

Questions and Answers About the Public Health Security and Bioterrorism Preparedness Response Act of 2002

Q. What is the "Public Health Security and Bioterrorism Preparedness Response Act of 2002" (Public Law 107-188)?

A. On June 12, 2002, the President signed the "Public Health Security and Bioterrorism Preparedness Response Act of 2002" into law. To see the text, go to www.access.gpo.gov/nara/publaw/107publ.html. Public Law 107-188 is designed to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. It requires people possessing, using, or transferring agents or toxins deemed a threat to public health to notify the Secretary of the U.S. Department of Health and Human Services (HHS). It also requires people possessing, using, or transferring agents or toxins deemed a threat to animal or plant health and to animal or plant products to notify the Secretary of the U. S. Department of Agriculture (USDA). For USDA, the section of the new Act that pertains to agents and toxins that pose a severe threat to animal and plant health and to animal and plant products is called the "Agricultural Bioterrorism Protection Act of 2002."

Q. What agents or toxins are deemed a threat to animal or plant health or to animal or plant products?

A. An interim rule with the list of agents and toxins deemed a threat to animal or plant health or to animal or plant products is published in the August 12, 2002 *Federal Register* to see the text, go to <http://www.aphis.usda.gov/ppd/rad/webrepor.html>. Written comments regarding the agents and toxins on the list will be accepted through October 11, 2002.

Q. What agents or toxins are deemed a threat to public health?

A. The agents and toxins deemed a threat to public health are listed in Appendix A of Chapter 42 Code of Federal Regulations, Part 72. To see the text, go to <http://www.gpo.gov/nara/cfr/>.

Q. Who is affected by the new law?

A. Anyone possessing, using, or transferring any "Select Agents," "High Consequence Livestock Pathogens and Toxins," and/or other agents or toxins deemed a severe threat to plant health or to plant products is affected. People who exclusively possess products that are, or contain "Select Agents" and that are cleared, approved, licensed, or registered under any of the Acts listed below are exempt from the notification requirement. These Acts are:

1. The Federal Food, Drug, and Cosmetic Act
2. Section 351 of the Public Health Service Act
3. The Act commonly known as the Virus-Serum-Toxin Act (eighth paragraph under the heading 'Bureau of Animal Industry' in the Act of March 4, 1913; 21 U.S.C. 151-159).
4. The Federal Insecticide, Fungicide, and Rodenticide Act

Q. What do I need to do to comply with the law?

A. To be in compliance with the initial phase of the law, you must complete a "Notification of Possession" form and return it to HHS and/or USDA by the deadline. To facilitate reporting and reduce public burden, APHIS and the Centers for Disease Control and Prevention (CDC) have developed a single form for reporting possession of "Select Agents" and "High Consequence Livestock Pathogens and Toxins." After completion, the "Notification of Possession" forms are to be mailed to a central location for processing. A separate notification form has been developed for the reporting of plant pathogens and toxins posing a severe threat to plant health or to plant products. To link to the PPQ Web site, go to <http://www.aphis.usda.gov/ppq/permits>.

Q. When is my notification form due?

A. People possessing agents exclusive to HHS/CDC and those possessing "overlap" agents (agents on both HHS/CDC and USDA/APHIS lists) must submit their notification forms no later than September 10, 2002. People possessing agents exclusive to USDA/APHIS must submit their notification forms by no later than October 11, 2002.

Q. How do I get a notification form?

A. Please call (866) 567-4232 to request a copy of the “Notification of Possession” form. Within 3 days of your request, a machine readable form with a return pre-paid postage envelope will be mailed to you. You may also download a copy of the human readable form from the National Center for Import and Export Web site.

Q. Where do I send the notification form after completion?

A. Return completed forms to:
Analytical Science Incorporated
Attn: Field Servicing Office
P.O. Box 341809
Bethesda, MD 20827

If you want to confirm delivery of your form, please use the U.S. Postal Service Priority Mail in the 9.5” X 12” cardboard Priority Mail envelope (EP-14G) and complete and attach a fluorescent green U.S. Postal Service Delivery Confirmation Receipt (PS Form 152) label to the envelope. You may track the delivery of your notification form via the U.S. Postal Web site at <http://www.usps.com/shipping/deliveryconfirm.htm> or by calling (800) 222-1811.

Q. Where can I get additional information?

A. For additional information about the Agricultural Bioterrorism Protection Act of 2002, you may visit our Web site at <http://www.aphis.usda.gov/vs/ncie>. You may also contact USDA/APHIS by e-mailing your question to (e-mail address) or by calling APHIS’ National Center for Import and Export at (301) 734-3277. For general information about the “Notification of Possession” form, please call (866) 567-4232.

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