OT), the Agricultural Cooperative Service (ACS), the Packers and Stockyards Administration (P&SA), and the Agricultural Marketing Service (AMS) as agreed upon by the agencies, with authority to take actions required by law or regulation. The term “management support services” includes budget, finance, personnel, procurement, property management, communications, paperwork management, and related administrative services.

(f) *Deputy Administrator, Animal Damage Control (ADC)*. The Deputy Administrator for ADC is responsible for:

(1) Participating with the Administrator of APHIS and agency officials in the overall planning, formulation, and evaluation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing the administration of the program to control vertebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and with other activities of man, as authorized by the Act of March 2, 1931 (7 U.S.C. 426, 426b).

(3) Meeting and dealing with outside interest groups, advisory groups, Members of Congress, officials of other governmental agencies, and others interested in animal damage and nuisance control to elicit their cooperation, to explain ADC programs and their goals, and to gain acceptance and understanding of the programs.

(4) Cooperating with and providing technical assistance to other Federal, State, local, private, and foreign agencies in regard to animal damage and nuisance control within the parameters of authorized missions and goals. These activities are carried out by the ADC Operational Support Unit and by ADC regional and field offices.

(g) *Deputy Administrator, Regulatory Enforcement and Animal Care (REAC)*. The Deputy Administrator for REAC is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Directing the formal investigation of reported violations of laws and regulations applicable to APHIS activities. Referring violation cases to the Office of the General Counsel (OGC) for preparation of formal complaints involving:

(i) (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131 through 2147, 2149 through 2155); and

(ii) Horse Protection Act (15 U.S.C. 1821 through 1831).

(3) Directing the inspection of facilities covered by the Animal Welfare Act and directing activities covered by the Horse Protection Act.

(4) Maintaining liaison and cooperating with other Federal agencies, industry, humane groups, and private citizens involved with regulatory enforcement and animal care activities.

(5) Providing recommendations for policy and program changes and promulgating procedures and guidelines for the conduct of field activities.

These activities are carried out by the REAC Units and by field offices.

(h) *Deputy Administrator, International Services (IS)*. The Deputy Administrator for IS is responsible for:

(1) Participating with the Administrator of APHIS in the overall planning and formulation of international policies, programs, and activities.

(2) Directing a corps of foreign service personnel carrying out APHIS activities abroad. Maintaining and administering the Foreign Service personnel system for employees of APHIS in accordance with section 202(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3922), E.O. 12363, dated May 21, 1982, and the provisions of §2.51(a)(1) of this title.

(3) Developing and maintaining systems for monitoring and reporting the presence and movement of agricultural diseases and pests.

(4) Developing and maintaining cooperative relationships and programs with other Federal international agencies, foreign governments, industry and international organizations, such as the Food and Agriculture Organization of the United Nations, with regard to APHIS activities in foreign countries.

(5) Maintaining systems for observing the effects of plant and animal diseases endemic in foreign countries and evaluating the impact on the agriculture industry.

(6) Developing and directing programs designed to facilitate the export of United States plants and animals and their products.

These activities are carried out by the IS Operational Support Unit and IS regional and field offices.

(i) *Director, Policy and Program Development (PPD)*. The Director for PPD is responsible for:

(1) Participating with the Administrator of APHIS and other executive

team officials in the overall planning and formulation of agency policies, program, and activities.

(2) Planning, providing leadership, and administering the development of agency-wide planning and evaluation models and strategies; designing multi-year approaches to major changes in program direction and developing new program initiatives; managing an agency decisionmaking process (issue management); developing regulatory actions; developing risk assessment systems and models and conducting studies of significant exotic and newly introduced plant and animal pests, diseases, and organisms; and developing predator control projects.

(3) Providing for the design of APHIS Policy Communications System.

(j) *Director, Recruitment and Development (R&D)*. The Director for R&D is responsible for:

(1) Formulating and recommending recruitment, employee development, and training policies and procedures consistent with APHIS's overall personnel policies.

(2) Developing recruitment procedures and strategies for locating and developing sources of candidates to fulfill immediate and long-range needs.

(3) Designing, developing, and delivering training and employee development programs.

(k) *Director, Legislative and Public Affairs (LPA)*. The Director for LPA is responsible for:

(1) Advising and assisting the Administrator of APHIS and other agency officials on all matters relating to agency legislative affairs.

(2) Preparing legislative proposals in connection with APHIS programs and responsibilities, based on recommendations from program officials. Assisting in the development of support material for agency witnesses for congressional hearings. Preparing legislative reports when requested by Congress.

(3) Establishing and maintaining liaison with members of Congress, various congressional committees and subcommittees, and their staffs on all matters pertaining to APHIS legislative affairs. Providing members of Congress with periodic updates on issues in which they have demonstrated continuing interest.

(4) Planning, administering, providing leadership, and conducting an information program to promote interest in and increase the public knowledge and acceptance of APHIS programs and activities.

(5) Cooperating in information activities of the Office of Governmental and Public Affairs.

(6) Coordinating with other APHIS offices on interrelated information management and dissemination activities.

(7) Administering, with other APHIS programs, the international information activities of APHIS.

(8) Planning, developing, and maintaining agency-wide internal communication systems.

(9) Drafting and administering policy guidelines on press contacts, photography, audiovisual, graphic design, radio-TV, and policy/editorial/graphics clearance for popular publications. Planning, providing leadership, and conducting a policy communication program to express and interpret APHIS policies in written form to members of Congress, State and industry leaders, officials of foreign governments, and private citizens.

(10) Preparing timely and responsive replies to written inquiries by identifying accurate sources of information, determining necessary agency actions, tailoring responses to the interests of the recipient, ensuring that the responses adhere to APHIS policies and are consistent with other responses, and securing the corroboration of appropriate agency officials. Establishing and maintaining a system for the control of written inquiries referred by the Office of the Secretary or sent directly to the agency.

(11) Preparing position papers regarding trends and patterns in APHIS program issues that are of special interest to the Administrator and his immediate subordinates.

(12) Providing editorial assistance to other staffs in the preparation of regulations, procedural manuals, articles for publication, and standard replies to recurring questions posed by correspondence answered at the program level. Developing policies, coordinating and maintaining control of APHIS activities that fall within the scope of

the Freedom of Information Act (FOIA) and the Privacy Act. Making all initial determinations to deny information requested under the FOIA. Ensuring that files coming within the scope of the Privacy Act are properly identified, used, and safeguarded.

