

United States Department of Agriculture
 Animal and Plant Health Inspection Service
 4700 River Road
 Riverdale, MD 20737

Permit to Move Live Plant Pests, Noxious Weeds, and Soil
 Importation
 Regulated by 7 CFR 330

This permit was generated electronically via the ePermits system

PERMITTEE NAME:	Dr. Barry Bochner	PERMIT NUMBER:	P526P-11-01342
ORGANIZATION:	Biolog, Incorporated	APPLICATION NUMBER:	P526-110217-001
ADDRESS:	21124 Cabot Boulevard Hayward, CA 94545	FACILITY NUMBER:	781
MAILING ADDRESS:	21124 Cabot Boulevard Hayward, CA 94545	HAND CARRY:	No
PHONE:	(510) 670-3312	DATE ISSUED:	03/31/2011
FAX:	(510) 782-4639	EXPIRES:	03/31/2012
DESTINATION:	21124 Cabot Boulevard, Biolog Incorporated, Hayward, CA 94545		
DESIGNATED PORTS:	CA, Hawthorne; CA, San Diego; CA, San Francisco; FL, Miami; MD, Beltsville; NY, Jamaica		

Under the conditions specified, this permit authorizes the following:

Article Category: Plant Pathogens - Bacteria

<u>Regulated Article</u>	<u>Life Stage(s)</u>	<u>Intended Use</u>	<u>Shipment Origins</u>	<u>Originally Collected</u>	<u>Culture Designation</u>
Erwinia herbicola	Petri dishes/culture tubes	Research - Lab	India	Originally Collected from Outside North America	
Pantoea agglomerans	Petri dishes/culture tubes	Research - Lab	India	Originally Collected from Outside North America	

SPECIAL INSTRUCTIONS TO INSPECTORS

See permit conditions below

INSTRUCTIONS TO DHS CBP INSPECTORS:

1. Confirm that the carrier of the shipment imported under this USDA PPQ 526 permit is commercially bonded. For all hand carry events, go to step 6.
2. Confirm that the imported shipment has a valid USDA PPQ Form 599 Red/White label attached to the exterior for routing to a USDA APHIS PPQ Inspection Station. (A valid label will have the permit number, expiration date, label number, and address of a USDA APHIS PPQ Plant Inspection Station)
3. Validate the permit in ePermits using the CBP search feature.

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4. If a valid PPQ Form 599 Red/White label is not attached to the exterior of the package or the label has been covered or is otherwise not legible, then forward to the nearest USDA APHIS PPQ Plant Inspection Station.
5. If the address on the airway bill does not match the address on the PPQ Form 599 Red/White label then forward the package to the nearest USDA APHIS PPQ Plant Inspection Station. (All costs associated with rerouting misaddressed packages will be assumed by the permit holder.)
6. For all hand carry events, the port of entry must have received prior notice by e-mail, fax, or telephone of the arrival of the passenger including date of arrival and flight information from Headquarters, OFO, and APL. This notice communicates specific instructions to the port of entry.
7. For all hand carry events, a valid red and white PPQ Form 599 Red/White label specifying hand carry must be presented. A single PPQ Form 599 Red/White label specifying hand carry may be used for multiple specimens covered under one permit at border crossings.
8. If the permitted shipment arrives by hand carrying, in personal luggage, or by personal automobile without a hand carry authorization as specified in both the permit and the PPQ Form 599 Red/White label, seize the shipment and forward it to the nearest USDA APHIS PPQ Plant Inspection Station.
9. For questions or concerns, contact the USDA APHIS PPQ Permit Unit in Riverdale, MD, at 301 734-6343/4404.

INSTRUCTIONS TO USDA PPQ INSPECTORS AT PLANT INSPECTION STATIONS:

If any of the following are not met, **DO NOT CLEAR THE SHIPMENT**. Contact the headquarters Permit Unit at 301 734-6343/4404 to determine subsequent action.

