


UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE		COMPLIANCE AGREEMENT	
1. NAME AND MAILING ADDRESS OF PERSON OR FIRM Name: Mr. Danny Li Business Name: Eurofins Built Environment Testing West, LLC Mailing Address: 2841 Dow Ave Suite 300 Tustin, CA 92780 Phone: 1-800-651-4802 Alt. Phone: 1-657-200-1114 e-mail: Danny.Li@ET.EurofinsUS.com		2. LOCATION Full Address: Same	
3. REGULATED ARTICLE(S) Regulated Domestic soil – SAMPLES for CHEMICAL/PHYSICAL ANALYSIS			
4. APPLICABLE FEDERAL QUARANTINE(S) OR REGULATIONS 7 CFR 301			
5. I/WE AGREE TO THE FOLLOWING:			
I. Transfer and Noncompliance A. This agreement may be immediately cancelled or revoked for noncompliance. B. This agreement is non-transferable. C. The Plant Protection Act and the Animal Health Protection Act provides authority to USDA to assess penalties for violations of regulations (7 USC § 7734 and 7 USC § 8313). Any person who knowingly violates the Plant Protection Act (PPA) (7 USC § 7701 et seq) and/or Animal Health Protection Act (AHPA) (7 USC § 8301 et seq), may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, or a one-year prison term, or both. Additionally, any person violating the PPA and/or the AHPA may be assessed civil penalties of up to \$594,129 per violation or twice the gross loss or gain, resulting from the violation, whichever is greater.			
II. Procedures, protocols and limitations established in 'General Stipulations' (attached).			
6. SIGNATURE 	7. TITLE Laboratory Manager	8. DATE SIGNED 11/17/2022	
The affixing of the signatures below will validate this agreement which shall remain in effect until cancelled, but may be revised as necessary or revoked for noncompliance.		9. AGREEMENT NO. CAL-30-0023	
		10. DATE OF AGREEMENT 12/15/2022	
11. PPQ OFFICIAL (NAME AND TITLE) SOC – Luis Oquendo Diaz		12. ADDRESS US Department of Agriculture 650 Capitol Mall Suite 7-400 Sacramento, CA 95814	
13. SIGNATURE LUIS OQUENDO DIAZ <small>Digitally signed by LUIS OQUENDO DIAZ Date: 2022.11.22 13:23:43 -08'00'</small>			
14. STATE AGENCY OFFICIAL (NAME AND TITLE) SPRO – Dr. Dean Kelch		15. ADDRESS CDFA / Permits & Regulations 1220 N Street #210 Sacramento, CA 95814	
16. SIGNATURE Dean Kelch <small>Digitally signed by Dean Kelch Date: 2022.12.08 15:50:27 -08'00'</small>			

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE PROGRAMS

Compliance Agreement

Authorization

This compliance agreement authorizes [**Mr. Danny Li of Eurofins Built Environment Testing at 2841 Dow Ave Suite 300, Tustin, CA 92780**] to receive untreated regulated DOMESTIC soil samples moved interstate from areas in the continental United States under federal domestic quarantine for Imported Fire Ant, Golden Nematode, *Phytophthora ramorum*, and/or Witchweed for non-biological purposes. Chemical/physical analysis and extraction of DNA/RNA are uses authorized by this agreement. The agreement does not authorize the movement of domestic soil in bulk quantities, nor does it reduce the holder's legal responsibility to comply with other applicable federal and/or state regulations.

Interstate movement of untreated soil from Hawaii, Puerto Rico, and U.S. territories into the continental U.S. requires a separate PPQ Soil Permit (P330). Neither this agreement nor a P330 Soil Permit authorizes receipt of untreated regulated soil from areas under domestic quarantine for Fruit Flies, Giant African Snail, or Pale Cyst Nematode. Movement of soil from these quarantined areas requires a PPQ certificate or limited permit: contact a PPQ office in the originating state for information on obtaining a certificate or limited permit. This agreement also does not authorize receipt of untreated regulated soil that has been moved across state lines for the purpose of isolating, extracting or concentrating organisms (biological analysis). Authorization to receive soil for biological analysis requires a PPQ Plant Pest Permit (P526).

A summary map the federal domestic quarantines affecting soil movement is available for reference here: https://www.aphis.usda.gov/plant_health/permits/organism/soil/downloads/Fed-SoilRegs.pdf.

General Conditions

1. This agreement is not active until it is signed by the applicant in block 6 above, the State Plant Health Director (or designee) in block 13 above, and the State Plant Regulatory Official (or designee) from the **California** Department of Food and Agriculture (**CDFA**) in block 16 above.
2. This agreement does not authorize the movement of untreated soil from Hawaii, Puerto Rico, or offshore territories to the U.S. mainland, nor does it authorize the movement of untreated soil from areas quarantined for Fruit Flies, Giant African Snail, or Pale Cyst Nematode. Contact your State Plant Health Director or local PPQ office for information on obtaining the correct documentation to move soil from these locations.

