



PISTACHIO EXPORT AFLATOXIN REPORTING
(PEAR) PROGRAM FOR EXPORTS TO THE
EUROPEAN UNION

PROGRAM MANUAL

2021

The PEAR Program is administered by the Administrative Committee for Pistachios, and is open to Handlers regulated under the federal marketing order for pistachios produced in California, Arizona and New Mexico, 7 CFR Part 983

Table of Contents

1	PURPOSE.....	3
2	BACKGROUND.....	3
3	PROGRAM DESCRIPTION	4
4	PROGRAM ADMINISTRATION.....	5
5	PROGRAM ACTIVITY SEQUENCE.....	6
5.1	Handler Program Entry & Maintenance of Status	6
5.2	Creating and Sampling the Lot.....	7
5.3	Dividing Lot for Aflatoxin Analysis.....	8
5.4	Laboratory Analysis and Reporting	9
5.5	PEAR Program Handler Document for Export to the EU	9
5.6	Submit reporting data to ACP	9
5.7	RESPONDING TO RASFF NOTIFICATIONS	10
6	PROGRAM MANAGEMENT, VERIFICATION, AND OVERSIGHT ACTIVITIES.....	11
6.1	Administrative Committee for Pistachios (ACP):	11
6.2	USDA-MOAD:.....	12
6.3	USDA-SCI:	12
6.4	USDA-S&T:.....	12
6.5	PEAR Signatory Subcommittee:	12
7	PEAR PROGRAM PERFORMANCE EVALUATION	12
8	Annex I - Memorandum of Understanding	14
9	Annex II – PEAR Program Handler Document for Export to the EU.....	16
9.1	Instructions for Completing PEAR Program Handler Document	16
9.2	Template Example.....	18

1 PURPOSE

The Pistachio Export Aflatoxin Reporting (PEAR) program (hereinafter, the Program) was developed by the Administrative Committee for Pistachios (ACP) to meet EU expectations for a formal aflatoxin control program for US pistachio exports to EU Member States, specifically (EC) No. 1881/2006¹. The program provides standardized reporting of sampling, analytical certification, and traceability with equivalency to that used by the European Union (EU) for official testing of pistachios at the port of entry. Other export markets may be added as needed.

2 BACKGROUND

Aflatoxin (AFT) is a metabolic byproduct of particular isolates of the fungi *Aspergillus flavus* and *A. parasiticus*. AFT is toxic and a carcinogenic mutagen and is regulated in many countries. Contamination of pistachios is the result of fungal infection of damaged nuts in the field. Typically, the damage is caused by larval feeding of the navel orangeworm (NOW). Historically, aflatoxin contamination of US pistachios was low, pre-export aflatoxin testing for EU shipment under the California Pistachio Board was routine and consequently, the industry experienced relatively few rejections under the EU's Rapid Alert System for Food and Feed (RASFF). In 2007, higher levels of damage by NOW were experienced in US pistachios and this resulted in a sharp increase in the number of RASFF notifications in 2008. This led to an EU audit by the EU's Food and Veterinary Office (FVO, today the Health and Food Audits and Analysis Directorate of the European Commission's Directorate-General Health and Food Safety (DG SANTE)) in September 2010, resulting in the report DG SANCO 2010-8743². At the time, the FVO recommended an export aflatoxin testing program for pistachios intended for the EU but the ACP lacked authority for such a program. In 2010, the ACP proposed amending the pistachio marketing order (7 CFR Part 983³) to provide authority to establish aflatoxin and quality regulations for pistachios shipped to export markets. The proposed amendments became effective in 2012. During that period, industry-initiated voluntary controls and more effective field control of NOW reduced the number of RASFF notifications to zero in 2010 and the industry did not establish a program under the pistachio marketing order in the absence of a demonstrable need.

