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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 111-31 (COR), "AN ACT TO *ADD* A NEW CHAPTER 70 TO DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM INVASIVE SPECIES COUNCIL; TO ESTABLISHING THE GUAM INVASIVE SPECIES INSPECTION FEE AND FUND; AND TO AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A BIOSECURITY DIVISION",** was on the 10th day of May, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 16th day of May, 2011, at 2:20 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 111-31 (COR)
As substituted by the Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources, and amended in the Committee of the Whole.

Introduced by: Chris M. Dueñas
Aline A. Yamashita, Ph.D.
T. R. Muña Barnes
Sam Mabini, Ph.D.
T. C. Ada
V. Anthony Ada
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B. J.F. Cruz
Judith P. Guthertz, DPA
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Judith T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW CHAPTER 70 TO DIVISION 6 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM INVASIVE SPECIES COUNCIL; TO ESTABLISHING THE GUAM INVASIVE SPECIES INSPECTION FEE AND FUND; AND TO AUTHORIZING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A BIOSECURITY DIVISION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that island ecosystems are particularly vulnerable to the destructive power of invasive

pests. The unimpeded spread of invasive species is one of the greatest threats to Guam's economy, natural environment, and the health and lifestyle of its people. Invasive pests can cause millions of dollars in crop losses, the extinction of native species, the destruction of native forests, and the spread of diseases.

There is increasing traffic of cargo being transported into Guam without a high priority for inspection of invasive species. It is most notable that there is also a lack of aquatic monitoring, or rapid response measures, to handle incidences of invasive species discovered at our ports of entry and inland. Thus, the growing potential threat increases each year that enforcement and monitoring is not mandated and, most importantly, carried out. This Act aims to combat terrestrial, marine and freshwater invasive species that have been introduced into Guam and caused widespread havoc on our island and aquatic ecosystems.

Currently, officers of the Guam Customs and Quarantine Agency provide the "First Line of Defense" for the island by enforcing local and federal laws and regulations. They are also responsible for protecting our borders, securing ports of entry and facilitating trade, commerce and travel. These are many obligations for one (1) department to enforce, and are certainly of utmost priority. However, it is the intent of *I Liheslatura* to put a higher priority on inspection, and the surveillance of invasive species by creating a Biosecurity Division under the Guam Department of Agriculture for the protection of our natural resources from biological invasion and threats, and the protection of our geographical area from invasion by unwanted organisms.

I Liheslatura further finds that nationally, invasive species councils have mobilized efforts to combat invasive species through funding sources generated by fees at all ports of entry, penalties for violations, eradication funding and government-assisted grants.

Furthermore, this Act will place the value of our precious resources as a top priority in order to combat harmful invasive species that have the potential to devastate the environment, agriculture, and livelihood of our people.

Section 2. A new Chapter 70 is *added* to Division 6 of Title 5, Guam Code Annotated, to read:

"Chapter 70

Guam Invasive Species Council

§70101. Short Title.

§70102. Guam Invasive Species Council, Established.

§70103. Duties of Council.

§70104. Composition of Council.

§70105. Government of Guam Agency Duties.

§70106. Conduct of Meetings.

§70107. Guam Invasive Species Management Plan (GISMP).

§70101. Short Title. This Chapter *shall* be known as the *Guam Invasive Species Council Act of 2011.*

§70102. Guam Invasive Species Council, Established. The Guam Invasive Species Council (GISC) will be established for the special purposes of protecting Guam from alien species that threaten our economy, culture, ecosystem and human health; and providing policy direction, coordination, and planning among government of Guam departments and federal agencies to prevent the introduction of invasive species and the monitoring, control and eradication of invasive species throughout the island of Guam. The Council *shall* convene within thirty (30) days of enactment and *shall* elect its Chairperson and Vice Chairperson.