(1) *Director, Science and Technology (S&T)*. The Director for S&T is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Providing laboratory support, diagnostic services, methods development, and research activities in support of all APHIS programs.

(3) Cooperating and coordinating with other government agencies, State agencies, and industries to ensure that the technical needs of APHIS programs are considered and met.

(4) Coordinating registration of chemicals and other substances developed for use in APHIS control and eradication programs.

These activities are carried out by the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the National Monitoring and Residue Analysis Laboratory, and the Plant Methods Development Centers.

(m) *Director, Biotechnology, Biologics, and Environmental Protection (BBEP)*. The Director for BBEP is responsible for:

(1) Coordinating and executing biotechnology regulatory policy within APHIS and other USDA regulatory agencies and acting as a liaison with these agencies, other Federal agencies, and private organizations.

(2) Advising the Administrator on requirements for compliance with the National Environmental Policy Act (NEPA) and ensuring NEPA compliance.

(3) Providing briefing material, recommendations, and other specific written materials on biotechnology regulatory policy to the Administrator and the Assistant Secretary for Marketing and Inspection Services.

(4) Directing and coordinating the activities of the Veterinary Biologics field office.

(5) Providing oversight and management for BBEP staffs and functions.

[54 FR 23194, May 31, 1989, as amended at 61 FR 68541, Dec. 30, 1996]

§371.3 Plant Protection and Quarantine.

The PPQ Operational Support unit and the four PPQ regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, PPQ, are responsible for Plant Protection and Quarantine as follows:

(a) *PPQ operational support*. (1) Participating with the Deputy Administrator, PPQ, in the overall planning and formulation of all PPQ programs and activities.

(2) Directing, coordinating, and integrating the activities of subordinate staffs that provide operational support, guidance, and planning to field programs conducted in the four domestic regions.

(3) Developing and maintaining cooperative relationships and programs with other Federal agencies, State and local governments, and industry with regard to plant protection activities and programs designed to protect farm crops and other valued plant life from harmful insects, nematodes, diseases, and weeds.

(b) *PPQ regional offices*. (1) Participating with the Deputy Administrator, PPQ, in the operational planning and implementation of policies, programs, and activities of PPQ.

(2) Planning, providing leadership, coordinating, and conducting PPQ regional programs and activities to protect the Nation's agriculture from harmful plant pests and diseases, and preventing the entry of these plant pests and diseases and animal diseases into the United States or their spread in foreign commerce. (Activities relating to animal diseases are concerned with import and export of animal products and byproducts).

(3) Developing and maintaining cooperative relationships and programs with other Federal agencies, State and local governments, and industry with regard to plant protection activities and programs designed to protect farm crops and other valued plant life from

harmful insects, nematodes, diseases, and weeds.

§ 371.4 Veterinary Services.

The VS Operational Support unit and the four VS regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, VS, are responsible as follows:

(a) *VS Operational Support.* (1) Participating with the Deputy Administrator, VS, in the overall planning and formulation of policies, programs, and activities of VS within the APHIS framework.

(2) Directing, coordinating, and integrating the activities of subordinate staffs that provide operational support, guidance, and planning to field programs involving the detection, control, and/or eradication of animal diseases and parasites, and involving the enforcement of quarantines governing the importation and exportation of live animals, animal semen, and eggs.

(3) Monitoring and evaluating ongoing programs to ensure that they are effective, efficient, and in compliance with laws, regulations, and policies.

(4) Providing technical guidance, advice, and information in support of field operations units and personnel.

(5) Coordinating and monitoring VS import and export programs.

(6) Negotiating animal health protocols with foreign countries to facilitate the export of United States livestock.

(7) Cooperating with other APHIS organizations and other Federal and private agencies in developing plans, programs, and procedures to protect the nation's livestock and poultry resources.

(8) Maintaining close liaison and cooperative relationships with other APHIS organizations, the Agricultural Research Service, other Federal and private agencies, and colleges and universities involved in research and development activities relating to the control and eradication of animal diseases and other programs relating to VS objectives and missions.

(b) *VS Regional Offices.* (1) Participating with the Deputy Administrator, VS, in the overall planning and formulation of all policies, programs, and activities of VS.

(2) Planning, providing leadership, and coordinating VS programs and activities within the Region (comprising several States) to protect the health of livestock, poultry, and other valued animal life through the detection, control and/or eradication of animal diseases and parasites and through the enforcement of quarantines governing the importation and exportation of live animals, animal semen, eggs, and other live animal tissues and specimens.

(3) Supervising, directing, coordinating, and integrating the activities of subordinate Area Offices that are responsible for the conduct of Federal and multi-State cooperative programs.

§ 371.5 Management and Budget.

The Budget and Accounting Division, Human Resources Division, Administrative Services Division, Information Systems and Communications Division, Resource Management Systems and Evaluation Staff, Equal Opportunity and Civil Rights Staff, Equal Opportunity Counseling, and the Field Servicing Office, under the direction of the Deputy Administrator for Management and Budget, are responsible as follows:

(a) *Budget and Accounting Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, ACS, and OT.

(2) Planning, providing staff leadership and administering the budget and related programs and the fiscal and related management programs necessary to meet the requirements of program and administrative activities in APHIS, ACS, and OT.

(3) Assisting in formulating current and long-range policies and programs relating to APHIS, ACS, and OT budget and multi-year programs and financial plans and coordinating the development of the documentation of these programs and plans.

(4) Assisting in developing the accounting and related financial systems necessary for APHIS, ACS, and OT. Developing procedures and instructions to implement the systems, and maintaining these systems.

(5) Planning and providing for the selection, documentation, negotiation,

and implementation of cooperative agreements.

(b) *Human Resources Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, FGIS, ACS, P&SA, and OT.

(2) Planning for and providing staff leadership and assistance to managers and program leaders of APHIS, FGIS, ACS, P&SA, and OT in the areas of organization, position management, performance appraisal, position classification, salary and wage administration, placement, employee relations, and labor management relations.

(3) Providing leadership in the development of personnel policy for recruitment, employee development, training, and the Foreign Service Personnel System.