The ability to control NOW in the field began to erode due to insecticide resistance and the levels of aflatoxin increased. There was a sharp increase in the number of notifications in 2014. Concerned with the increased number, the EU placed US pistachios (in-shell and shelled) under a mandatory testing program of 20% in 1 April 2015 within the framework of "Commission Implementing (EU) No. 2015/525⁴ of 27 March 2015 amending Annex I to Regulation (EC) No. 669/2009⁵ of 24 July 2009 Implementing Regulation (EC) No. 882/2004⁶ of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision (EC) No. 2006/504/EC⁷". As of 1 January 2017, this mandatory testing was reduced to 10% by "Commission Implementing

Regulation (EU) No. 2016/2107⁸ of 1 December 2016 amending Annex 1 of Regulation (EC) No. 669/2009⁵ as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports” and has remained at 10% since that time. As of 1 January 2018, and on the basis of “Commission Implementing Regulation (EU) 2017/2298⁹ of 12 December 2017 amending Regulation (EC) No. 669/2009 implementing Regulation (EC) No. 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin”, roasted pistachios are now subject to the increased level of official controls at point of entry for 10% of consignments. In summary, pistachios, inshell, shelled, roasted, are subject to 10% sampling frequency for aflatoxin testing at EU ports of entry.

Currently, the US pistachio industry voluntarily tests all EU-bound exports, but complete documentation has yet to be implemented for attestation to meeting sampling and analytical requirements. The EU’s Health and Food Audits and Analysis Directorate of DG SANTE audited the aflatoxin controls for exports in September 2017, issued a draft report in November 2017 and published the final report (DG SANTE 2107-6080¹⁰) and the reactions of the USDA in April 2018. DG SANTE recommended that the industry consider “a legal framework” for pistachio exports to the EU to provide the EU with assurance that pistachio exports meet EU requirements of EC No. 1881/2006.

3 PROGRAM DESCRIPTION

The PEAR Program is intended to provide the EU with verification that the participants comply with the EU requirements for aflatoxin in pistachios, specifically (EC) No. 1881/2006. The legal framework consists of standard procedures for sampling, analytical aflatoxin testing in USDA-approved laboratories, program verification audits by USDA-Specialty Crops Inspection, and procedures for responding to RASFF notifications. Participation in the PEAR Program is voluntary, but signatories are required to adhere to the requirements of the Program and may not ship pistachios to the EU outside of the PEAR Program.

The Program is open to all Handlers regulated under the pistachio marketing order who export pistachios grown in California, Arizona, and New Mexico from the United States. While membership is on an annual basis, the provisions of the Program are mandatory for all Program participants. Participation is on a crop year basis, September through August of the following year.

The Program is applicable for US in-shell bulk raw pistachios (HS code 0802 51 00), bulk shelled pistachios (HS code 0802 52 00), as well as roasted pistachios (HS code 2008 19 20) intended for human consumption shipped from the United States to the European Union.

Program Required Documentation:

Table 1. List of important documents and records used for implementation of the program.

Document	Description
Memorandum of Understanding (MOU)	Record of what the Handler agrees to do for compliance to the Program requirements.
Sampling Standard Operating Procedure (SSOP)	Handler's documented procedure for how to collect a representative sample from a lot for aflatoxin analysis.
Training Log/List	Record of completed training for individuals responsible for collecting a representative sample for aflatoxin analysis.
Sampling Log/Report	Record of information that completely describes the sample collected and submitted for aflatoxin analysis. It provides evidence the sample was collected correctly and links it to the aflatoxin analysis once completed.
Certificate of Analysis	Record of information describing the aflatoxin testing results performed by a USDA-approved laboratory. It should provide a traceable link back to the sample collection record.
PEAR Program Handler Document for Export to the European Union	Record of Handler attestation the consignment meets Program requirements prior to shipping.
Pistachio Export Aflatoxin Report	Records submitted to ACP to allow for review of reporting data trends and rejection rates in order to recommend aflatoxin tolerance or other changes to the Program.

4 PROGRAM ADMINISTRATION

The Program is administered through the ACP, which is responsible for the local administration of the Federal Marketing Order for Pistachios, 7 CFR Part 983 under the supervision of USDA – Agricultural Marketing Service, Marketing Order Administration Division.

Signatory representatives form a subcommittee that meets at least annually to review the Program Manual and, as needed, to analyze rejection rates, determine if adjustments to the shipping tolerances are needed to meet Program goals, and recommend tolerances applicable to shipping to the designated markets. The ACP, with the approval of USDA, sets tolerances on the advice of the signatory subcommittee with immediate applicability. The shipping tolerance will be set at 4 ppb total aflatoxin beginning September 1 of each crop year and will be subject to immediate modification based on adequate numbers of aflatoxin testing results for the current crop year.

