



PLANT HEALTH DIVISION PLANT PRODUCTS DIRECTORATE CANADIAN FOOD INSPECTION AGENCY 59 Camelot Drive Nepean (Ontario) Canada K1A 0Y9 (Tel: 613-225-2342; FAX: 613-228-6602)	D-05-02
	(EFFECTIVE DATE) December 15, 2005 (Original)
Title: Pilot Project– Import requirements for wheat, triticale, rye and barley for non-propagative uses originating from the state of North Dakota and approved areas within the state of Montana.	

File

SUBJECT:

This directive introduces an alternate phytosanitary import requirement for wheat (including durum wheat), triticale, barley and rye (whole grain, not for propagation) originating from the state of North Dakota and from approved areas within the state of Montana.

A Certificate of Origin is accepted in lieu of a Phytosanitary Certificate with declarations for freedom from Karnal bunt, dwarf bunt, and flag smut of wheat. At this time, the areas allowed to participate in this pilot program include only the areas of North Dakota and Montana that are free of the pests Karnal bunt, wheat flag smut and dwarf bunt. Surveys conducted by the United States Department of Agriculture (USDA) over the last few years have not reported the presence of Karnal bunt in either of these two states. This program is being offered as an alternative to the requirement for a Phytosanitary Certificate as outlined in D-99-01 (Barley, Oat, Rye, Triticale and Wheat - Phytosanitary requirements on Import, Transhipped, In-transit and Domestic movement) and will be re-evaluated after the initial two years of the pilot program.

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Review	

This directive will be reviewed every 2 years unless otherwise needed. The next review date for this directive is December 15, 2007. The contact for this directive is Joanne Rousson. For further information or clarification, please contact the Grains and Field Crops Section.

Endorsement

Approved by:

<hr/> <p>Director Plant Health Division</p>

Amendment Record

Amendments to this directive will be dated and distributed as outlined in the distribution below.

Distribution

1. Directive mail list (Regions, PHRA, USDA)
2. Provincial Government, Industry (via Regions)
3. National Industry Organizations (determined by Author)
4. Internet

Introduction

After consultation with stakeholders, the Canadian Food Inspection Agency (CFIA) is herein providing an alternate phytosanitary import requirement for grain of regulated commodities: wheat (including durum wheat), barley, rye and triticale originating from approved areas in the state of Montana and from the state of North Dakota to be used for non-propagative uses. A Certificate of Origin is accepted, in lieu of a Phytosanitary Certificate, for grain that meets all of the following conditions:

1. The grain originates only from North Dakota and approved areas within the state of Montana which are free of dwarf bunt (*Tilletia controversa*), wheat flag smut (*Urocystis agropyri*) and Karnal bunt (*Tilletia indica*);
2. The grain is not intended for propagative purposes; and
3. The product cannot be delivered to, stored or handled in a primary, transfer or terminal elevator.

The importer **must** apply for permit to import prior to importation of grain to Canada.

Scope This directive is intended for the use of the CFIA inspection staff and the Canada

Border Services Agency (CBSA) in order to prevent the entry of regulated pests of cereals, including dwarf bunt, flag smut of wheat and Karnal bunt, into areas of Canada not currently infested with these pests. It is also intended for use by importers, shippers and customs brokers as a reference to the phytosanitary import requirements of the regulated commodities.

References Directive D-99-01: Barley, Oat, Rye, Triticale and Wheat - Phytosanitary Requirements on Import, Transshipped, In-Transit and Domestic movement.

Directive D-02-09: Hay and Straw - Import and Domestic Movement Requirements to Prevent the Introduction and Spread of Cereal Leaf Beetle (*Oulema melanopus*).

ISPM No. 5: *Glossary of phytosanitary terms*: FAO, Rome. 2002

Definitions, Abbreviations and Acronyms

Barley	<i>Hordeum</i> spp.
CBSA	Canada Border Services Agency
CFIA	Canadian Food Inspection Agency
DB	Dwarf Bunt (<i>Tilletia controversa</i>)
Eastern Division	that part of Canada not included in the Western Division.
FSW	Flag Smut of Wheat (<i>Urocystis agropyri</i>)
Grain	A commodity class for seeds intended for processing or consumption and not for planting (See Seed).
ISC	Import Service Centre (CFIA)
KB	Karnal Bunt (<i>Tilletia indica</i>)
NDDA	North Dakota Department of Agriculture
MDA	Montana Department of Agriculture