§70103. Duties of Council. The Council *shall*:

(a) create a mission statement on invasive species for Guam;

(b) develop a Guam Invasive Species Management Plan (GISMP);

(c) act as the lead entity for Guam to include local regional, national and international invasive species efforts;

(d) provide annual reports on the progress made in achieving the objectives of the GISMP to *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan*;

(e) coordinate and promote Guam's position with respect to federal issues concerning invasive species in Guam;

(f) identify and record all invasive species present in Guam;

(g) identify all needed resources for the purpose of working on invasive species prevention, suppression and eradication;

(h) advise *I Maga'lahen Guåhan* and *I Liheslaturan Guåhan* on budgetary and other issues concerning invasive species;

(i) review the structure of fines and penalties to ensure maximum deterrence for invasive species-related crimes;

(j) make appropriate recommendations for legislation to improve the management of invasive species programs and policies;

(k) the Council, in coordination with *I Maga'lahen Guahan*, *shall* review the Interagency Biosecurity Task Force Work Plan adopted in 2009 (*see* Appendix A), and in accordance with the framework and recommendation detailed in the 2009 Plan, the Council *shall* formulate an updated version of such a plan, to include replacing the mentions of the USDA APHIS PPQ, with the "Guam Invasive Species Council" *or* the "Invasive Species Coordinator", as appropriate. Such plan *shall* be submitted to *I Liheslaturan Guahan* in accordance with the Adminstration Adjudication Law process *no later than* ninety (90) calendar days from the

date of enactment of this Act, and *shall* be subject to legislative approval; and

(l) perform all functions necessary to effectuate the mission of the Council.

§70104. Composition of Council.

(a) The Council *shall* be composed of the organizational heads, or their designees, from the Guam Department of Agriculture (GDOA), the Customs and Quarantine Agency (CQA), the A.B. Won Pat International Airport Authority, Guam; the Jose D. Leon Guerrero Port Authority of Guam; the University of Guam; the Department of Parks and Recreation; the Mayors Council of Guam; and the Northern and Southern Soil and Water Conservation Districts; and to include as non-voting members, representatives from the Bureau of Statistics & Plans, Homeland Security and the U.S. Department of Agriculture.

(b) The Council may invite additional public and private sector members to serve on sub-committees with significant responsibilities concerning invasive species, and may prescribe special procedures for their participation.

§70105. Government of Guam Agency Duties. (a) Each government of Guam agency whose actions may affect the status of invasive species *shall*, to the extent practicable and permitted by law: (1) identify such actions; (2) subject to the availability of appropriations, and within the Administration's budget limits, use relevant programs and authorities to: (A) prevent the introduction of invasive species; (B) detect and respond rapidly to mitigate the population of such species in a cost-effective and environmentally sound manner; (C) monitor invasive species populations accurately and reliably; (D) provide for restoration of native species and

habitat conditions in ecosystems that have been affected; (E) conduct research on invasive species and develop technologies to prevent introduction and provide for environmentally sound control of invasive species; and (F) promote public education on invasive species and the means to address them; and (3) *not* authorize, fund, or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species in Guam, the United States, or elsewhere, *unless*, pursuant to guidelines that it has prescribed and that have been approved by the Council, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions.

(b) Government of Guam agencies *shall* pursue the duties set forth in this Section in consultation with the Guam Invasive Species Council, consistent with the Guam Invasive Species Management Plan and in cooperation with stakeholders, as appropriate. The agencies *shall* report on their participation as detailed in § 70107(c) of this Chapter.

§70106. Conduct of Meetings. The Council *shall* meet *no less than* once quarterly to discuss and assess progress, and to recommend changes to the invasive species programs based on the results of current risk assessments, performance standards, and other relevant data. A simple majority of voting members of the Council *shall* constitute a quorum to do business; and any action taken by the Council *shall* be by a simple majority of the voting members. The Open Government Law *shall* apply to meetings of this Council.

§70107. Guam Invasive Species Management Plan (GISMP).

(a) The Council *shall* prepare and issue the Guam Invasive Species Management Plan, which *shall* detail and recommend performance-oriented goals and objectives and specific measures of success for government of Guam agency efforts concerning invasive species. The Plan *shall* recommend specific objectives and measures for carrying out each of the government of Guam agency duties established in § 70105 of this Chapter, and *shall* set forth steps to be taken by the Council to carry out duties assigned to it under §70103. The Plan *shall* be developed through a public process and in consultation with government of Guam agencies and stakeholders, and is subject to Legislative approval.