(4) Leading and coordinating personnel management review and evaluation activities throughout APHIS to ensure that personnel management programs are effective, efficient, and in compliance with laws, regulations, and policy.

(5) Providing certain operating personnel services for APHIS, FGIS, ACS, P&SA, OT, and AMS, as agreed upon by APHIS and each of the other Agencies.

(6) Developing, implementing, and maintaining a career management initiative and organizational development program.

(c) *Administrative Services Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, FGIS, ACS, P&SA, OT, and AMS.

(2) Planning for and providing staff leadership and operating administrative services and assistance to managers and supervisors in: Real and personal property management and utilization; procurement of supplies, equipment, and services through competitive and noncompetitive procedures or from established contract sources; safety, health and environmental concerns; development and control of forms and reports; records security; printing and distribution; mail and shuttle service; and directives management. Providing overall direction and

coordination for the design and construction of facilities.

(d) *Information Systems and Communications Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of information resources management policies and programs in support of APHIS programs.

(2) Planning, directing, and conducting studies to determine the feasibility of applying automated data systems and techniques to agency operations. Determining the advantages of using automated systems and processing in terms of economic and other considerations.

(3) Developing and designing automated data systems, standards, and new and improved methods and techniques for translation into basic program structures relative to systems analysis, computer programming and equipment utilization and capabilities. Assisting agency managers in determining informational requirements. Analyzing types and volume of data involved, cost of present methods and cost and advantages of applying electronic data processing.

(4) Developing computer programs to meet objectives of specific programs and projects, including all levels of electronic data processing documentation and the testing or "debugging" of machine programs. Designing procedures and advising in the development of source documents to facilitate the conversion of data from source documents to machine media.

(5) Reviewing and evaluating existing systems and computer programs and implementing improvements.

(6) Planning, managing and/or coordinating agency policies, methods, and procedures for telecommunications, records management, micrographics and correspondence management.

(e) *Resource Management Systems and Evaluation Staff.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of administrative and management policies, programs, and activities of APHIS.

(2) Developing, implementing, coordinating, and directing a Resource Management Evaluation System, including on-site reviews of domestic and international programs, with the objective

of determining the use of resources in terms of efficiency, effectiveness, and compliance with appropriate laws, rules, regulations, and agreements. Assessing delivery of administrative services to APHIS programs to determine their impact on program mission accomplishment.

(3) Collecting, analyzing, evaluating, and reviewing management information and data, including critical incidents, to assist management in formulating current and long-range policies, procedures, and systems and providing staff assistance to the Deputy Administrator in the management of OIG and GAO liaison activities and the analysis of OIG and GAO reports.

(4) Carrying out these and related projects or studies with the assistance of functional or program specialists from other organizations in order to assure adequate staffing, a proper mix of expertise, and acceptance of work products.

(f) *Equal Opportunity and Civil Rights.*

(1) Participating with the Deputy Administrator for M&B in the overall formulation of administrative policies and programs.

(2) Providing leadership in the overall development and planning of all policies, programs, and activities of equal employment opportunity.

(3) Developing and implementing Equal Employment Opportunity (EEO) plans of action for APHIS, FGIS, ACS, P&SA, and OT.

(4) Establishing statistical information systems and reporting procedures for agency accomplishments.

(5) Representing the agency in negotiations and at meetings on EEO, both within and outside the Department.

(6) Establishing guidelines for EEO action plans. Evaluating and approving EEO action plans prior to their implementation.

(7) Examining programs to ensure that programs or interpretations of programs tending to discriminate are eliminated. Reviewing current and proposed legislation and recommending changes to remove any discriminatory elements.

(8) Coordinating civil rights programs.

(g) *Equal Opportunity Counseling.* (1) Participating with the Deputy Admin-

istrator for M&B in the overall formulation of administrative policies and programs.

(2) Developing and maintaining a comprehensive Equal Employment Opportunity Counselor Program and complaint processing and adjudication program designed to prevent prohibited discrimination and to attempt settlement of complaints based on race, color, religion, sex, national origin, age, marital status, and physical and mental handicaps for employees and applicants for employment.

(h) *Field Servicing Office.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of personnel, financial and administrative services policies and programs for APHIS, FGIS, ACS, P&SA, and OT.

(2) Within the provisions of applicable policies, procedures and laws, providing personnel, financial and administrative services to personnel in AMS, APHIS, FGIS, ACS, P&SA, and OT.

(3) Participating in planned management reviews. Providing assistance and advice to program officials and supervisory personnel concerning personnel, financial, and administrative problems. Providing guidance on the implementation of policies, procedures, and regulations.

§371.6 Animal Damage Control.

The ADC Operational Support unit and the ADC Regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, ADC, are responsible for:

(a) *ADC Operational Support.* (1) Coordinating the development of annual operational plans for national program activities that are compatible with APHIS and ADC strategic long-range plans.

(2) Developing and maintaining an ADC operating policy manual for use at State and local levels.

(3) Participating in program evaluations of field activities. Assuring that identified deficiencies are corrected in an appropriate and timely manner.

(4) Developing and maintaining ADC programmatic data systems. Working with ADC Regional Directors and other APHIS units to ensure that the data

base meets field and headquarters data needs.

(5) Preparing briefing and issue papers involving ADC activities. Ensuring that appropriate solutions to field problems are attained.

(6) Preparing routine correspondence on ADC activities requiring signature by the Deputy Administrator for ADC or the APHIS Administrator. Participating with Regional and State Directors in obtaining appropriate information for this correspondence.

(7) Coordinating technical and non-technical training activities of ADC headquarters and field units. Facilitating the identification of training needs.

(8) Obtaining information and preparing routine reports regarding operational activities.

(9) Identifying research and methods development needs of field operations units.

(10) Identifying, analyzing, and resolving operational needs associated with pesticide registration and use, both nationally and within a State.

(11) Coordinating environmental issues related to operational activities; collecting and assembling data required for environmental documents as requested; ensuring compliance with environmental policy in carrying out operational activities; and ensuring that an ongoing monitoring program is in place to assess the impact of operational activities on the environment.

(12) Acting as liaison with internal and external organizations regarding ADC program operations.

