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§ 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)
- 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);

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(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 oper-

ation 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 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 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 for-

mulation 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. P=’04’≤

(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.

(l) *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.