(b) The Plan *shall* include a review of rapid response protocols, existing and prospective approaches and authorities for preventing the introduction and spread of invasive species in Guam, including those for identifying pathways by which invasive species are introduced and for minimizing the risk of introduction via those pathways, and *shall* identify research needs and recommend measures to minimize the risk that introductions will occur. Such recommended measures *shall* provide for a science-based process to evaluate risks associated with introduction and spread of invasive species and coordinate a systematic risk-based process to interdict, identify, and monitor pathways that may be involved in the introduction of invasive species.

(c) The Council *shall* update the Plan biennially in accordance with the Administrative Adjudication Law and *shall* concurrently evaluate and report on the success in achieving the goals and objectives set forth. The Plan *shall* identify the personnel, other resources, and additional levels of cooperation needed to achieve the Plan's identified goals and objectives, and the Council *shall* provide each edition of the Plan, and each report on it, to

the Bureau of Budget and Management Research (BBMR) and *I Liheslatura.* Additionally, progress reports *shall* be submitted annually to the Office of the Governor and *I Liheslatura.* Within eighteen (18) months after measures have been recommended by the Council in any edition of the Plan, each government of Guam agency whose action is required to implement such measures *shall* either take the action recommended or *shall* provide the Council with an explanation as to why the action is *not* feasible. The Council *shall* assess the effectiveness of this Plan *no less than* once every three (3) years after the Plan is issued, and *shall* report to the BBMR and *I Liheslatura* on whether the Plan should be revised."

Section 3. Guam Invasive Species Inspection Fee, Established. The Guam Department of Agriclture is authorized to establish a fee, pursuant to the Adminstrative Adjudication Law, for the inspection, quarantine, and eradication of invasive species contained in any freight, including, but *not* limited to, marine commercial container shipment, air freight, or any other means of transporting freight, foreign or domestic, that is brought into Guam. The fee *shall* be paid by the person responsible for paying the freight charges to the transportation company, who *shall* collect the fee and forward the payment to the Department of Agriculture at the port of disembarkation; provided that the transportation company *shall not* be liable for any fee that is *not* paid by the person responsible for paying the freight charges to the transportation company.

All fees collected *shall* be deposited in the Guam Invasive Species Inspection Fee Fund.

Section 4. Guam Invasive Species Inspection Fee Fund, Created. (a) There is hereby created, separate and apart from other funds of the government of Guam, a fund to be known as the "*Guam Invasive Species Inspection Fee Fund*" (hereinafter "the Fund"), which shall *not* be commingled with the General Fund.

All payments *shall* be made payable to *"The Guam Invasive Species Inspection Fee Fund"* and monies *shall* be kept in a separate bank account established by the Director of the Department of Agriculture. All expenditures of the Fund *shall* be made exclusively by appropriation of *I Liheslaturan Guåhan*. Notwithstanding any other provision of law, any funds appropriated to the Department of Agriculture pursuant to this Chapter *shall* be administered by the Director of the Department of Agriculture. The Director of the Department of Agriculture *shall* be the Certifying Officer of such funds. The Fund *shall not* be used as a pledge of security or as collateral for government loans. The Director of the Department of Agriculture *shall* make a quarterly report to *I Maga'lahen Guåhan* and *I Liheslaturan Guahan* of the condition of, and activity within, the Fund.

(b) The fees collected *shall* be expended to: (1) recruit and hire a Territorial Invasive Species Coordinator; (2) establish and provide staffing for a Biosecurity Division within the Department of Agriculture to provide inspection, quarantine and eradication of invasive species contained in any freight brought to Guam; (3) suppress and eradicate invasive species present in Guam; and (4) develop the Guam Invasive Species Management Plan and its updates. The Territorial Invasive Species Coordinator *shall* also serve as the Council Secretary to carryout the necessary communications and coordinations directed by the Council.

Section 5. Biosecurity Division, Authorized. The Department of Agriculture is authorized to create a Biosecurity Division to provide for the inspection, quarantine, and eradication of invasive species contained in any freight, including, but *not* limited to, marine commercial container shipments in efforts to address invasive species coming to, and already present in, Guam. The Biosecurity Division will take the lead role for the government of Guam in efforts towards prevention, control, monitoring, rapid response, eradication, enforcement and

education of invasive species in Guam. The Director of the Department of Agriculture *shall* prepare a budget plan, including projected personnel needs and other items, and submit it as part of the Fiscal Year 2012 budget request for the Department of Agriculture.