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Continuation of Section 5: General Stipulations

3. The agreement holder must comply with all the items listed in (a-j) below. In cases where notification is required, it must be made to the PPQ office listed on this agreement within one business day of the event triggering the notification.
- a) maintain a valid compliance agreement for as long as any portion of the regulated soil remains untreated,
 - b) maintain an official permanent work assignment or affiliation at the address on this agreement,
 - c) notify the PPQ office of any change in the agreement holder's work assignment, place of business, or affiliation,
 - d) not assign or transfer this agreement to other persons without prior PPQ authorization,
 - e) notify the PPQ office of the receipt of unauthorized, non-compliant, and/or misdirected shipments of regulated soil,
 - f) notify the PPQ office if a regulated organism is received in the shipment, and take all prudent measures to contain the organism until further instruction,
 - g) notify the PPQ office of any spill or other unauthorized or accidental release of the regulated soil, and adequately mitigate the resulting environmental impacts,
 - h) notify the PPQ office if the facility or equipment is damaged, destroyed, or otherwise compromised,
 - i) notify the PPQ office if you intend to let this agreement expire and will no longer receive or work with regulated domestic soil.
 - j) devitalize/sterilize all regulated soil and associated equipment/materials prior to departure from the organization, or prior to the expiration of this agreement, unless other arrangements are confirmed in advance by the PPQ office.
4. This agreement [**CAL-30-0023**] is valid for [**timeframe, up to 3 years max**] from the date of the final approving official's signature. It may be revoked sooner for non-compliance, and requests for future such agreements may be denied for prior non-compliance.

Shipping and Movement

5. All packages must consist of at least two inner packages and an outer shipping container securely sealed so that all prevent unauthorized loss of the regulated soil. The innermost packages must be adequate to withstand pressure, temperature, and other climatic conditions incidental to shipment. The outer container must be rigid and durable enough to remain sealed and structurally intact to endure typical shipping conditions (dropping, stacking, impact from other freight, etc.). The agreement holder is responsible for communicating these requirements to the shipper.

Packing materials may be used within all of the containers for cushioning or stabilizing purposes. Materials used must be free of plant pests, noxious weeds, biological control organisms not listed on the permit or associated articles, and must be new, or sterilized or disinfected prior to reuse.

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6. Unless the PPQ State Plant Health Director (or designee) specifically authorizes otherwise, all shipments of regulated domestic soil must occur by means of a generally recognized commercial carrier. A copy of this agreement, or reference to the agreement number, must accompany the shipment.
7. The regulated soil and shipping container(s) are subject to in-transit inspection by federal, state, and/or county agriculture officials. These officials may require the shipment to be treated, returned, or destroyed (in part or whole) if appropriate safeguarding or documentation measures are not met. The agreement holder is responsible for expenses associated with such action.
8. Further transfer of untreated regulated soil to other facilities requires prior written authorization from the PPQ State Plant Health Director or local PPQ office. Such transfers can only occur between APHIS-PPQ authorized facilities. Both the shipper and recipient must keep records that maintain the identity of the sample and allow its movement history to be traced. At a minimum, the records must show:
- a) Date of transfer
 - b) Sample identification number(s)
 - c) Weight of sample(s)
 - d) Origin(s) of soil
 - e) Recipient's name and facility
- Such transfers must adhere to the packaging standards described above in this section.

Facility (Storage and Handling)

9. All regulated soil must be safeguarded at all times during movement, handling, and storage, until sterilized by one of the treatment methods specified in this agreement, or until the soil is transferred to another facility that is inspected and authorized by APHIS-PPQ to receive regulated soil. Regulated soil must not be used:
- a) in field research, or for other release into the environment before sterilization,
 - b) for isolating, culturing, extracting, or concentrating live organisms,
 - c) as a growing medium, unless specifically authorized in this agreement.

All decontamination, sterilization, and disposal must comply with one of the methods authorized by this agreement.

10. Upon arrival at the APHIS-PPQ approved facility, the regulated soil must be stored in two levels of secured containment until transferred or sterilized. As long as regulated soil is present, the containment and all other affected areas of the facility must be restricted to access by authorized personnel only. All containers and storage areas will be labeled: "Regulated Soil – Sterilize before Disposal." The secured containment area must store only regulated material or, if the area also houses unregulated material, the regulated material must be clearly segregated from the unregulated material as well as being appropriately labeled.

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11. The agreement holder is responsible for overseeing the activities of all employees working with soil covered by the scope of this agreement. These employees must complete training before beginning any work with regulated soil. The training must cover the requirements on this agreement and the associated SOP submitted to APHIS-PPQ. Both a copy of this agreement and the SOP must be available at all times for facility staff to consult. Employees must receive a refresher of the training program at least annually.
12. Without prior notice and during reasonable hours, PPQ and State Agriculture officials must be allowed to inspect the facility, storage, and handling of regulated soil authorized under this agreement.