(13) Providing representation and liaison with all industry groups and other agencies having an interest in wildlife management issues related to ADC operational program activities.

(14) Providing committee representation to all agency, intra-agency, and industry groups on issues involving national and State ADC operational activities. Representing the Deputy Administrator on committees involving ADC operational issues and interests.

(15) Identifying, analyzing, and resolving all national and State issues requiring technical policy interpretation.

(16) Developing, reviewing, and approving publications and presentations about national and State operational

activities involving headquarters, regional, and State personnel.

(17) Determining national and States' needs relative to ADC public education and information program activities. Acting on these needs by establishing priorities and ensuring that these needs are met through assisting in the development of appropriate information documents and by coordinating with other units in APHIS with specific public information responsibilities.

(b) *ADC Eastern Regional Office.* (1) Managing Federal-cooperative ADC programs in the Eastern Region, comprised of 31 Eastern States and the District of Columbia. Through supervision of the State Directors, ensuring that all program activities in the Eastern Region are conducted in accordance with applicable laws, regulations, and policies.

(2) Assisting in providing administrative direction to ADC programs in the Eastern Region.

(3) Advising the Deputy Administrator, ADC, and other agency officials on policies, programs, and resources needed to manage vertebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and other human activities.

(4) Providing recommendations for research needed to develop or improve techniques for the control of wildlife damage and nuisance problems.

(5) Assisting the Deputy Administrator, ADC, in initiating, evaluating, and improving Federal-cooperative ADC programs in the Eastern Region.

(6) Managing resources allocated to the Eastern Region.

(c) *ADC Western Regional Office.* (1) Managing Federal-cooperative ADC programs in the ADC Western Region, comprised of 19 Western States. Through supervision of the State Directors, ensuring that all program activities in the Western Region are conducted in accordance with applicable law, regulations, and policies.

(2) Assisting in providing administrative direction to ADC programs in each Western State.

(3) Advising the Deputy Administrator and other agency officials on

policies, programs, and resources needed to manage vertebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and other human activities.

(4) Providing recommendations for research needed to develop or improve techniques for the control of wildlife damage and nuisance problems.

(5) Assisting the Deputy Administrator, ADC, in initiating, evaluating, and improving Federal-cooperative ADC programs in the Western Region.

(6) Managing resources allocated to the Western States.

(7) Managing aircraft operations for the aerial hunting activities carried out in the Western States.

(8) Managing the activities of the Pocatello Supply Depot, which procures or manufactures control materials and devices used nation-wide, maintaining quality control of these items, and assisting in the preparation of labels for registered products.

§371.7 Regulatory Enforcement and Animal Care.

The units of REAC, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, REAC, are responsible for:

(a) *Regulatory enforcement.* (1) Supervising and conducting investigations of alleged violations of the Code of Federal Regulations and applicable laws.

(2) Coordinating field enforcement activities with VS and PPQ field offices at the State and regional level and with other Federal, State, and local law enforcement agencies.

(3) Meeting with industry groups, State and local authorities, and other organizations to explain and discuss the APHIS regulatory enforcement program.

(4) Developing procedural guidelines for the conduct of APHIS field enforcement activities.

(5) Maintaining liaison and coordination among program line and staff entities, OGC, OIG, the USDA Hearing Clerk, and other organizations that may be involved in the enforcement of regulations.

(6) Reviewing investigative case reports and determining appropriate disposition.

(7) Analyzing violation case data to identify trends in noncompliance patterns, highlighting the possible need for changes in APHIS regulations, and identifying needed changes in enforcement resources and/or priorities.

(b) *Animal Care.* (1) Inspecting and re-inspecting USDA licensed and registered facilities under the Animal Welfare Act.

(2) Performing inspections at horse shows, sales and auctions. Monitoring Designated Qualified Person programs under the Horse Protection Act.

(3) Maintaining liaison with the regulated industries and with humane organizations, other Federal agencies, and State and local governments.

(4) Responding to complaints and inquiries from industry, humane groups, and private citizens.

(5) Developing operational plans and procedures for the national animal care programs; performing analyses, assessments, and reviews of animal care activities; and providing necessary reports and recommendations.

§371.8 International Services.

The IS Operational Support unit and the IS Regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, IS, are responsible for:

(a) *IS Operational Support.* (1) Developing specific plans and providing technical backup for IS programs that prevent, control, or eradicate animal and plant diseases and pests that threaten American agriculture.

(2) Developing and evaluating programs in foreign countries designed to enhance the export of U.S. plants and animals, and their products.

(3) Providing technical consultants to APHIS international personnel as well as to other Federal international agencies and foreign governments.

(4) Providing operational planning and internal review capability as needed to support plant and animal health activities as carried out by APHIS international services personnel.

(5) Coordinating the development and planning activities necessary for APHIS to initiate new programs or special projects as determined appropriate

by APHIS, other Departmental agencies, or other international organizations and countries.

(6) Maintaining liaison with the Agricultural Research Service, the Foreign Agricultural Service, the Office of International Cooperation and Development, the Department of State, the Department of Commerce, and military officials with regard to APHIS international services activities.

(7) Working with foreign governments on scientific and technical exchanges when deemed mutually beneficial.

(b) *IS Regional Offices.* IS regional offices are responsible for:

(1) Participating with the Deputy Administrator for IS and other agency officials in the overall planning and formulation of all policies, programs, and activities as they relate to foreign plant programs in which APHIS has an interest.

(2) Planning, providing leadership and coordinating Cooperative Plant Health programs and activities within a Region (comprised of several countries). Developing and maintaining a system for monitoring and reporting on foreign pest situations and evaluating their significance and potential hazard to U.S. agriculture.

(3) Maintaining contact and exchanging plant pest and disease information with research and regulatory officials of foreign countries and with staffs of the Foreign Agricultural Service, the State Department and its Agency for International Development, the United Nations Food and Agriculture Organization, the Pan American Health Organization, and similar international organizations.

(4) Implementing and evaluating programs in foreign countries designed to facilitate the export of U.S. plants and plant products.

§371.9 Policy and Program Development.

The units of Planning and Evaluation, Policy Analysis and Development, Regulatory Analysis and Development, Plant Protection Management Systems, and Animal Health and Depredation Management Systems, under the administrative direction of the Administrator and the functional and tech-

nical direction of the Director, PPD, are responsible for:

(a) *Planning and Evaluation.* (1) Sharing with the Director the responsibility for advising the APHIS Administrator and his top staff on strategic planning, operational planning, and agency evaluations.