Section 6. The Guam Customs and Quarantine Agency *shall* submit to *I Liheslatura* for approval any proposal to reorganize the Agency to further address Agriculture security and enforcement consistent with this Act, in accordance with the Administrative Adjudication Law.

Section 7. The Guam Customs and Quarantine Agency *shall* continue to have jurisdiction over border inspections and quarantine, and *shall* work with the Biosecurity Division of the Department of Agriculture towards the eradication of invasive species contained in any frieght, inculding, but *not* limited to, marine commercial container shipments in efforts to address invasive species coming into Guam.

Section 8. Severability. *If* any provisions of this Act or the application thereof to any person or circumstance is held invalid, such validity shall *not* affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Interagency Biosecurity Task Force Work Plan

Guam

November 10, 2009

Summary

Industry stakeholders expressed concern to their representatives that there was a need to improve the biosecurity of Guam, especially port of entry inspections. Guam's Northern and Southern Soil and Water Conservation Districts established a committee with Guam Customs and Quarantine Agency, Guam Department of Agriculture, Guam Department of Homeland Security, and USDA APHIS PPQ. Efforts of this committee resulted in a framework plan to provide a comprehensive biosecurity program. A key component of that plan is to create a partnership task force between USDA APHIS PPQ, Guam Customs and Quarantine Agency, and Guam Department of Agriculture that establishes a seamless connection between port of entry inspections, exotic pest surveys, and the ability to respond to a disease or pest introduction. Implementation and success of the plan is dependent upon legislative action to establish certain service fees and authorities.

Purpose and Need

Biosecurity is a set of preventive measures designed to reduce the risk of intentional or unintentional establishment of diseases, pests, or agents that may cause harm to the environment or economy and to ensure that terrestrial and marine ecologies sustaining people, plants, or animals are maintained. Biosecurity requires the cooperation of scientists, technicians, policy makers, law makers, and enforcement officials.

Protection of terrestrial and marine ecosystems on Guam has a direct impact to food production, human health, and island aesthetics that industries (including tourism and military) and residents depend upon for their very existence.

The Interagency Biosecurity Task Force will provide a needed component of a comprehensive biosecurity system that has seamless coverage and enforcement, which will provide the level of protection necessary to maintain or enhance the valuable natural resources of Guam.

Background

Biosecurity has been rapidly evolving on Guam as in other parts of the world. Guam Department of Agriculture and Customs and Quarantine Agency began providing biosecurity services in 1980 through port of entry agriculture inspections. Inland programs such as smuggling interdiction, pest surveys, and exotic pest control and eradication projects have evolved recently within the Department of Agriculture while the use of detector dogs and a plant inspection station augment both agencies functions.

APPENDIX A

Recent incursions of exotic pests into Guam such as the Papaya mealybug, Betel nut bud rot, and the Coconut rhinoceros beetle and knowledge of animal/human disease risks such as avian influenza, West Nile virus, and Swine flu have highlighted the importance of providing a comprehensive biosecurity program to avoid disasters with potentially unrecoverable economic consequences.

Recent Plant Pathogens Introduced to Guam

1. *Phytophthora palmivora* on *Areca catechu* (betel nut)
2. *Phytophthora palmivora* on *Dendrobium* sp. (orchids) – may be different sub-species from the one on betel nut
3. *Bipolaris* sp. on *Artocarpus altilis*
4. *Pseudocercospora dendrobii* on *Dendrobium* sp. (orchids)
5. Cymbidium Mosaic Virus (CyMV) on orchids
6. Odontoglossum Ringspot Virus (ORSV) on orchids

Recent Vertebrates Introduced to Guam

Eight new species of frogs detected on Guam between May 2003 and December 2005. Source: Christy et al. 2007, *Recent records of alien anurans on the Pacific Island of Guam,* Pacific Science 61(4) 469-483.

