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October 23, 2003
via fax

Honorable Loretta Sanchez, Ranking Member
Subcommittee on Infrastructure and Border Security
House Select Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Sanchez:

The commissioners, secretaries and directors of state departments of agriculture in the fifty states and four territories are committed to and strongly support homeland security for our nation. As partners in the federal system, the state departments of agriculture are keenly aware of the need for an effective strategy to safeguard the nation's agricultural production tools, especially food safety and animal and plant health. We strongly support all measures that protect our borders from the introduction of plant and animal pests and diseases by accident, act of nature, or deliberate criminal activity.

The efficacy of agricultural inspections at points of entry is critical to the continued viability of the country's domestic agricultural sector. When a plant or animal pest or disease is detected in this country, states expend tremendous resources eradicating the pest or disease. Given the impact agriculture has on many of our states' economies, the Department of Homeland Security (DHS) must ensure their core mission includes agricultural protection. A new mindset for inspections must be developed by DHS that blends the core missions of agricultural inspectors, customs inspectors and immigration inspectors together rather than trying to change one or two of their respective missions to be in line with an existing mission.

The recently announced workforce plan for deployment of inspectional resources by DHS, "One Face at the Border" envisions unifying the duties and responsibilities of customs inspectors, immigrations inspectors and agriculture inspectors into one corps of inspectors. DHS' own press release states that this is being done to more effectively carry out its priority mission of "preventing terrorists and terrorist weapons from entering the U.S. while facilitating the flow of legitimate trade and travel – as well as performing the traditional missions of the three positions."

From NASDA's viewpoint, it is unclear what assumptions were made in the development of this plan regarding the significance and priority of agricultural inspection and whether the plan allows for the accomplishment of policies and procedures of transferred inspectional activities. Approximately 2600 staff years totally dedicated to this work were transferred from the U.S. Department of Agriculture (USDA) to DHS in the legislation creating the new agency. While USDA still retains the authority to promulgate regulations related to agricultural inspections and set policy and procedures for the



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NASDA is a nonprofit association of public officials comprised of the Commissioners, Secretaries, and Directors of agriculture in the fifty states and four territories

inspectors, it is unclear how much of these policies and procedures will actually be utilized by this new corps of inspectors.

We would like to point out that agricultural inspectors typically have a higher level of education and training than either customs or immigration inspectors. Under USDA, agriculture inspection officers had to possess a minimum of 24 semester hours of appropriate college level education and were required to pass an intensive 6-week training program in regulations and procedures. In fact, 87% of transferred agriculture officers possess a bachelor's degree or higher level of education. Appropriate training levels in agriculture must be maintained.

As you may recall, the legislation creating DHS directed the Secretary of Agriculture to reimburse DHS for agricultural inspections actually carried out from fees collected under the AQI program account. By requiring user fees to be reimbursable, Congress set up a system of checks and balances to ensure DHS doesn't receive funding for services that are not being provided. In addition, the legislation authorizing agricultural user fees places restrictions on how these funds can be utilized. NASDA's concern is that a number of vacant agricultural inspection positions have never been filled by DHS. By leaving these positions vacant, it provides DHS with resources to be used in other areas of the department. DHS' assurances that these funds are being utilized in accordance with existing law would provide a better understanding of how funds are being used.

We appreciate recent efforts of DHS to keep the states informed about Customs and Border Protection programs by attending our annual meeting in September and making a presentation to our members. It was also helpful to have agriculture stakeholders meet with DHS this month about the "One Face at the Border" plan. If these types of meetings could be regularly scheduled with DHS and if additional opportunities for consultations could be developed by DHS, such as an agricultural advisory committee on border protection, these actions would lend themselves to an increasingly improved working relationship between the state departments of agriculture and DHS.

We look forward to working with the House Select Committee on Homeland Security, DHS and USDA to develop an effective strategy to safeguard our agricultural production tools and strengthen homeland security efforts.

Sincerely,



Gene Hugoson
NASDA President
Minnesota Commissioner of Agriculture