1. Confirm that the package contents are listed on the permit.
2. Confirm that the shipment has the original PPQ Form 599 Red/White label with the permit number and label number visible on the exterior of the package.
3. If the PPQ Form 599 Red/White label is absent (the label may have become detached during shipping) altered or otherwise illegible, then proceed to step 14 below.
4. Confirm that the PPQ Form 599 Red/White label is addressed to your Plant Inspection Station Address.
5. Confirm that the delivery address on the package matches the address on the PPQ Form 599 Red/White label.
6. Confirm that the permit number on PPQ Form 599 Red/White label matches the actual permit number.
7. If the PPQ Form 599 Red/White label has a barcode, scan the barcode, or enter the permit number and label number into ePermits and log the required shipment information. If the PPQ Form 599 Red/White label does not have a barcode, validate the permit using the ePermit search feature. (The ePermits system only validates permits issued within ePermits.)
8. Confirm that the permit has not expired.
9. Confirm that the final destination of the package is to the same individual and address that appears on the permit.
10. Confirm that the origin of the shipment is authorized on the permit.
11. Use a biosafety cabinet to inspect shipments of microorganisms.
12. Confirm that the package is adequate to prevent escape of the enclosed organisms.
13. If all permit conditions are met, release the package for subsequent movement to the permit holder's address.
14. Do not open the package outside of a biosafety cabinet.
 - If your facility does not have a biosafety cabinet and the package is secure, re-export the package.
 - If your facility does not have a biosafety cabinet and the package is not secure, destroy the package.
 - If your facility has a biosafety cabinet, examine the contents for a PPQ permit or enclosed supplemental label information.
 - If the package contains a PPQ permit or supplemental label information, proceed to step 7 above. (Supplemental label information includes the permit letterhead stationary with their name, permit number and label number. This information enables you to use the ePermit barcoding feature if the missing label was barcoded, or validate the permit in ePermits using the search feature if the label was not barcoded.)
 - If the package does not contain a PPQ permit or supplemental label information and the package is secure, re-export the shipment.
 - If the package does not contain a PPQ permit or supplemental label information and the package is not secure, destroy the shipment.

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WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)

PERMIT CONDITIONS

This permit authorizes the importation of petri dishes or cultures tubes containing *Pantoea agglomerans* and *Erwinia herbicola*, from India to Barry Bochner of Biolog, Incorporated, located at 21124 Cabot Boulevard, Hayward, CA 94545, for research use in a laboratory. Experiments with the regulated articles will be conducted in the inspected facility # 781. No plant inoculations are authorized.

1. All operations must be consistent with information submitted in association with above listed APHIS facility inspection number.
2. Failure to comply with the terms and conditions of this permit may be cause for: (a) cancellation of this permit; (b) cancellation of other valid permits issued to the individual named as the holder of this permit; (c) seizure and destruction of permitted organisms; (d) denial of future permit applications made by the holder of this permit; (e) making the holder of this permit liable for civil penalties; and (f) subjecting the holder of this permit to criminal prosecution as provided in the Plant Protection Act.
3. Any alteration, forgery or unauthorized use of this permit and associated Federal Forms are subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)
4. This permit is not transferable and is issued only to the person at the facility(s) located at the address(s) identified on this permit.
5. This permit does not authorize the introduction, importation, interstate movement or release into the environment of any genetically engineered organisms or products. This includes the complete nucleotide sequence of a virus or viroid in a plasmid (either as pure plasmid or in *E. coli*). You must submit an APHIS form 2000 for these organisms, see <http://www.aphis.usda.gov/brs/pdf/2000.pdf>.
6. You as the permit holder are responsible for maintaining a valid permit for as long as the regulated organisms are living and in your possession. APHIS does not issue extensions or renewals of existing permits; the permit holder must submit a new permit application at least three months prior to the expiration of this permit, and obtain a new permit to continue uninterrupted authorization for species approved under this permit.
7. The permit holder must maintain an official permanent work assignment at the address identified on this permit. If the permit holder ceases assignment/affiliation at the address identified on this permit, or personnel circumstances change in any way, then a compliance officer must be notified at the PPQ permit unit immediately (that is, within one business day) by either (a) email to pest.permits@aphis.usda.gov, (b) fax to 301-734-4300 or 8700, or (c) conventional mail to USDA PPQ Pest Permit Unit, 4700 River Road, Riverdale, MD 20737. The permit holder must destroy all regulated organisms prior to departure unless the permit holder either (a) requests cancellation of this permit and complies with all permit-specific termination conditions, (b) applies for and receives a permit to move the organisms to a new facility, or (c) relinquishes control of the regulated organisms to a qualified individual who obtained a permit for the continued use of these regulated organisms prior to this permit holder's departure.
8. If you as the permit holder discover that the organism(s) you received is/are not what is/are authorized by this permit, take all prudent measures to contain the organism(s) notify the PPQ Permit (see contact information above), and request to speak with a compliance officer.
9. Without prior notice and during reasonable hours, authorized PPQ and State regulatory officials shall be allowed to inspect the conditions associated with the regulated organisms authorized under this permit.
10. If an accidental release into the environment occurs, immediate notification (within one working day) must be made to APHIS, PPQ, Pest Permit Unit, 4700 River Rd., unit 133; Riverdale, MD 20737; 866-524-5421 or via email at: pest.permits@aphis.usda.gov. A written report of the incident must be submitted within 5 working days identifying: (a) the name of the permit holder (responsible person), (b) the permit number, (c) all released organisms identified to at least the species level, (d) the country or State of origin of the organism, (e) the nature of the release, and (f) measures already taken to contain, reduce or limit the effects of the accidentally released organism. Any plans prepared to contain, reduce or limit the effects of the accidentally released organism may be submitted as developed.