Recent Insect Pests Introduced to Guam

Paracoccus marginatus	papaya mealybug	2002
Aulacaspis yasumatsui	Asian cycad scale	2003
Myllocerus sp.	calamansi weevil	2004
Pseudaulacaspis cockerelli	false oleander scale	2004
Metaleurodes cardini	Cardin's whitefly	2004
Nipaecoccus nipae	coconut mealybug	2004
Orthezia insignis	greenhouse ensign coccid	2004
Aleurotrachelus trachoides	neotropical solanum whitefly	2004
Chilades pandava	cycad blue butterfly	2005
Daphnis nerii	oleander hawk moth	2005
Quadrastichus erythrinae	Erythrina gall wasp	2006
Lepisiota frauenfeldi	ant	2006
Diaphorina citri	Asian citrus psyllid	2007
Tetraleurodes acaciae	acacia whitefly	2007
Henosepilachna sp.	cucurbit lady beetle	2007
Oryctes rhinoceros	coconut rhinoceros beetle	2007

Guam established an invasive species committee and addresses regional issues through participation on the Regional Invasive Species Council. The University of Guam has

increasingly been working in cooperation with USDA APHIS PPQ and Guam Department of Agriculture on biosecurity issues and projects.

The Military buildup in Guam and the Commonwealth of the Northern Mariana Islands will result in a manifold increase in the amount of cargo and people arriving in Guam and the CNMI and will have similar regional effects. This increase of goods and people will significantly increase the risk of marine and terrestrial invasive species arriving in Guam and the CNMI as well as being transported throughout the region.

Industry stakeholders expressed concern to their representatives that there was a need to improve the biosecurity of Guam, especially port of entry inspections. Guam's Northern and Southern Soil and Water Conservation Districts, as a result of stakeholder concerns and with concurrence from the Administration, established a committee with members from the two districts, Guam Customs and Quarantine Agency, Guam Department of Agriculture, Guam Department of Homeland Security, and USDA APHIS PPQ. Efforts of this committee have resulted in a framework plan to provide a comprehensive biosecurity program. The program builds upon existing cooperative relationships between USDA APHIS PPQ, Guam Department of Agriculture, Guam Customs and Quarantine Agency, the University of Guam, and the Guam Invasive Species Advisory Committee. A key component of that plan is to create a partnership task force between USDA APHIS PPQ, Guam Customs and Quarantine Agency, and Guam Department of Agriculture that establishes a seamless connection between port of entry inspections, exotic pest surveys, and the ability to respond to a disease or pest introduction with immediate eradication or control strategies. Implementation and success of the plan is dependent upon legislative action to establish certain service fees and authorities.

Current Situation

An agriculture inspection at the ports of entry is the responsibility of Guam Customs and Quarantine Agency and inland surveys, inspections, and mitigation work is the responsibility of Guam Department of Agriculture. Coordination of biosecurity functions is not optimum due to factors of independent missions. USDA APHIS PPQ provides guidance, training, and program oversight to both agencies with respect to Federal authorities. Guam Customs and Quarantine Agency lacks resources and scientific expertise to provide services at the level expected by stakeholders. Guam Department of Agriculture lacks the resources to carry out a comprehensive biosecurity program. There is a mix of functions conducted by regulatory officers under the authorities promulgated through legislation for Guam Department of Agriculture and USDA APHIS PPQ.

The principal barrier to carrying out an effective biosecurity program is funding at an appropriate level, commensurate with the service and protection provided, from the appropriate sources. Primary program funding should be collected through service fees from beneficiaries that present a biosecurity risk, such as cargo and passenger fees.

Benefits of a Task force

Formation of the task force will respond to stakeholder concerns by unifying Customs and Quarantine Agency with Guam Department of Agriculture under the direction of USDA APHIS PPQ. This realignment will cause less confusion to employees by having one point of direction focused on the specific mission of biosecurity. Permanent identifiers at the Inspection Facility will expedite release of imported material that is suspect of having an actionable exotic pest. All Customs Officers will continue to inspect and clear items of agriculture concern but will have highly knowledgeable specialists to assist in non-routine decisions and where specialized procedures for agriculture inspection are required.

The ability to provide training will be realized by concentrating higher level knowledge requirements to task force officers. APHIS leadership combined with dedicated trainers and a manageable number of officers to schedule for training will lead to the necessary level of competency throughout the agency that has been difficult to reach under past relationships.

Communication improvements will be realized by establishing a direct chain of command from task force supervisors to agency chiefs and providing daily interaction between task force officers and other Custom's officers. Improved communications will provide Guam Department of Agriculture with information necessary to improve program delivery and dependent services. Work accomplishment records will be maintained daily and summaries made available to stakeholders, while protecting personal or confidential information, through website access.