(2) Designing, implementing, and managing the agency's strategic planning processes that establish the basic framework for overall planning and formulation of all policies and critical agency programs. Ensuring that operational and multi-year plans conform to the strategic plan.

(3) Providing a system that monitors and analyzes world events and trends that may effect the future of the organization. Assessing the APHIS organizational environment to identify strengths that might help, and weaknesses that might hinder, the accomplishment of agency goals.

(4) Designing, implementing, and coordinating the agency evaluation system; developing an annual evaluation plan; monitoring performance of the system; and establishing a mechanism for follow-up and for ensuring that results are fed into the decisionmaking process.

(5) Conducting and coordinating studies and analyses of present programs and support functions and estimating their potential and expected results. Evaluating results against established goals and objectives and evaluating program effectiveness and progress.

(6) Representing APHIS in maintaining liaison with the various planning and evaluation staffs of the Department. Maintaining close cooperation with program staffs and serving as a consultant on the application of planning and evaluating analytical measures and techniques.

(7) Providing advice and assistance in the development, review, modification, and updating of the APHIS component of the Department's multi-year program and financial planning system.

(8) Providing guidance and expertise for training in planning and evaluating techniques and analytical methods.

(b) *Policy Analysis and Development.*

(1) Designing, implementing, and managing an agency decisionmaking process that provides for timely identification and analysis of emerging issues. Providing guidelines for the identification and prioritization of critical issues. Organizing and coordinating interdisciplinary committees to identify desired outcomes and to develop proposed options for achieving them. Conducting and coordinating timely analysis of potential impacts; providing recommendations, and when requested, action plans for the Administrator; and tracking the progress of each critical issue.

(2) Conducting short- and long-term analyses of agency issues, programs, and policies using benefit cost analysis, econometric analysis, decisionmaking under uncertainty and other analytical techniques to provide top management with estimates of the impacts of alternative policy options.

(3) Conducting regulatory analyses in support of the critical issues management system; analyzing the impacts of APHIS regulations on affected industries, consumers and the economy as a whole. Conducting regulatory flexibility analyses to determine the impact of regulations on small businesses and to analyze alternatives to minimize the impact.

(4) Providing guidance to other APHIS staffs on analytical techniques for investigating APHIS policy issues; reviewing and critiquing analytical reports prepared by other APHIS staffs as well as working papers and research done for APHIS by outside contractors.

(5) Providing expertise for training in analytical techniques and developments in quantitative methods, economic analysis and other topics relevant to bringing a modern analytical approach to APHIS program and policy issues.

(c) *Regulatory Analysis and Development.* (1) Advising the Administrator and other key officials on matters pertaining to APHIS regulatory policy, including matters relating to FEDERAL REGISTER documents.

(2) Developing and drafting proposed/ final regulations and other documents for publication in the FEDERAL REGISTER (dockets). Reviewing dockets for

adequacy, clarity, and compliance with APHIS program policies, USDA policies, and applicable laws and regulations.

(3) Coordinating, as appropriate, intra- and inter-agency review of FEDERAL REGISTER dockets. Establishing and maintaining an agency-wide clearance and control system for FEDERAL REGISTER documents, and related documents.

(4) Maintaining a system for monitoring existing regulations to determine their need, enforceability, and burdens consistent with Departmental policies and statutory requirements.

(5) Maintaining the official administrative record for APHIS FEDERAL REGISTER documents.

(6) Serving as focal point for analysis of agency and public comments on proposed APHIS rules.

(7) Conducting public hearings concerning proposed APHIS regulatory actions.

(8) Maintaining liaison with the OGC and with other Government agencies, including the Office of the Federal Register, and Office of Management and Budget, the Small Business Administration, the Environmental Protection Agency, and the Department of the Interior concerning APHIS FEDERAL REGISTER documents.

(9) Providing advice to agency personnel in the preparation of various materials for agency or public distribution concerning APHIS FEDERAL REGISTER documents, such as press releases, economic analyses, regulatory impact statements, and replies to public inquiries.

(d) *Plant Protection Management Systems.* (1) Identifying, analyzing, and selecting viable scientific and technical options, design approaches and research needs in order to design new Plant Protection and Quarantine (PPQ) programs and major changes to existing programs within the framework of the agency's strategic plan.

(2) Establishing major PPQ program goals, objectives, measurement criteria, and data needs for evaluating program outcomes.

(3) Developing emergency program plans, including response strategies, guidelines, and emergency action and

contingency plans capable of controlling and eradicating any exotic disease or pest that might threaten crops, other plant life, or plant products of the nation.

(4) Monitoring and evaluating assigned project designs performed elsewhere in the agency and providing technical guidance as necessary to ensure consistency and adequacy of approach and design.

(5) Overseeing the integration of PPQ operational plans to ensure that they support the long-term goals of the agency.

(6) Coordinating and developing systems or models to assess the risk of exotic plant organisms entering the U.S. and becoming established and the potential biological and economic impacts and appropriate regulatory strategies to manage the risk.

(7) Conducting risk assessments on significant newly introduced exotic plant organisms, thereby providing the technical and scientific basis for subsequent policy formulation, planning, and regulatory activities.

(8) Conducting risk assessments of exotic animal pests and diseases.

(9) Conducting exotic organism entry pathway studies.

(10) Conducting epidemiological investigations of introduced pests, diseases, and weeds.

(11) Conducting assessments of regulatory strategies designed to prevent the introduction of exotic organisms.

(12) Providing scientific and technical support to PPD programs and activities.

(e) *Animal Health and Depredation Management Systems.* (1) Within the framework of the agency's strategic plan, designing new VS and ADC programs and major changes to existing programs requiring the identification, analysis, and selection of viable scientific and technical options, design approaches and research needs.

(2) Establishing major VS and ADC program goals, objectives, measurement criteria, and data needs for evaluating program outcomes.

(3) Developing emergency program plans, including response strategies, guidelines, and emergency action plans and contingencies capable of controlling and eradicating any exotic disease

or pest that might threaten the U.S. animal industry.