PI	Permit to import - Official document authorizing importation of a commodity in accordance with specified phytosanitary requirements (FAO, 1990; revised FAO, 1995); issued by the CFIA pursuant to the <i>Plant Protection Regulations</i> .
Phytosanitary Certificate	A certificate patterned after the model certificates of the IPPC (FAO, 1990)
PHD	Plant Health Division (CFIA)
Primary elevator	An elevator the principal use of which is the receiving of grain directly from producers for storage or forwarding or both.
Rye	<i>Secale</i> spp.
Seed	A commodity class for seeds for planting and not for consumption or processing (See Grain).
State of origin of grain	US State where the plants from which the grain are derived was grown.
Terminal elevator	An elevator the principal uses of which are the receiving of grain on or after the official inspection and official weighing of the grain and the cleaning, storing and treating of the grain before it is moved forward.
Transfer elevator	An elevator in the (a) Western Division or the Eastern Division the principal use of which is the transfer of grain that has been officially inspected and officially weighed at another elevator, and (b) an elevator in the Eastern Division the principal uses of which are the transfer of grain that has been officially inspected and officially weighed at another elevator and the receiving, cleaning and storing of eastern grain or foreign grain.
Triticale	<i>X-Triticosecale</i>
USDA	United States Department of Agriculture
Western Division	All that part of Canada lying west of the meridian passing through the eastern boundary of the City of Thunder Bay, including the whole Province of Manitoba.
Wheat	<i>Triticum</i> spp.

1.0 General Requirements

1.1 Legislative Authority

Plant Protection Act, S.C. 1990, c. 22

Plant Protection Regulations, SOR/95-212

Canadian Food Inspection Agency Fees Notice, *Canada Gazette*, Part 1 (05/13/2000)

1.2 Fees

The CFIA is charging fees in accordance with the *Canadian Food Inspection Agency Fees Notice*. For information regarding fees associated with imported product, please contact the Import Service Centres (ISC) at the following phone numbers: Eastern ISC 1-877-493-0468; Central ISC 1-800-835-4486; Western ISC 1-888-732-6222. Anyone requiring other information regarding fees may contact any local CFIA office or visit our website at www.inspection.gc.ca.

1.3 Regulated pests

Tilletia indica Mitra (Karnal bunt)

Wheat attacking strains of *Urocystis agropyri* (Preuss) Shroeter (wheat flag smut or flag smut of wheat)

Tilletia controversa Kuhn (dwarf bunt)

More pests may be added to the above list as pest risk assessments are completed.

1.4 Regulated Commodities

Grain (whole, not for propagation) of wheat (*Triticum* spp., including *T. durum*), triticale (*X-Triticosecale*), barley (*Hordeum* spp.) and rye (*Secale* spp.) originating from approved areas in the states of North Dakota and Montana.

Other commodities such as seed, straw, hay and compost of wheat (including durum wheat), triticale, barley, oat, and rye are regulated by the directive D-99-01 and D-02-09. Seed and grain for cleaning, screenings, chaff and hulls of, or derived from, barley, oat, rye, triticale and wheat are also regulated by the directive D-99-01.

1.5 Commodities Exempt

- Cooked grain; meal;
- Couscous; endosperm; flour; germ; gluten; pasta; semolina;
- Broken, chopped, crushed, flaked, ground, kibbled, pearled, rolled, or sliced grain;
- Bran; middling; milling run; shorts;
- Sprouted seed and seedlings for food or feed; malt; malt sprouts.

Note: Importers and shippers should be aware that all shipments may be subject to inspection to verify freedom from quarantine pests and practical freedom from injurious pests and soil.

1.6 Regulated Areas

Approved areas of the state of Montana and the state of North Dakota (Appendix 1).

2.0 Specific Requirements

2.1 Import Requirements

The regulated grain (see section 1.4) from regulated areas must meet all of following conditions:

- The grain originated only from US approved areas (see Appendix 1); and
- The grain is only used for non-propagative purposes; and
- The product cannot be delivered to, stored or handled in a primary, transfer or terminal elevator; and
- The Importer must have a valid Permit to Import as specified in Section 2.2.1; and
- The grain will be accompanied by a Certificate of Origin issued by the state regulatory agency specified in Section 2.2.2; and
- The grain will be imported, certified and monitored by the participants that are listed in Section 3.0 of this directive

Note also that all options specified in D-99-01 are still valid as an alternative to the requirements specified in this pilot program.

2.2 Documentation and Movement Conditions

Under this pilot program, a Phytosanitary Certificate is not required for grain of wheat, barley, rye and triticale originating from the state of North Dakota and from approved areas within the state of Montana. A Permit to Import and a Certificate of Origin are required.