Task Force participants will primarily serve a support function to port of entry inspections and not an essential staffing element of Customs and Quarantine Agency to carry out its mission. As such, up to one-half of task force personnel may be available for temporary assignment to support an emergency operation without compromising the primary goal of the task force. Emergency operations may include, but are not limited to, providing startup resources to pest eradication projects, providing inspection personnel for refugee inspections or military maneuvers, and assisting Customs with special enforcement blitzes.

Overtime costs to importers associated with agriculture inspection should be reduced by having additional inspection staff to manage workloads within regular schedules.

Preliminary Budget – First Year

Personnel	
GDA Biosecurity Officers including supervisor (13)	$455,000
CQA Agriculture Specialists including supervisor (16)	$560,000
CQA Canine Teams (4)	$145,000
GDA Entomologist, Plant Pathologist, and Botanist (3 total)	$165,822
Plant Inspection Facility Staff	$360,000

Fringe benefits for personnel (34%)	$573,179
Equipment	
2x4 pickup truck (4) needed to transport specimens for identification and seizures for destruction, perform inspections, and attend stakeholder meetings,	$72,000
Radios (I-Connect 30)	$1,500
Computers (4)	$4,000
Stereo microscopes (4) for initial identification screening	$2,800
Supplies	
Uniforms, lights, hand lens, attaches, accessories	$13,500
Canine supplies and food	$5,000
Fuel, vehicle	$20,000
Office supplies: paper, pens, ink cartridges, toner, staples, garbage bags, recordable media, latex gloves, alcohol, disinfectant, cleaning supplies, goggles, stamps, misc.	$10,000
Services	
Radio airtime (I-Connect)	$14,000
Veterinary	$4,000
Utilities (increase due to sterilizer)	$2,400
Other	
Equipment maintenance	$2,500
Total	$2,410,701

Objective

The objective of the following is to identify the operational aspects of implementing an interagency biosecurity task force with USDA Animal and Plant health Inspection Service, Plant Protection and Quarantine (APHIS), Guam Customs and Quarantine Agency (CQA), and Guam Department of Agriculture (GDA) that will carry out specialized activities and oversight of all Agriculture Quarantine Inspection (AQI) work, which includes enforcement of both Guam Agriculture and APHIS regulations. The task force shall be referred to as the Interagency Biosecurity Task Force.

The task force will not remove the existing duties or responsibilities of CQA officers, but will enhance and strengthen the program by providing professional expertise to the daily decisions and specialized procedures involved in clearing means of conveyance and items of agricultural risk as a means of safeguarding against the introduction of exotic pests into Guam.

Role of APHIS

APHIS will lead the task force by providing direct operational control of resources assigned to the task force by CQA and GDA. APHIS will continue to support CQA and GDA in other cooperative areas by providing advice and guidance on technical aspects of quarantine procedures, to define basic requirements of cooperator responsibilities, to provide clarification of APHIS policy and authority, and to facilitate processes.

Role of CQA and GDA

CQA and GDA will make provisions for the necessary administrative, logistic, and funding aspects to provide the resources, including personnel, equipment, and supplies to form a functional task force. Administrative responsibility will remain with each individual agency.

CQA, GDA, or APHIS personnel assigned to the task force may be recalled to their respective agencies when deemed necessary by that agency.

Personnel Minimum Requirements

Task force personnel need to possess a certain level of academic skill and interest in order to adequately research and interpret manual and regulatory direction. Participants assigned to the task force by CQA and GDA will have a minimum of three years prior experience as an APHIS cooperator or two years post high school education in a science or agriculture field of study. The Port Director will conduct a qualification and peer review before approval is granted for each individual nominated to participate as a task force member. While filling vacancies, if there are not enough applicants that meet the requirement, review and approval should be sought prior to job offering. CQA and GDA personnel preferably shall be permanently assigned to the task force but may be rotated after a period of 18 months; or less under special circumstances. All task force participants must have adequate security clearance to have access to ports of entry, military installations, and APHIS IT equipment,

