



# **Why has it taken so long to Permit new Weed Biocontrol Agents?**

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## GEER 2017

## Why are new Weed Biocontrols taking so long?

Outline:

- Review/Recap of Environmental Compliance Process for Proposing New Biological Control Organisms
- Petition and Compliance process “highlights”
- Status Update on Individual Petitions 2012-2016

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# APHIS Environmental Compliance Process



The Environmental Compliance process is rooted in the writing of the APHIS permit.

This is the “federal action” which triggers the compliance with two Acts:

- The Endangered Species Act (ESA)  
specifically “Section 7” Interagency  
Cooperation
- National Environmental Policy Act (NEPA)

# APHIS Environmental Compliance Process



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This is the “federal action” which triggers the compliance with two Acts:

- Quick review – the regulations that get us into this process

## PPQ 526 Permits are required from APHIS for any of the following:

1. **Importation** of live Biological control organisms into the United States and its Territories ([Importation Permits](#))
2. **Interstate movement** of live Biological control organisms ([Interstate movement permits](#))
3. **Retaining** live biological control organisms in containment facilities after expiration of a permit ([Continued curation permits](#))\*;
4. The **movement** of any **live** biological control organism from the **confines** of a **containment facility**\* to any other containment facility, or, to **remove outside** for any use (**environmental release**, insectary/production rearing, field/lab/greenhouse research)

\*when containment was required by permit

**Why is it taking so long =  
What are the challenges to moving  
forward and promptly?**

**Environmental Compliance –  
Process and Purpose  
Two Processes : ESA & NEPA**

**Purpose:** The best “safest”\* controls we can  
utilize based on good science

\*Minimal perpetual collateral damage  
= Two “perspectives” of this purpose



# Overview of the Process (Flowchart) to Evaluate Proposed Release of Weed Biocontrol Agents Under APHIS Permit

*Petitioner biocontrol agent evaluation and selection process: 3 to 7 years*

1. OBTAIN THE AGENT

2. SCREENING

3. HOST SPECIFICITY TESTING PART 1

4. HOST SPECIFICITY TESTING PART 2

5. PREPARE PETITION

*2 to 4 years*

6. PETITION TO TAG

7. TAG REVIEW AND RECOMMENDATION

8. PERMITTING DECISION

9. ENDANGERED SPECIES ACT REVIEW

10. NATL. ENV. POLICY ACT / TRIBAL CONSULTATION

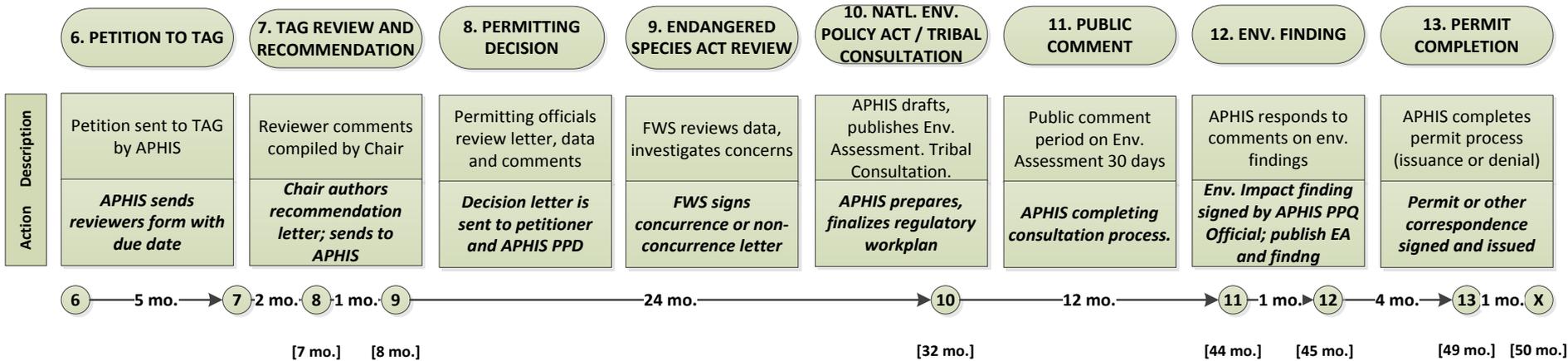
11. PUBLIC COMMENT

12. ENV. FINDING

13. PERMIT COMPLETION

# APHIS Permit assessment and decision process including Environmental Compliance

2 to 4 years



## Overview of the Process to Evaluate Proposed Release of Weed Biocontrol Agents Novel to U.S.

1. APHIS receives TAG recommendation and anonymous reviewer comments for agency review.
2. APHIS focuses on having enough of the right kinds of information towards our need to prepare clear and complete Biological Assessment (ESA) and Environmental Assessment (NEPA)
  - a. information that clarifies potential *harm* to T & E Species and Critical Habitat including indirect impacts (Food, Shelter, Reproduction),
  - b. Potential to “significantly” utilize or impact any native or economically important plants, or any ecosystem-level impacts