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11. This permit does not authorize movement or use of plant pathogens listed in the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.
12. Upon receipt of pests (regulated material), all packing material media, substrate, soil, and shipping containers shall be sterilized or destroyed immediately after removing regulated material.
13. The permit holder verifies United States residency by initialing and accepting these permit conditions. If you are not a United States resident, it is unlawful for you to initial or accept these permit conditions because a USDA 526 Plant Pest Permit can only be issued to United States residents.
14. This permit is issued only for the named permit holder at the address(s) identified on this permit. This permit cannot be transferred or assigned nor does it fulfill or modify the requirements of any other federal or state regulatory authority (such as the U.S. Environmental Protection Agency, Animal Health Act, the U.S. Fish and Wildlife Service, the U.S. Food and Drug Administration, the Centers for Disease Control and Prevention, or your State's Department of Agriculture).
15. All packages will be opened in a laminar flow biosafety cabinet that meets or exceeds Class II, Type A. This type of cabinet uses HEPA filtration. All isolations and culture transfers will be conducted in a laminar flow biosafety cabinet that meets or exceeds Class II, Type A.

You must have the cabinet serviced every year per manufacturer's instructions.

16. While in storage, all cultures will be kept locked (e.g. in freezer, cabinet), with access limited to authorized personnel or they will be in a restricted access building that requires a key card entry and access is restricted to authorized personnel only; or it will be in locked room restricted to authorized personnel only.
17. Cultures shall be imported in a securely closed, watertight container (primary container, test tube, vial, etc.) which shall be enclosed in a second, durable watertight container (secondary container). Several primary containers may be enclosed in a single secondary container. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient nonparticulate absorbent material (e.g., paper towel) to absorb the entire contents of the primary container(s) in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiberboard, corrugated cardboard, wood, or other material of equivalent strength.
18. No infected plant material or soil may be imported under this permit.
19. There is to be no further distribution of these organisms without prior approval from State and Federal regulatory officials.
20. All necessary precautions must be taken to prevent the escape of the regulated material.
21. This authorization is strictly for research in controlled environment and is not valid if the organism(s) will be used in field research or will be released into the environment.
22. Plant inoculations are NOT authorized.
23. Upon completion of research, all cultures will be destroyed by autoclaving. Glassware and other materials used to conduct research must be decontaminated. Material can be soaked in a fresh bleach solution of 10 percent (1:10) for at least 30 minutes, in 70 percent ethanol, flamed with ethanol, or treated with quaternary ammonium compounds.
24. Autoclaving Waste
 - a. Waste must be autoclaved at 121 degrees Centigrade (250 degrees Fahrenheit) for a minimum of 30 minutes.
 - b. Autoclave tape or other indicators must be placed on each bag or sharps container prior to treatment. The autoclave tape or other indicator on each container must be checked to verify color change before disposal.
 - c. The autoclave log must be completed by each user for each autoclave cycle. All parameters must be noted as listed on the log for each autoclave load.
 - d. If the autoclave does not attain the minimum time and/or temperature or the autoclave tape does not change color, a

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notation must be made in the comment section of the autoclave log. The load must then be re-autoclaved after placing new tape on the material. If minimum time and temperature is not attained on the second cycle, users must contact the person responsible for maintaining the unit to initiate repairs. Waste should then be treated at the alternate autoclave facility.

e. Thermometers on the autoclave must be calibrated annually, and a written record must be maintained. This should be done by an authorized autoclave service company during routine servicing.

f. Every 6 months, you should use a commercially available test indicator kit that uses bacterial spores *Bacillus stearothermophilus* that are rendered unviable at 250 degrees F or 121 degrees C. For the test, ampules of *B. stearothermophilus* are autoclaved along with a load of waste. Upon completion of the cycle, the ampules are incubated for 48 hours and then observed for any sign of growth, which indicates insufficient sterilization. If any growth is observed, you must have the autoclave serviced and retested.