2.2.1 Permit to Import

The conditions of the Permit to Import shall be respected. An Importer, residing in Canada, shall apply for this Permit to Import to the Plant Health Division of the CFIA. A Permit to Import is required for each exporting state, but several exporters can be covered by the same Permit to Import. The Importer shall be liable in ensuring that the Permit to Import conditions are met. These conditions will be as follows:

- The importation of grain from other than the approved areas of Montana and North Dakota is not permitted with the Permit to Import under this pilot program (Refer to Appendix 1 for approved areas).
- The grain shall be accompanied by a Certificate of Origin issued by the North Dakota Department of Agriculture or the Montana Department of Agriculture.
- The Importer shall ensure that the Certificates of Origin are presented as requested by the CBSA or the CFIA Import Service Centres (ISC). A Certificate of Origin must accompany every consignment entering Canada. The Importer will ensure that all the requirements outlined in this directive, regarding the Certificate of Origin are met.
- The Importer shall ensure that the grain is not delivered to, stored or handled in a primary, transfer or terminal elevator in Canada.
- The Importer shall ensure that the grain is not imported for propagation in Canada. All grain imported under this Permit to Import can only be used for non-propagative purposes.
- The Importer shall ensure that the grain is not cleaned after importation to Canada. If the grain is to be cleaned the Importer is required to meet the requirements for import of grain for cleaning as outlined in Directive D-99-01.
- The Importer shall maintain a record of disposition of all grain consignments imported under this Permit to Import for a period of at least one year following the disposition of the entire consignment.
- The Permit to Import will be valid for two years.

For additional information regarding the issuance of a Permit to Import please consult D-97-14: Application, Procedures, Issuance and Use of a Permit to Import Under the *Plant Protection Act*.

2.2.2 Certificate of Origin

The Certificate of Origin shall:

- be completed by: the exporter, where that exporter has entered into a compliance agreement with the North Dakota/Montana State Regulatory Agency authorized to issue USDA Phytosanitary Certificates;
- indicate the name and address of the exporter; and the declared name and address of the consignee;
- indicate the compliance agreement number for the compliance agreement the

exporter has entered into with the State Regulatory Agency for the purposes of this Pilot Project and indicate the Permit to Import number;

- provide distinguishing marks associated with the means of conveyance such as the trailer number or rail car number;
- attest to the origin (place of production, ie. state and county) the content (ie. crop kind) and the quantity of grain in the shipment; and
- be validated only by an official of the State Regulatory Agency authorized to issue USDA Phytosanitary Certificates.

3.0 Participants

The participants in this pilot program are:

- Importers to whom the Plant Health Division will have issued a Permit to Import;
- United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ);
- The Montana Department of Agriculture (Agricultural Sciences Division) and the North Dakota Department of Agriculture (Plant Protection Division); and
- The CFIA with the cooperation of the CBSA.

4.0 Inspection Requirements

4.1 Document Verification:

Prior to release for importation, the CFIA will verify that all the required documents accompany each consignment. Each Certificate of Origin shall conform to the requirements specified in Section 2.2.2 of this Directive and be fully completed. A valid Permit to Import number must be presented and verified prior to release for importation. The number of the Permit to Import must appear on the Certificate of Origin presented for release of the consignment.

4.2 Product Examination:

All shipments of regulated commodities imported into Canada are subject to inspection and/or sampling and testing for regulated pests and soil contamination by an authorized CFIA inspector.

5.0 Non-Compliance

Shipments not meeting the phytosanitary import requirements of this pilot program will be refused entry or movement, returned to origin, re-exported, treated or destroyed at the importer's or shipper's expense. These expenses also include, but are not limited to, costs associated with quarantine actions resulting from accidental contamination caused and any seizure, confiscation and forfeiture of shipments.

The Permit to Import will be cancelled if an importer/shipper does not comply with conditions of the Permit.

Notifications of non-compliance will be issued in accordance with D-01-06: Canadian Phytosanitary Policy for the Notification of Non-Compliance and Emergency Action.

6.0 Other Requirements

The importation of cereals are also subject to the *Seeds Act and Regulations*; the *Feed Act and Regulations*; the *Animal Health Act and Regulations*; the *Canadian Wheat Board Act and Regulations*; the *Canadian Grain Act and Regulations*; the *Export -Import Permits Act and Regulations* administered under the Department of Foreign Affairs and International Trade.

Importers wishing to know more about these acts and regulations may contact the offices of the CFIA, the Canadian Wheat Board, the Canadian Grain Commission or the Department of Foreign Affairs and International Trade. The provincial departments responsible for administering the provincial noxious weed or weed control legislation may be contacted for information on that legislation. Information is also available on the CFIA's [web site](http://www.inspection.gc.ca) (www.inspection.gc.ca).