Several divisions of USDA serve integral roles in the administration of the Program. USDA-Specialty Crops Inspection (SCI) ensures the ACP is administering the Program as designed and that participants are in compliance to the Program requirements. USDA-Science & Technology

(S&T) ensures the USDA-Approved Laboratories are in compliance with the Laboratory Approval Program for Aflatoxin Analysis. USDA-Marketing Orders & Agreements Division (MOAD) provides oversight of the ACP and ensures compliance with the Federal marketing order for pistachios.

5 PROGRAM ACTIVITY SEQUENCE

1. Handlers voluntarily agree to participate in the Program by signing a Memorandum of Understanding (Annex I) and complying with Program requirements.
2. Handler creates the lot for shipping, and samples according to the Handler's Sampling Standard Operation Procedure (SSOP). No additional sorting/subdivision after lot creation and sampling is allowed.
3. Handler divides lot sample into analytical samples and sends to a USDA-Approved Laboratory.
4. Laboratory performs aflatoxin analysis and provides the Certificate of Analysis to the Handler.
5. Handler completes the PEAR Program Handler Document for Export to the European Union. (Annex II).
6. Handler provides reporting data to the ACP monthly.
7. USDA, ACP and Handler collaborate to respond to RASFF notifications.

5.1 Handler Program Entry & Maintenance of Status

A Memorandum of Understanding (Annex I) is used to outline the Signatory's agreement to follow the Program requirements.

Entry Requirements:

1. ACP provides MOU to regulated Handler for signature annually, 7 days prior to the beginning of each crop year.
2. Once a Signatory, the Handler must comply with the Program requirements.
3. ACP and Signatory maintain signed MOU on file.
4. ACP lists Program Signatories on webpage.

MOU requirements:

As a Signatory, the Handler agrees to the following:

- a. Operate in a hygienic manner as evidenced by a Global Food Safety Initiative (GFSI) audit or a third party approved HACCP plan. Proof of audit compliance must be provided.
- b. Allow USDA Specialty Crop Inspection Division to audit at least annually to verify compliance. Consignments are selected at random by SCI to verify compliance to

- the Program requirements. Handler will provide SCI auditors access to documentation and records necessary to ensure compliance.
- c. Receive ACP Training. Ensure new employees responsible for sampling receive training. Maintain a training log for personnel.
 - d. Allow listing of Handler name on ACP website as a Program Signatory.
 - e. Understand that non-compliance results in suspension of shipping under the Program. Failure to correct the non-compliance within 30 days of notification results in ACP actions of disenrollment, removal from the PEAR listing, and informing the EU authorities of that removal.
 - f. Maintain valid documentation including aflatoxin certificate of analysis and shipping certification accompanies each shipment.
 - g. Understand that lots that do not meet aflatoxin testing requirements at the port of entry in the EU is automatically reviewed by the ACP.
 - h. Participate in RASFF reviews as required by ACP.
 - i. Understand that PEAR participation covers shipments made within the crop year and does not refer to the year of production of the shipped product.

5.2 Creating and Sampling the Lot

Signatory creation of lot and analytical sample is a critical activity of the Program to meet EU requirements. The requirements are as follows:

1. Sampling Practices. Signatory must use documented sampling practices that are equivalent to EU and Codex Alimentarius sampling protocols. The European Commission has established sampling protocols for nuts for aflatoxin control (Commission Regulation (EC) No. 401/2006¹¹ of 23 February 2006 as amended by Commission Regulation (EU) No. 178/2010¹² of 2 March 2010).
2. Qualified Personnel. Signatory must use trained and qualified sampling personnel. Personnel directly responsible for sample collection, sample submission, recordkeeping, and completing required program reports and forms must be trained by the ACP or by an ACP-trained trainer. The ACP provides training to designated personnel upon Handler's entry into the Program. Signatory is responsible for ensuring that new and existing employees are trained on an as-needed basis. Signatory maintains the training log for all employees in the Program and is available when requested for audit purposes.
3. Sampling Standard Operating Procedures. Signatory SSOPs must comply with the Program and be approved by ACP. Each signatory must develop a sampling standard operating procedure (SSOP) and submit to the ACP for review and approval prior to

entry into the Program and anytime a significant amendment to the SSOP is made. The ACP reviews SSOP and upon approval provide record of approval.

