



MEMORANDUM OF UNDERSTANDING

Mutually Accepted Guidelines Between the California Department of Food and Agriculture and ONTRAC For the Inspection of Plant Material

Under the authority of Section 6401 of the California Food and Agricultural Code, plants and plant material must be held until they are inspected by a representative of the California Department of Food and Agriculture (CDFA) or County Agricultural Commissioner's office. The following is a mutually agreed upon protocol for the safe transportation of plant material into, and within, ONTRAC, and the holding for inspection of such material at ONTRAC operating locations:

1. ONTRAC will include the following language in their service guide available to their regular customers: "Plants and plant materials must be properly labeled and can be shipped only in accordance with applicable state and federal law. Packages containing these items may be inspected by appropriate agencies and may be delayed."
2. ONTRAC will furnish a supply of conspicuous colored sticker labels that say "Warning! Plant Material – Hold for Inspection by the County Agricultural Commissioner," to all regular customers who ship plant material. These shippers will be instructed to place a sticker alongside the address label on each package of plant material moving into California. Their compliance with this instruction will be audited regularly by ONTRAC personnel.
3. ONTRAC will furnish a supply of conspicuous colored sticker labels to every ONTRAC receiving location to which packages are brought for shipment by occasional shippers who do not utilize pickup service. If the nature of the contents is not known, ONTRAC personnel will ask each shipper if the package contains plant material. On packages containing plant material, ONTRAC personnel will affix the sticker label adjacent to the address label. Customer counters in Florida, Hawaii, and Puerto Rico will display posters stressing the need for customers to label parcels that contain agricultural products.
4. All ONTRAC operating locations in California will set aside packages bearing the warning notice sticker label; packages that are otherwise marked or labeled, indicating they contain plant material, or are reasonably expected to contain plant material. ONTRAC personnel will advise the appropriate county agricultural commissioner's office of the arrival of packages that do not bear evidence of previous inspection by CDFA or its designee.



5. Personnel at California border agricultural inspection stations will release ONTRAC trucks carrying parcels and operating under this agreement without requiring a manifest or inspection of the parcels at the station.
6. After notifying ONTRAC, inspectors from CDFA or the county agricultural commissioner's offices may enter ONTRAC operating locations in California to inspect plant materials. Inspectors will make every effort to notify ONTRAC prior to arrival to minimize the impact on ONTRAC staff.
7. It is understood that ONTRAC is a carrier engaged in the expedient delivery of documents and goods. The parties agree that any county agricultural commissioner's inspection, except by alternate arrangement, shall be conducted during normal business hours for the agricultural commissioner's office, and in a manner that is consistent with the operational needs of ONTRAC. The parties agree that if an inspection of packages containing plants or plant materials has not been completed prior to vehicle or aircraft departure, the packages awaiting inspection may be retained by the county agricultural commissioner's office. However, package retention will not interfere with vehicle or aircraft movements.
8. ONTRAC will furnish a suitable space with adequate lighting, accessible to the agricultural inspector, where packages can be held and easily inspected. Inspections will be conducted as soon as possible upon notification of receipt.
9. ONTRAC will provide training and instruction to new employees upon hiring, and retrain all other employees, at least once per year on the importance of holding plant material, how to identify parcels that may contain plant material, where to hold the plant material, and who to contact for inspection. Training of package handlers and drivers in California will be particularly emphasized.
10. ONTRAC will participate in periodic quality control tests that may be coordinated by CDFA. The periodic tests may involve identifying live plant shipments destined to California locations to see if ONTRAC employees are complying with this agreement. CDFA or County Department of Agriculture may send packages without prior notification.
11. This agreement is subject to review when necessary. Failure to comply with the above terms could result in a suspension, or cancellation of the agreement. ONTRAC understands that violation of the Food and Agricultural Code can result in penalties of up to \$10,000 for each violation in addition to criminal penalties. Identification of any exotic pest infestation in California, as a result of the carrier's failure to comply with the Food and Agricultural Code Sections, could result in penalties of up to \$25,000 for each violation, per Section 5028 of the Food and Agricultural Code.

SIGNED _____
 California Department of
 Food and Agriculture

SIGNED _____
 ONTRAC

DATE _____

DATE _____