7.0 Appendices

- Appendix 1: List of Areas Approved for this Pilot Project
- Appendix 2: Example of an Acceptable Certificate of Origin
- Appendix 3: Sample Certificate of Origin from the State of North Dakota
- Appendix 4: Sample Certificate of Origin from the State of Montana

APPENDIX 1

LIST OF AREAS APPROVED FOR THIS PILOT PROJECT

Montana	The counties of Beaverhead, Blaine, Broadwater, Carter, Cascade, Custer, Daniels, Dawson, Deer Lodge, Fallon, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lewis and Clark, Liberty, Lincoln, Madison, McCone, Meagher, Mineral, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie, Richland, Roosevelt, Sanders, Sheridan, Silver Bow, Sweetgrass, Toole, Treasure, Valley, Wheatland, Wibaux and Yellowstone ¹
North Dakota	All counties.

¹Grain originating from the other counties of the state of Montana may be imported into Canada, if accompanied by a Phytosanitary Certificate with the appropriate additional declarations for the area of Canada they are imported into as defined in D-99-01.

APPENDIX 2

EXAMPLE OF AN ACCEPTABLE CERTIFICATE OF ORIGIN

State of Origin Certificate

[Name of State Department of Agriculture included herein]

[Number of certificate included herein]

[Number of compliance agreement included herein]

[Number of Permit to Import included herein]

[Address of State Department
of Agriculture included
herein]

To the plant protection organization of: CANADA


“This is to certify that the plants, parts of plants or plant products described below were produced and originated in the state(s) and county(ies) listed below.

Name and Address of the Exporter	Declared Name and Address of the Consignee
Name of Commodity	Botanical Name of Plants
Quantity imported (Number and Description of Packages)	Distinguishing marks (e.g. trailer number, rail car number)
Origin (state and county)	Declared means of Conveyance

I certify that the grain originated in the state of North Dakota/approved areas of Montana, and complies with the origin requirements specified in the plant protection policy directive D-05-02 of Canadian Food Inspection Agency

Name of Authorized Officer: (North Dakota/Montana Department of Agriculture)	Signature of Authorized Officer:	Date Issued:
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APPENDIX 3

 STATEMENT OF ORIGIN - CEREAL GRAIN EXPORTS TO CANADA NORTH DAKOTA DEPARTMENT OF AGRICULTURE SFN 54240 (Rvd 10/05)		600 E Boulevard Ave Dept 602 Bismarck ND 58505-0020 Ph. 701-328-4765	
		This is to certify that the grain described below originated in the state of North Dakota/approved areas of Montana, and complies with the origin requirements specified in the plant protection policy directive D-05-** of Canadian Food Inspection Agency.	
		Import Permit Number	
State Compliance Agreement Number		Certificate Number	
Name and Address of the Exporter		Declared Name and Address of the Consignee	
Name of Produce and Quantity Declared		Botanical Name of Plants	
Number and Description of Packages		Distinguishing Marks	
Origin		Declared Means of Conveyance	
Date Issued	Name of Authorized Officer	Signature of Authorized Officer	

This certificate is issued based on information contained in a compliance agreement with the above named exporter, wherein the exporter has certified to the state as to the origin of the grain shipped. The department disclaims responsibility or consequential damages as a result of breach of the compliance agreement. Any alteration, forgery or unauthorized use of this certificate may result in revocation of compliance agreement or refusal to certify.



STATEMENT OF ORIGIN – CEREAL GRAIN EXPORTS TO CANADA
 MONTANA DEPARTMENT OF AGRICULTURE
 303 North Roberts, PO Box 200201, Helena, MT 59620

This is to certify that the grain described below originated in the state of North Dakota/approved areas of Montana, and complies with the origin requirements specified in the plant protection policy directive D-05- of Canadian Food Inspection Agency.**

		Import Permit Number
State Compliance Agreement Number		Certificate Number
Name and Address of the Exporter		Declared Name and Address of the Consignee
Name of Produce and Quantity Declared		Botanical Name of plants
Number and Description of Packages		Distinguishing Marks
Origin		Declared Means of Conveyance
Date Issued	Name of Authorized Officer	Signature of Authorized Officer

This certificate is issued based on information contained in a compliance agreement with the above named exporter, wherein the exporter has certified to the state as to the origin of the grain shipped. The department disclaims responsibility or consequential damages as a result of breach of the compliance agreement. Any alteration, forgery, or unauthorized use of this certificate may result in revocation of compliance agreement or refusal to certify.