## Overview of the Process to Evaluate Proposed Release of Weed Biocontrol Agents Novel to U.S

3. APHIS writes the “Decision Letter” to the Petitioner describing the decision whether to go forward into the Environmental Compliance process and outlining next steps and expectations:

- Done for both positive and negative recommendations
- May ask for additional information or data, and if so, will relate how critical the need is, and why
- Application for removal from Containment needed for ones going forward (remember the “federal action”)
- Process **begins** w/ ESA consultation
- ESA consultation often interactive w/ Petitioner

# Environmental Compliance Process

## ESA consultation



The informal ESA consultation seeks a concurrence with “not likely to adversely affect” Threatened or Endangered species (TES)

The “bar” is no harm to TES – can be on a single population or even individual plant

This is an “information-heavy” process

# Environmental Compliance Process

## ESA consultation



APHIS takes a proactive and comprehensive approach and considers the contiguous 48 states as the area of consideration and analyses all TES in those states.

The F&WS contact for APHIS coordinates review by biologists in regional and local field offices as appropriate for the particular system.

If a concurrence letter is received, the letter provides thorough detail of the analysis (many pages!)

## Overview of the Process to Evaluate Proposed Release of Weed Biocontrol Agents Novel to U.S

### 4. APHIS initiates NEPA process (6-16 months)

- Process begins with preparation of the Environmental Assessment using (as for B.A.) available information from petition, comments, other literature and data, and ESA analysis and review.
- APHIS prepares a “work plan” for agency review of proposed Notice of Availability in the *Federal Register* (Agency reviews for consistency with Mission and Policy)
- Tribal outreach is initiated in areas of potential establishment (target distribution + “geographic range”) Comments from Tribes can result in changes to the EA and require mitigations.

# APHIS Environmental Compliance Process



## 12. Environmental Finding

- After the public comment period, all substantive comments reviewed and answered as needed by ERAS (in consultation with PPBP and petitioner).
- APHIS (PHP, PPD) considers all comments and input from Fish and Wildlife Service, Tribes, and the public to arrive at the Environmental Finding.
- As appropriate, ERAS prepares a document outlining APHIS' "finding of no significant impact" (FONSI) for signature by a PPQ Plant Health Protection official.

## 13. Permit Completion !

- Once FONSI is signed, PPQ finalizes the Environmental Assessment incorporating comments and necessary adjustments if needed.
- PPD RAD publishes Notice of Availability of the Final Environmental Assessment and FONSI in the Federal Register.
- Upon this finding, PPBP completes the permitting process and **issues a permit** 😊 allowing the **removal** of the biocontrol agent from containment facilities for release into the environment.
- PPBP issues additional permits as needed and approved for movement and release in individual states infested by the weed.

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# Information for the TAG Petitions

## “APHIS Highlights”

1. Taxonomic certainty and integrity of source colony
2. Expected Geographic and ecosystem ranges
3. Target Pest Impacts, Biology/life cycle
4. Non-Target Impacts, **especially** T & E and Beneficial spp.
5. Indirect impacts and interactions with other agents (+ & -)
6. Post-release Monitoring Plan
7. Pre-release compliance (Vouchers for National Collections)

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## Status of TAG-BCAW Petitions: April 2017

- 12-01 *Parafreutreta regalis* – Cape Ivy **Permit** May/2016
- 12-02 *Rhinusa pilosa*– Yellow toadflax **NEPA** 2017
- 12-03 *Aceria drabae* – Hoary Cress **NEPA** 7/2016
- 12-04 *Secusio extensa*– Fire Weed - HI **Permit** Dec/2012
- 12-05 *Digitivalva delaireae*– Cape Ivy **NEPA** conducting further testing
- 12-06 *Sericothrips staphylinus*– Gorse **ESA** 11/2016
- 12-08 *Aphalara itadori*– Knotweeds **ESA** 10/2016
- 13-01 *Hypena opulenta*– Swallow-wort **NEPA** 6/2016
- 13-03 *Ramularia crupinae*– common crupina **ESA** 2/2017
- 14-02 *Psuedophilothrips ichini*– Brazilian peppertree **ESA** 3/2017
- 14-03 *Lasioptera donacis*– Arundo **Permit** Dec/2016
- 15-01 *Cheilosia urbana*– Invasive Hawkweeds **ESA** 4/2017
- 15-02 *Calophya latiforceps*– Brazilian peppertree **ESA** 12/2016
- 16-01 *Bikasha collaris*– Chinese tallow **“Pre-ESA”** (4/2017)
- 16-02 *Ceutorhynchus scrobicollis*– Garlic mustard **“Pre-ESA”** (4/2017)



**QUESTIONS??**