



...Promoting a harmonized, risk-based systems approach to nursery and greenhouse certification

COMPLIANCE AGREEMENT TEMPLATE: STANDARD OPERATING PROCEDURES

SYSTEMS APPROACH TO NURSERY CERTIFICATION (SANC) COMPLIANCE AGREEMENT TEMPLATE

The [SANC Compliance Agreement Template](#) is intended to provide an example compliance agreement format that States can utilize with the goal of encouraging more consistency and highlighting the systems approaches currently being used within the certification process for plants moving interstate. This template is not intended to be 'one size fits all', rather one that allows multiple pests of concern or program standards to be addressed under a consistent format. The format can, and should, be adjusted to meet the needs of States' specific nursery or greenhouse pest issues and regulations.

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The following standard operating procedures (SOPs) were developed as a complementary document to the [SANC Compliance Agreement Template](#) and are intended to assist regulatory officials with the compliance agreement process. Specific State policies for the issuance of compliance agreements should be incorporated as appropriate. If the nursery is a participant in the SANC program, the compliance agreement modules are designed to be easily integrated into the overall SANC program and the Facility SANC Manual.

A. COMPLIANCE AGREEMENT REQUEST

1. Business may request a compliance agreement from the regulatory agency. The regulatory agency may require the following information:
 - Business name, including DBAs (Doing Business As)
 - Name(s) of person(s) responsible for certification of plant material
 - Mailing and physical address(es)
 - Scientific names (genus and species) of all plant material requested to be shipped under compliance agreement
 - Growing location(s) of all plant material requested to be shipped under compliance agreement; including sources of any plant material not grown by the applicant.
 - Destinations for all plant material requested to be shipped under compliance agreement
2. Based on information received in the request, the regulatory agency helps the applicant determine applicable plant quarantine laws, regulations, and/or rules.
3. The regulatory agency works with the applicant to determine if a compliance agreement is a viable option. Some things to consider are available and effective pest mitigation options, compliance and pest history of the facility, and feasibility to comply with requirements.

B. DRAFT COMPLIANCE AGREEMENT

1. Regulatory agency drafts a compliance agreement using [SANC Compliance Agreement Template](#) as a guide.
 - Participants in the SANC program would use the compliance agreement as a reference to check against their Facility SANC Manual, to see if they needed to add additional BMPs or SOPs to meet the requirements of that specific compliance agreement.
2. Regulatory agencies should consult receiving states to ensure that the compliance agreement will satisfy their applicable plant quarantine laws, regulations, and/or rules.

C. ISSUE COMPLIANCE AGREEMENT

Regulatory official should:

1. Review the conditions of the compliance agreement with the appropriate facility personnel responsible for compliance agreement.
2. Review the importance of the applicable pest(s) and describe impacts to agriculture.
3. Clearly describe the stipulations included in the compliance agreement and verify that the responsible party understands and can comply with all of the terms of the agreement.
4. Inform the applicant of the potential consequences of failing to abide by the conditions of the compliance agreement.
5. Have the responsible party sign, initial and date compliance agreement.
6. Provide a copy of the final signed agreement to the applicant.
7. Provide a copy of the agreement to the receiving state(s) when appropriate.

D. ONGOING COMPLIANCE AGREEMENT MONITORING

1. Reviewing:

A regular review of facility operations or product should be done to verify compliance. Compliance agreements should be reviewed annually, or more often if necessary, to ensure information remains correct.
2. Amending:

Compliance agreements may be amended or a new agreement issued as needed when new conditions come about. The following are some examples of reasons that a revision to an agreement may be warranted. Agreement changes can be incorporated as a signed and dated addendum

 - Signatory individual changes
 - Applicant physically relocates
 - Company name, ownership, etc. changes
 - Changes in pest status/distribution
 - Changes in acceptable treatment methods

3. Non-Compliance and Cancellations:

- Inspectors should document instances of non-compliance and compare with the terms of the agreement.
- The regulatory agency should work closely with the signatory to attempt to cooperatively resolve issues of non-compliance.
- If the establishment fails to abide by the conditions of the agreement, the regulatory agency responsible for supervising the agreement takes appropriate regulatory action.

For more information about SANC, visit:

<http://sanc.nationalplantboard.org/>

For more information about compliance agreements visit the National Plant Board 'Plant Quarantine, Nursery Inspection, and Certification Guidelines' at:

<http://nationalplantboard.org/policy/guidelines.html>