(4) Monitoring and evaluating assigned project designs performed elsewhere in the agency and providing technical guidance as necessary to ensure consistency and adequacy of approach and design.

(5) Overseeing the integration of VS and ADC operational plans to insure that they support the long-term goals of the agency.

(6) Coordinating and developing systems or models to assess the risk of exotic animal organisms entering the United States and becoming established and the potential biological and economic impacts and appropriate regulatory strategies to manage the risk.

(7) Conducting risk assessments of significant newly introduced exotic animal organisms as well as predator control projects, thereby providing the technical and scientific basis for subsequent policy formulation, planning, and regulatory activities.

(8) Conducting risk assessments of exotic animal pests and diseases.

(9) Conducting exotic organism entry pathway studies.

(10) Conducting epidemiological investigations of introduced pests and diseases.

(11) Conducting assessments of regulatory strategies designed to prevent the introduction of exotic organisms.

(12) Providing scientific and technical support to PPD programs and activities.

§371.10 Recruitment and Development.

The units of Career Systems and Recruitment; Management, Technical Training, and Development; Professional Development Center, and Professional Development Coordination and Training, under the administrative direction of the Administrator and the functional and technical direction of the Director, R&D, are responsible for:

(a) *Career Systems and Recruitment.* (1) Formulating and recommending recruitment and career development policies and procedures consistent with APHIS's overall personnel policies.

(2) Identifying recruitment needs, intermediate and long-range, and forecasting needs for specialized occupational expertise.

(3) Developing and maintaining a database to identify appropriate external sources of personnel and expertise.

(4) Developing strategies and plans for recruitment.

(5) Conducting recruitment activities independently and with program personnel.

(6) Establishing and maintaining a system for evaluating the recruitment process and its results.

(7) Identifying and developing options within APHIS for career movement.

(8) Devising mechanisms for enabling employees to choose and pursue alternative career paths.

(b) *Management, Technical Training, and Development.* (1) Developing and recommending supervisory and management development programs.

(2) Developing and managing selection processes for entry to supervisory and management development programs.

(3) Designing, developing, and delivering, or arranging for delivery of training and development experience for all employees.

(4) Working with senior executives to identify and carry out opportunities for growth in leadership skills.

(5) Developing and administering a system for evaluating the effectiveness of participant selections and programs.

(6) Recommending improvement of management practices to promote and enhance the payoff of management training and development.

(c) *Professional Development Center.* (1) Designing, processing, and working with supervisors and managers to implement processes to identify training and development needs of employees carrying out plant health programs and related biological support activities.

(2) Designing and developing instructional programs for employees engaged in carrying out plant health programs, nationally and internationally.

(3) Delivering and arranging for others to deliver courses and developmental assignments, and evaluating those

programs to determine their effectiveness and any need for change.

(4) Developing and keeping up-to-date operational models for use in training programs and by line program personnel.

(d) *Professional Development Coordination and Planning.* (1) Developing the basic concepts, procedures, guidelines, and models for packaging a complete scientific instructional course.

(2) Working with universities and professional education organizations to provide development opportunities for technical and professional employees.

(3) Identifying and evaluating employee development needs of technical and professional employees.

(4) Designing, developing, and delivering courses and seminars to prepare employees to effectively carry out animal health and animal care programs.

(5) Developing and maintaining an automated job information and skill/interest bank system.

(6) Revising and updating the veterinary accreditation education model as required.

§371.11 Legislative and Public Affairs.

The units of Public Information, Executive Correspondence, Legislative Services, and Media Services, under the administrative direction of the Administrator and the functional and technical direction of the Director, LPA, are responsible for:

(a) *Public Information.* (1) Providing leadership in planning, developing, and implementing information programs for animal health, veterinary biologics, animal welfare, biotechnology, animal damage control, plant protection and agricultural quarantine inspection, and regulatory enforcement activities of APHIS.

(2) Coordinating staff emergency activities, with input from other staff groups, providing on-site and headquarters information support to the Regional Emergency Animal Disease Eradication Organization (READEO) and the Preparedness for Emergency Plant Pest Actions (PEPPA) task force and other emergency operations.

(3) Preparing and issuing press releases, background statements, special reports and other informational material to the general public and special

groups in agriculture and other affected industries.

(4) Maintaining contact with general and trade media for release of immediate and complete information regarding agency programs and policies.

(5) Drafting and distributing information to the public, through the Office of Governmental and Public Affairs of the Department.

(6) Conducting public information programs in support of cooperative international pest and disease eradication campaigns carried out in foreign countries.

(7) Preparing and issuing news releases, magazine articles, background statements, special reports, and other informational materials to the public, press, and others in agriculture, government, and industry in the United States and foreign countries.

(8) Collaborating, as appropriate, with foreign officials, the United States Information Agency, U.S. Agricultural Counselors and Attaches, and other governmental and private organizations and individuals in the planning and conduct of assigned educational activities associated with APHIS cooperative programs in foreign countries.

(9) Preparing major speeches, background statements, special reports and other materials required by APHIS and Departmental officials concerning USDA's international activities.

(10) Advising and training foreign personnel in public information techniques, either on site in foreign countries, or at headquarters. Cooperating with international organizations, such as FAO and the Interamerican Institute for Cooperation in Agriculture, to conduct feasibility studies of public information aspects of proposed agricultural programs, to evaluate existing public information capabilities, and to propose improvements, if needed.

(b) *Executive Correspondence.* (1) Coordinating all agency activities in carrying out the Freedom of Information and Privacy Acts. Making all initial determinations to deny information requested under the FOIA. Ensuring that files coming within the scope of the Privacy Act are properly identified, used, and safeguarded.

(2) Writing, tracking, and preparing all Departmentally controlled cor-

respondence, Congressional correspondence, and other high-priority correspondence, as determined by the Administrator.

(3) Preparing timely and responsive replies to written inquiries by identifying accurate sources of information, determining agency actions necessary, tailoring responses to the interests of the recipient, ensuring that they adhere to APHIS policies and are consistent with other responses, and securing the corroboration of appropriate agency officials.

(4) Preparing reports on legislation as requested by Congressional staffs or committees and monitoring "The Congressional Record" for items of interest to APHIS.