Number of Personnel

The goal of each agency is to provide personnel to the task force as soon as practical and obtain full task force staffing within one year. CQA will provide 1 supervisor and 15 agriculture specialists. CQA will also provide 4 canine teams, however these teams shall remain under the supervision of the CQA Canine Unit to ensure the welfare and proficiency of the dogs. Daily operational assignment of the canine teams will be coordinated between the task force supervisors and the Canine Unit. GDA will provide 1 supervisor, 12 biosecurity officers, 1 botanist, 1 plant pathologist, and 1 entomologist. These numbers are based upon an analysis of a minimum number of officers needed to staff each work shift at each location, taking into account the additional people needed to fill in for leave and training. APHIS will provide one Plant Health Safeguarding Specialist (PHSS) to the task force as Team Leader.

Chain of Command

One permanent supervisor (STFO) from each CQA and GDA will report administratively to the Chief of their respective agency and functionally to the APHIS Port Director. The Team Leader will provide daily guidance and leadership to the supervisors. The

supervisors would be expected to work together in a unified manner in directing the work activities and training for the task force. If differences arise that can not be mutually agreed to then the APHIS Port Director will provide direction. In certain instances a meeting between the agency Chiefs, Supervisors, and APHIS may be called to resolve an issue; or a meeting between agency Directors, depending upon the nature of the issue. Task force officers (TFO) from each of the agencies would report administratively to their respective supervisor with the exception of the canine handlers (discussed later in the canine section). STFOs will be assigned functional areas on a rotating basis such as maritime and air. TFOs assigned to a functional group would take daily direction from that group supervisor irrespective of agency affiliation. An individual TFO may be selected as lead for a specific specialty such as outreach, civil penalties or an area requiring accountability to maintain program focus.

Agency supervisors and officers having other principle duties at domestic and port work locations shall abide by decisions made by a TFO regarding AQI dispositions. A TFO shall not have superseding authority over port of entry release conditions. TFOs shall have superseding hold or seize authority for AQI dispositions, however, if AQI dispositions are release and CQA dispositions require otherwise, then CQA dispositions shall supersede. In the event of a strong disagreement, the item should be placed on hold and the incident reported to the STFO at the earliest opportunity for resolution at the proper level.

Reports

STFOs would share responsibility for the completion of monthly Work Accomplishment Data (WADS) reports and will be given access to enter data in the APHIS national database. STFOs and the PHSS will work collaboratively to develop and document Standard Operating Procedures (SOP) that are agreeable and workable between all agencies. STFOs and PHSS will jointly investigate AQI related complaints and provide reports to the agency Directors. A web database will be created to provide stakeholders with interception information that does not contain personal or confidential business information. Assistance from the University of Guam will be requested to develop the database. CQA and GDA will identify any additional specific reporting requirements for their agency.

Training

APHIS and GDA will provide AQI training directly to the task force on a regular and reoccurring basis. The TFOs will improve the proficiency of CQA officers' performance in AQI duties through on-job training and cooperative work. CQA will provide training to GDA task force participants to the extent that they can recognize when an item or circumstance needs referral to a Custom's officer.

Workspace

Work space for the task force will be incorporated within existing APHIS, CQA, and Inspection Station space. An office located on the naval station is being pursued by APHIS. No additional office space is anticipated although there may be need for additional desks or equipment. Consideration for the task force should be incorporated into any future expansion plans at Guam International Airport, the Port of Guam, and the Plant Inspection Station.

Vehicles and Equipment

Sharing of resources, where the division is fair and equitable to each agency needs to be defined. Additional needed resources need to be identified.

Roles and Responsibilities

The role of the task force is to supplement the existing work performed by CQA officers, fill existing gaps in program effectiveness, and generally be responsible for AQI activities. In order to work efficiently the task force will need to have the backing and support of all agencies. TFOs would be expected to pursue identification skill for arthropod families and plant pathogens found during routine interceptions. The following outline is a suggested starting point for defining specific duties and the division of work to provide optimal service. The outline below is presented by work locations with a separate description for the canine unit and is a general starting point for understanding how the task force will operate. Adjustments and refinements will be made collectively by the STFOs and APHIS and referred for interagency review.