25. Upon issuance of this permit (i.e., a signed PPQ 526), you will need to request the PPQ Form 599 Red/White labels. If you applied online using ePermits, you may request the labels using the My Shipments/Labels feature. Otherwise, send your request to Redandwhitelabelrequest@aphis.usda.gov. Specify the approved port as listed on the permit and the total number of labels needed in a multiple of eight. You may request additional labels the same way. We will send you the labels using a bonded carrier.

A label must be attached to the exterior of each package being imported under this permit. The labels have detailed instructions for use on the reverse side. You are responsible for instructing your shipper to carefully follow these instructions. You are responsible for each import shipping label issued under this permit.

Enclose the following supplemental information in each shipment:

- Permittee Name
- Permit number
- Label number

Underlying packaging/wrapping must carry the address, billing, and any other information required to direct the shipment to its final destination (i.e., the permit holder's address; N.B., USDA APHIS does not defray any additional shipping costs incurred for transiting the shipment through an inspection station as the initial US destination).

Because red and white labels (PPQ form 599) may be accidentally removed or damaged during shipment and to facilitate inspection at the Plant Introduction Stations, in addition to the 599 on the exterior of the package, you must enclose in every shipment: your name, the permit number, and label number on (institutional) letterhead.

26. EACH HAND CARRYING EVENT MUST BE PREAUTHORIZED BY USDA APHIS BY PROVIDING THE INFORMATION REQUIRED BELOW.

The following conditions apply to all hand carry authorizations:

1. At least TWENTY days prior to each hand carry incident, the permit holder or designee must notify the PPQ Permit Compliance Officer by email (redandwhitelabelrequest@aphis.usda.gov) or telephone (866-524-5421) to provide specific information on the hand carrier's identity, the anticipated first port of arrival into the United States, the actual date of arrival, the time, and, if travel is by airline, the flight number. The Compliance Officer will notify Customs and Border Protection (CBP) Agriculture Inspectors at the port of entry to document and facilitate the entry of the organisms.
2. The hand carrier must indicate that living organisms are being imported under a USDA permit on the Customs Declaration form if such form is required at the port of entry.
3. At the port of entry, individuals carrying permitted organism must also present to CBP officers the following articles: U.S. Passport or U.S. Resident Alien Card, or Visa, and a valid hand carry PPQ Form 599 Red/White label corresponding to the permit.
4. Inspection by CBP Officers must confirm that all hand carried articles are securely packaged as per the permit conditions. In the event that a problem is detected, the CBP officer may seize the package and require its movement to the nearest PPQ Inspection Station for processing, clearance or destruction. The permit holder will be responsible for all

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costs incidental to such forwarding.

5. After CBP confirmation and clearance through the first port of entry into the United States, hand carried organisms must be transported directly to the containment facility authorized in the permit.

6. Upon arrival at the facility, the PPQ Compliance Officer must be notified within 24 hours that the organisms arrived. Notification may be by fax (301-734-5392) or email (redandwhitelabelrequest@aphis.usda.gov). Notification must be by an independent third party (e.g. containment facility director, departmental chair, campus biosafety officer, etc.). The notification must include the permit number, label number, date of arrival, the specific organisms that were imported, their origin, and quantity. Failure to notify the PPQ compliance officer may result in loss of hand carry privileges. A PPQ inspector may also visit the facility to confirm the arrival of the package and its contents.

7. ONLY PERSON(S) WHOSE NAME(S) IS/ARE LISTED IN THE ISSUED PERMIT IS/ARE AUTHORIZED TO HAND CARRY.

8. You will receive NEW PPQ Form 599 Red/White labels for each hand carry event once you have submitted the required information. You can NOT use the red and white labels described above that are prepared for BONDED CARRIERS. If you use the PPQ Form 599 Red/White labels for bonded carrier while attempting to hand carry, the package will be seized by the Department of Homeland Security and destroyed.

END OF PERMIT CONDITIONS

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