(5) Providing editorial assistance to staffs in the preparation of speeches, briefings, regulations, procedural manuals, articles for publication, and standard replies to recurring questions posed by correspondence answered at the program level.

(6) Preparing speeches and briefings for top Department and agency officials and also Congressional testimony support material for agency witnesses for Congressional hearings.

(7) Analyzing proposed legislation to determine its impact on APHIS programs and preparing legislative reports when requested by Congress.

(c) *Legislative Services.* (1) Advising and assisting the Administrator and other agency officials on all matters relating to agency legislative affairs.

(2) Preparing legislative proposals in connection with APHIS programs and responsibilities, based on recommendations from program officials.

(3) Analyzing proposed legislation to determine its impact on APHIS programs and preparing legislative reports when requested by Congress.

(4) Establishing and maintaining liaison with Members of Congress, various Congressional committees and subcommittees, and their staffs on all matters pertaining to the legislative affairs of APHIS. This includes responding to Congressional telephone inquiries and tracking, monitoring, and reporting on pertinent legislation and hearings.

(5) Managing and providing reports on various advisory committees.

(d) *Media Services.* (1) Designing, producing, and/or coordinating production of graphic design, photographic and video-related materials.

(2) Conducting pre-printing policy, editorial, and graphic design reviews of manuscripts for outside publication.

(3) Conducting media relations and legislative affairs training.

(4) Planning, developing, and maintaining agency-wide internal communication systems.

(5) Monitoring APHIS issues in the media.

§ 371.12 Science and Technology.

The units of the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the Plant Methods Development Center, and the National Monitoring and Residue Analysis Laboratory, under the administrative direction of the Administrator and the functional and technical direction of the Director, S&T, are responsible for:

(a) *National Veterinary Services Laboratories.* (1) Participating with the Director, S&T, and the Deputy Administrator, VS, in the overall planning and formulation of all policies, programs, and activities of Animal Health Programs as they affect laboratory and testing services.

(2) Planning, providing leadership, coordinating, and conducting a laboratory support and diagnostic services program to animal disease control and eradication programs; and a laboratory support program to the biologics program regulating the production and marketing of veterinary biologics in interstate and international commerce.

(3) Providing other laboratory support as appropriate to other APHIS organizations.

(b) *Denver Wildlife Research Center.* (1) Developing or adapting existing techniques to resolve animal damage and nuisance problems effective and economically with minimal risks to humans and the environment.

(2) Conducting studies in biology, ecology, and behavior as required for development of control methods.

(3) Evaluating the impact of new or existing damage control methods on target species and on the environment.

(4) Providing data as required for the registration and for the maintenance of registrations of control materials and devices.

(5) Assisting the Deputy Administrator for ADC and the ADC Operational Support unit in ADC operational control practices and in developing and reviewing technical training and certification programs.

(6) Consulting with the interested public, ADC operational programs staffs, and others as required to ensure that the research program is designed to meet operational program needs.

(7) Maintaining a current reference library specializing in animal damage and nuisance control.

(c) *Plant Methods Development Center.* (1) Participating with the Director, S&T, and the Deputy Administrator, PPQ, in the overall planning and formulation of all policies, programs, and activities of APHIS as they relate to methods development initiatives.

(2) Planning, providing leadership, and administering the development of methods and procedures and providing scientific and technical support for APHIS programs and activities, especially as they relate to plant pest control (including biological control) and quarantine operations.

(3) Supervising, directing, coordinating, and integrating activities of methods development centers.

(4) Developing new and improved techniques and methods for managing agricultural pests and for making decisions in agricultural production.

(5) Developing new techniques that provide operational evaluation of biological control organisms in field use.

(6) Developing new techniques for quarantine and commodity treatments and insect and disease survey and detection.

(7) Directing, coordinating, and developing new technologies that include pesticide efficacy, bioassay, and biological control as needed to support APHIS program goals.

(d) *National Monitoring and Residue Analysis Laboratory.* (1) Participating with the Director, S&T, in the overall planning and formulation of all policies, programs, and activities of S&T.

(2) Planning, providing leadership, coordinating, and directing a laboratory support program for pesticide residue analyses and collection of environmental components (air, soil, vegetation, water, sediment, fishes, birds, mammals, reptiles, and invertebrates), crops and animal products, analyses of program pesticide concentrates, industrial hygiene monitoring and sample analyses in work areas, taxonomic determination of insect species by chemical analyses, and trace analyses of organic chemicals in various sample matrices.

[54 FR 23194, May 31, 1989; 54 FR 27793, June 30, 1989]

§ 371.13 Biotechnology, Biologics, and Environmental Protection.

The units of Biotechnology Coordination and Technical Assistance, Veterinary Biologics, Biotechnology Permits, and Environmental Documentation, under the administrative direction of the Administrator and the functional and technical direction of the Director, BBEP, are responsible for:

(a) *Biotechnology Coordination and Technical Assistance.* (1) Providing technical guidance and support to all BBEP units.

(2) Analyzing comments and preparing issue papers and correspondence on biotechnology regulatory policy.

(3) Advising APHIS personnel on the preparation of various documents for APHIS and public distribution.

(4) Coordinating responses on Freedom of Information Act requests pertaining to biotechnology, biologics, and environmental documents, and reviewing and assisting in the preparation of environmental assessments.

(5) Preparing annual reports on APHIS biotechnology regulatory activities.

(6) Ensuring proper notification to the Office of Agricultural Biotechnology on the receipt of permit applications and issuance of permits and licenses.

(7) Preparing the BBEP budget in cooperation with APHIS Management and Budget officials.

(8) Acting as liaison with APHIS R&D Staff in recruiting for BBEP positions and providing for professional development.

(b) *Veterinary Biologics.* (1) Recommending licensure of veterinary biologics establishments and products and issuing importation permits under 9 CFR parts 101 through 118.

(2) Establishing test methods and criteria for product acceptance and serial release.

(3) Establishing license requirements ensuring compliance by each applicant before issuance of a license.

(4) Establishing production standards and procedures.

(5) Reviewing veterinary biologics labels and advertising claims for compliance.

(6) Establishing criteria for inspection of licensed establishments and the evaluation of such inspections.

(7) Developing policies and directives governing and pertaining to biologics activities and programs.

