

LOI Template

DATE

ADDRESSEE

Dear:

The mission of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is to safeguard agriculture and natural resources from the entry, establishment and spread of invasive plant pests; and to support trade and exports of U.S. agricultural products. To accomplish this mission, Congress granted APHIS the authority to administer regulations that establish detailed rules and procedures to be uniformly carried out by the Agency.

On *(insert date)*, I visited your facility and spoke with *(insert name and title, if available, or the role of the employee you met with)*. During my visit, I observed *(briefly describe what you observed: regulated material that didn't appear to be in compliance, material not being safeguarded according to a regulation or compliance agreement, etc. Describe when and how the company or individual allegedly failed to comply with the regulation(s), including the name of the person(s) involved, date(s) of the noted non-compliance, and type and volume of regulated articles involved. Include a description of any relevant documents, such as permits, compliance agreements, or orders issued. Recount the event(s) clearly, succinctly, and chronologically)*

This material is regulated under *(cite the specific regulation and statute, such as: Title 7, Code of Federal Regulations (CFR) Part 301.45; Title 9, Code of Federal Regulations (CFR) Parts 94-96; the Plant Protection Act of 2000; the Animal Health Protection Act of 2002; permit number, or your compliance agreement, issued under [cite specific regulation/statute governing the compliance agreement])*. These requirements are in place to safeguard U.S. agriculture and natural resources. Non-native invasive species (including insects, plant and animal diseases, and some plant and animal species) cause billions of dollars in damage each year, necessitate burdensome Federal and State regulations, disrupt foreign and domestic commerce, impact our ability to enjoy our environment and natural resources, and increase the price we pay for our food as our ability to produce food diminishes. *(if you know or can easily find the information also include a description of the resource being protected such as the \$___ citrus industry)*.

To comply with our regulations, you need to *(Identify the actions that need to be taken to come into compliance and, if appropriate, define a reasonable timeline for corrective action and/or submission of additional information. Clearly indicate if the actions are required (for example, using terms such as "must" instead of "should"). If you order specific, prescriptive actions, explain how the subject can request alternative actions, dispute any action, or request an*

extension of the timeline for corrective action. Be sure that you do not impose any requirements that are beyond or outside of the scope of the regulations).

If you need additional information on the *(regulation, statute, compliance agreement, etc.)* or the *(name the program – ex: Asian Longhorned Beetle, Citrus Health Response Program, etc.)*, please refer to the following website *(insert URL)* and/or refer to the enclosed material. *(Note: if no material is available on the program, omit this section and simply include contact information).* You may also contact me *(or insert a designee)* between the hours of *(insert your regular business hours)* at *(insert office phone and e-mail information)*. I am committed to helping you comply with our regulations and will be pleased to answer any questions you may have or provide any guidance you may need.

Your compliance with APHIS regulations is important to safeguarding U.S. agriculture and natural resources. We will continue to monitor your activities to ensure there are no additional instances of noncompliant activity. No additional action will be taken to address this matter at this time. We will maintain a copy of this letter on file should you *(and/or your company)* be found in violation of APHIS regulations in the future. Be aware that we take violations of our statutes and regulations very seriously. The importance of these statutes and regulations was underscored by Congress when they granted the authority, under the *(Plant Protection Act or Animal Health Protection Act, as appropriate)* to impose civil penalties of up to \$300,000 per violation. The statute also provides for criminal penalties in some circumstances. *(APHIS also has the authority to revoke or modify permits and compliance agreements to ensure adequate safeguards.)* We are hopeful that the information provided will ensure your compliance with our regulations in the future.