Treatment and Disposal

13. Prior to disposal, all regulated soil must be sterilized by one of the following methods (A- E):

A. Dry Heat (use one of the following schedules)

- 110 - 120.5 Celsius (230 - 249 Fahrenheit) for 16 hours
- 121 - 154 Celsius (250 - 309 Fahrenheit) for 2 hours
- 154.4 - 192.5 Celsius (310 - 379 Fahrenheit) for 30 minutes
- 193 - 220 Celsius (380 - 429 Fahrenheit) for 4 minutes
- 221 - 232 Celsius (430 - 450 Fahrenheit) for 2 minutes

Time starts when the entire sample reaches the required temperature. Use a suitable temperature probe or currently calibrated thermometer for verification. The soil must be spread evenly throughout the chamber and not exceed 6 inches in depth.

B. Autoclave

- a) Autoclave at 121 Celsius (250 Fahrenheit) for a minimum of 30 minutes at 15 psi.
- b) Place autoclave tape or other indicators on each load prior to treatment. Check the autoclave tape or other indicator on each container to verify color change before disposal.
- c) Calibrate annually according to the manufacturer's instructions and maintain written records.
- d) Use a commercially available biological indicator kit every 3 months, containing bacterial spores (e.g. *Geobacillus stearothermophilus* species) that are rendered unviable at 121 Celsius (250 Fahrenheit). Follow the manufacturer's instructions. Service and retest the autoclave if any growth is observed.

C. Hydroclave:

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- a) Hydroclave at 121 Celsius (250 Fahrenheit) for a minimum of 30 minutes, or at 132 Celsius (267 Fahrenheit) for a minimum of 15 minutes.
- b) Observe the temperature sensor to ensure that the hydroclave maintains its required temperature.
- c) Calibrate the hydroclave annually according to the manufacturer's instructions and maintain written records.

D. Incineration

With the exception of metal and glass containers, all regulated and associated material must be reduced completely to ash at the end of the incineration cycle.

E. Other

No other sterilization methods are allowed without prior written agreement from APHIS-PPQ.

14. Unless other disposal arrangements have been approved in advance by the State Plant Health Director or local PPQ office, all items coming in direct contact with, or exposed to, the regulated soil -- including but not limited to glassware, countertops, equipment, waste material, effluent, and shipping materials -- must be sterilized/sanitized/decontaminated prior to re-use or removal from the facility, and prior to the expiration of this agreement. Use any of the following methods, either alone or in combination:
 - a) immersed in a minimum of a final concentration of 0.525 percent sodium hypochlorite solution (1 part fresh household bleach to 9 parts water) for at least 20 minutes,
 - b) immersed in 70 percent alcohol for at least 30 minutes,
 - c) flamed with ethanol,
 - d) treated with quaternary ammonium compounds per manufacturer's specifications, or
 - e) one of the soil sterilization methods above.
15. If the facility receives regulated domestic soil with a contaminant (e.g. heavy metals) that prevents the soil from being sterilized on-site by one of the methods listed above, disposal at a commercial incinerator or landfill (as permitted by local, state, and federal regulations) is allowed, provided that the disposal facility also has a valid agreement with PPQ for handling regulated domestic soil. In such cases, prior written approval from the local PPQ office is required before movement of the soil to the disposal site.

Records and Record-Keeping

16. The applicant for this agreement must prepare a standard operating procedure (SOP) demonstrating compliance with APHIS-PPQ regulations. All contact information must be kept current, and versions of the SOP must be dated. In cases where the requirements outlined in this agreement are more restrictive than the SOP, the agreement requirements take precedence. APHIS-PPQ must approve any changes to the SOP before implementation. At a minimum, the SOP must describe

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Continuation of Section 5: General Stipulations

how the facility plans to: transport, handle/process, store, safeguard, treat, and dispose of the regulated soil, effluent, and anything else coming into contact with the regulated soil. The SOP must also contain instructions regarding the cleanup of potential spillage of regulated soil and must be posted in areas where soil is stored and processed. A current copy of the SOP must be available at the time of facility inspection.

17. Modifications to the facility or any procedural changes that affect the handling of regulated soil must be approved by APHIS-PPQ in advance. Contact your State Plant Health Director or local PPQ office regarding such changes.
18. The agreement holder must keep records of all shipments received and samples processed under this agreement. These records must be retained for a period of three (3) years after disposal of the soil, or (3) years after its transfer to another APHIS-PPQ approved facility. If soil is transferred between approved facilities, its identity must be maintained for traceability. At minimum, the records must include:
 - a) Date of arrival of each shipment,
 - b) Origin of the regulated soil
 - c) Total weight of the regulated soil in each shipment
 - d) Date and weight of all disposed or transferred amounts of soil
 - e) Method of disposal or location to which the regulated soil was transferred
19. Training records on each employee (see training requirements in the "Facility" section above) must be maintained for a period of three (3) years from the date the record was created.
20. A list of all persons with access to areas where regulated soil is handled or stored at the APHIS-PPQ approved facility must be maintained.
21. All records retained under this agreement must be made available to APHIS-PPQ and State Agriculture regulators upon request.

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