General TFO Duties and Responsibilities

- Review manifests and target inspections based upon risk analysis
- Provide oversight with regard to AQI inspections and decisions
- Complete data entry for AQI accomplishments
- Complete violation forms, maintain violation log book
- Provide oversight for garbage compliance monitoring
- Safeguard and dispose of seized material
- Increase the AQI knowledge of CQA officers
- Inspect seized fruits and vegetables for pests or symptoms of disease, prepare specimens, complete forms, and transport specimens for identification
- Complete agriculture disposition forms
- Transport held propagative material to the Plant Inspection Facility
- Attend AQI training and maintain proficiency in manual reference
- Ensure electronic manuals are current at work stations
- CQA Officers will perform clearance and inspections at the port or approved consignee locations. TFOs may provide agriculture inspection and clearance when a physical inspection is not required for other Custom's purposes and has been released by CQA except for an

agriculture hold. TFO authority to release is limited to the actual authority of the officer or delegated authority as an APHIS Officer and will not supersede nor circumvent CQA authority with regard to overall release of items or clearance of means of conveyance. Specific procedures shall be written to clarify release protocol.

Air Passenger

- Two TFOs will be assigned per shift, one each from CQA and GDA and in addition to general responsibilities will perform the following duties:
  - Inspect and release propagative material meeting the baggage exemption rule
  - Provide support for Anderson AFB as needed
  - Assist canine handlers in interviews and escorting passengers to secondary inspection

Air Cargo

- Two TFOs will be assigned per shift, one each from CQA and GDA

Port of Guam

- Two TFOs, one each from CQA and GDA, will be assigned to the Port
- GDA TFO will do agriculture vessel clearance at the Naval Station when ship boarding by an unarmed officer is warranted.

Plant Inspection Facility

- Two TFOs per shift will be assigned to the Plant Inspection Facility and in addition to general responsibilities will perform the following duties:
  - Inspection of propagative material
  - Clearance of Phytosanitary Certificates and CITES documents
  - Ensure all requirements for entry are met for propagative material
  - Monitor treatments
  - Communicate status of shipments to consignee.

Anderson AFB

- One TFO may be assigned to Andersen Air Force Base.

Post Office

- One CQA Officer would continue to staff Guam Main Postal Facility. Support from TFOs would be made available upon notification of need.

Canine Unit

- Since the canine unit is a very specialized group the canine handlers would report to their CQA Canine Supervisor. The Canine Supervisor has received APHIS training for agriculture dogs and is responsible for maintaining the proficiency of the canine teams. The Canine Supervisor will work closely with the STFOs for scheduling work and addressing any problems.

- GDA canine teams will be retrained to support domestic agriculture inspection work upon release from the CRB Program and will parallel CQA participation guidelines.

Action Items

APHIS to backfill the vacant PHSS position.

Stakeholders, GDA, with CQA support to pursue legislation to establish a Biosecurity Division and Biosecurity Officer series; being uniformed officers having authority to provide off-duty services and inspection services at any location on Guam.

Stakeholders, GDA with CQA support to pursue legislation to add off-duty service authority to other Plant Inspection Facility staff.

CQA to revisit airport service fee, adjust, and allocate an appropriate percentage to support the task force and Plant Inspection Facility as appropriate.

Stakeholders, GDA, and CQA to pursue legislation to establish a maritime cargo service fee to fund an appropriate percentage of the task force and an invasive species program with a portion of monies set aside for immediate response to new pest introductions.

GDA, APHIS, and CQA to pursue Farm Bill 10201 funding to cover a portion of the start up expenses. – done

Stakeholders and GDA to pursue legislation to establish civil penalties for violations relative to Guam Agriculture regulations.

CQA to pursue, through the Department of Interior, Office of Insular Affairs, return to Guam of Federal civil penalties that have been and are collected into the U.S. general fund.

Pursue any other possible funding sources to cover start up expenses.

CQA and GDA to pursue hiring personnel in order to provide qualified officers to the task force.

CQA and GDA to assign STFOs as soon as possible to further develop the work plan, operational procedures, and identify equipment and logistical needs.

11-10-2009

Col (Ret.) Dennis J. Santo Tomas,
Director of Customs,
Customs & Quarantine Agency

Date

11-10-09

Mr. Joseph D. Torres,
Director of Agriculture,
Guam Department of Agriculture

Date

11-10-09

Mr. Dallas D. Berringer,
Port Director,
USDA APHIS PPQ

Date