(8) Serving as consultant and advisor to government officials, professional and industry organizations, and the general public concerning scientific and administrative aspects of the biologics program.

(c) *Biotechnology Permits.* (1) Reviewing and processing permit applications under part 340 of this chapter.

(2) Issuing permits for the introduction of regulated articles.

(3) Maintaining liaison with state departments of agriculture, the academic community and scientific societies.

(4) Providing technical information for environmental analysis for permits allowing environmental release of regulated articles.

(5) Serving as a resource at the request of the Administrator for other APHIS and USDA units, and other government agencies.

(d) *Environmental Documentation.* (1) Planning, producing, and analyzing all environmental documentation relative to compliance with the NEPA and other environmental laws. This documentation includes but is not limited to environmental assessments, environmental impact statements, and records of decisions.

(2) Ensuring agency compliance with NEPA.

(3) Conducting public hearings and analyzing comments on agency NEPA regulations and conducting agency

scoping hearings relating to environmental impact statements.

(4) Serving as liaison with the Department's Office of the General Counsel on matters pertaining to NEPA-related documents and other environmental laws.

§371.14 Delegations of authority.

(a) *Associate Administrator.* The Associate Administrator is delegated the authority to perform all the duties and to exercise all the functions and powers that are now, or that may become, vested in the Administrator, including the power of redelegation except where prohibited, and including authority reserved to the Administrator in §371.16 of this part. The Associate Administrator is also authorized to act for the Administrator in the absence of the Administrator.

(b) *Deputy Administrators and Directors.* The Deputy Administrators of PPQ, VS, ADC, M&B, REAC, and IS, and the Directors of PPD, R&D, LPA, S&T, and BBEP, and the officers they designate to act for them—with prior specific approval of the Administrator—are delegated the authority, severally, to perform all duties and to exercise all the functions and powers that are now, or that may become vested in the Administrator (including the power of redelegation, except where prohibited) except authority that is reserved to the Administrator. Each Deputy Administrator or Director shall be responsible for the programs and activities in APHIS assigned to that Deputy Administrator or Director.

(c) *PPQ, VS, ADC, REAC, M&B, S&T, REAC, and IS.* The Directors of Operational Support for PPQ, VS, ADC, and IS; the Regional Directors for PPQ, VS, ADC, and IS; the Directors of the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the Plant Methods Development Centers, and the National Monitoring and Residue Analysis Laboratory; and the Assistant Deputy Administrator for REAC are delegated authority in connection with the respective functions assigned to each of them in this part. They are authorized to perform all the duties and exercise all the functions or powers that are now or that may become vested in the Admin-

istrator except the authorities reserved to the Administrator or a Deputy Administrator. The Directors of the Budget and Accounting, Human Resources, Administrative Services, and Information Systems and Communications Divisions, Resource Management Systems and Evaluation Staff, the Field Servicing Office, Equal Opportunity and Civil Rights, and Equal Opportunity Counseling are delegated authority in connection with the respective functions assigned to each of them in this part to perform all the duties and exercise all the functions and powers that are now or that may become vested in the Administrator except the authorities reserved to the Administrator or Deputy Administrator.

(d) *Area Veterinarians in Charge, VS.* Area Veterinarians in Charge of VS programs are delegated authority to:

(1) Issue exemptions to facilities or premises from the requirements of section 4 of the Swine Health protection Act pursuant to section 4(b) of the Act (7 U.S.C. 3803), and

(2) Issue permits to operate facilities to treat garbage pursuant to section (5)(a) of the Swine Health Protection Act (7 U.S.C. 3804).

§371.15 Concurrent authority and responsibility to the Administrator.

(a) No delegation or authorization in this part shall preclude the Administrator or each Deputy Administrator or Director from exercising any of the powers or functions or from performing any of the duties conferred upon each, respectively. Any delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator or Director. The Officers to whom authority is delegated in this part shall:

(1) Maintain close working relationships with the officers to whom they report,

(2) Keep them advised with respect to major problems and developments, and

(3) Discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other federal agencies, other agencies of the Department, other divisions and staffs or offices of

the agency or other governmental or private organizations or groups.

(b) *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions and Delegations of Authority, shall remain in effect except as they are inconsistent with this part or are amended or revoked. Nothing in this part shall affect the validity of any action taken previously under prior delegations or redelegations of authority or assignments of functions.

§371.16 Reservation of authority.

The following are reserved to the Administrator, or to the individual designated to act for the Administrator:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators or Directors.

(d) The transfer of funds between Deputy Administrators or Directors.

(e) The transfer of funds between work projects within each Deputy Administrator's or Director's area, except those not exceeding 10 percent of base funds or \$50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of any regional, state, area, and other field headquarters, and any region or other program area that involves two or more states, or that crosses state lines.

(h) Authority to establish, consolidate, or change a location or abolish any field office or change program area boundaries not included in paragraph (g) of this section.

(i) Approval of all appointments, promotions, and reassignments in GS-14 and GM-14 and above.

(j) Authorization for foreign travel and for attendance at foreign and international meetings, including those held in the United States.

(k) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(l) Approval of budget estimates.

(m) Authority to determine the circumstances under which commuted traveltime allowances may be paid to employees performing inspection and necessary auxiliary services after normal working hours or on holidays, when these services come within the scope of the Act of August 28, 1950 (7 U.S.C. 2260).

§371.17 Availability of information and records.

Any person desiring information or to comment on the programs and functions of the agency should address correspondence to the appropriate Deputy Administrator or Director, APHIS, U.S. Department of Agriculture, Washington, DC. 20250. The availability of information and records of the agency is governed by the rules and regulations in part 370 of this chapter.

PART 372—NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

Sec.

372.1 Purpose.

372.2 Designation of responsible APHIS official.

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372.9 Processing and use of environmental documents.

372.10 Supplementing environmental impact statements.

AUTHORITY: 42 U.S.C. 4321 *et seq.*; 40 CFR parts 1500-1508; 7 CFR parts 1b, 2.17, 2.51, 371.2, 371.2(m), 371.13(d), and 371.14(b).

SOURCE: 60 FR 6002, Feb. 1, 1995, unless otherwise noted.

§372.1 Purpose.

These procedures implement section 102(2) of the National Environmental Policy Act by assuring early and adequate consideration of environmental