The purpose of the SSOP is to ensure that an appropriate sample has been collected, mixed, split, packaged and logged for every lot intended for export to the EU. The SSOP must contain the following elements:

- a. Sample collection practices. For static lot or manual in-line sampling, an operator log sheet must be recorded as the sample is taken. It should include the time of sampling, sample size, and operator initials. For automatic in-line sampling, records must be maintained verifying that the sampler is operating appropriately.
 - b. Sampling record and log procedures.
 - c. Sample homogenization and splitting.
 - d. Sample container requirements.
 - e. Sample labeling, storage, and laboratory delivery procedures.
 - f. Employee sampling training.
4. Sampling Recordkeeping. Signatory must follow proper recordkeeping practices to ensure traceability. Records must be maintained for all sampling activities conducted per the approved SSOP. The following must be documented:
- a. Lot size.
 - b. Lot code (a unique combination of numbers, letters, and/or symbols that identify the lot).
 - c. Product description (quality, in-shell or kernel, nut or kernel size, etc).
 - d. Type of sampling (static lot, manual in-line, automatic in-line).
 - e. Sampling frequency (incremental samples.)
 - f. Sampling Standard Operating Procedure (ID and version number)
 - g. Aggregate sample size.
 - h. Laboratory sample size.
 - i. Sampling operator.
 - j. Date of sampling.
 - k. Date of submission to the analytical laboratory.

5.3 Dividing Lot for Aflatoxin Analysis

Program signatories submit a wide range of samples to USDA-Approved laboratories for aflatoxin analysis, depending on domestic or export shipments, different customer requests and specifications, or internal checks. The requirements are as follows:

1. Signatory must provide the laboratory with an appropriate sample.

2. Signatory must provide the laboratory with a request for analysis and sample information including at least the lot number, product type, and sample size.
3. Signatory must send samples to a USDA-Approved laboratory.

5.4 Laboratory Analysis and Reporting

Signatory must obtain analytical testing results for all lots destined to the EU. Aflatoxin testing is provided by USDA-Approved laboratories. The requirements are as follows:

1. Laboratory must be a USDA-Approved Laboratory.
2. Laboratory generates sample number.
3. Laboratory maintains a sample receipt log and notifies the client when a sample does not match the description on the request. Discrepancies must be reported to the client prior to the beginning of analysis.
4. Laboratory performs requested analysis according to the USDA S&T Laboratory Approval Program for Aflatoxin Analysis.
5. Laboratory sends a Certificate of Analysis and other required analytical data to the client.

5.5 PEAR Program Handler Document for Export to the EU

The PEAR Program Handler Document for Export to the EU is for the Shipper's attestation that the consignment destined for the EU meets the Program requirements. It includes an attestation for proper sampling, completed aflatoxin analysis, and suitability of the lot for shipping. The requirements are as follows:

1. Signatory completes the PEAR Program Handler Document for Export to the EU, verifies the information on the form against the attachments (i.e., aflatoxin certificate of analysis) and signs to attest to compliance to the Program and meeting Program shipping tolerances.
2. See Annex II for PEAR Program Handler Document example and instructions for completion.
3. The signatory must be aware of the current shipping tolerances and only ship lots that comply with said tolerance.

5.6 Submit reporting data to ACP

Participants are required to submit specific data to the ACP. The information submitted is used to compile data, without Handler ID, showing total number of lots tested, failure rate at each

tolerance, and acceptance rate. This data is shared with the appropriate regulatory authorities as requested.

The requirements are as follows:

1. Report required data to the ACP by the 10th of each month on the ACP Pistachio Export Aflatoxin Report

By the 10th day of each month, each Signatory must submit electronically all reporting data to the ACP for all of the previous month's analyses regardless of result. This data includes all the elements collected during sampling as well as the analytical results. If a lot exceeds the shipping tolerance is reworked or shipped to a non-EU destination, a note of that disposition must be included with the results. Rework may be accomplished as specified in 7 CFR Part 983.152 and 983.153 and may include sizing, color sorting, and manual sorting of defects.

2. Program Signatory Subcommittee reviews available reporting data trends and rejection rates in order to recommend an aflatoxin tolerance equal to or with greater stringency than the EU tolerance.
3. ACP shares data with appropriate regulatory authorities as requested.

5.7 RESPONDING TO RASFF NOTIFICATIONS

RASFF Notifications are reviewed and the EC is provided with a response in a timely manner.

The general procedure is as follows:

1. USDA-FAS sends RASFF notification to ACP.
2. ACP examines notification and determines type of investigation and response needed. An initial response, as described in either a or b, is provided once the type of investigation and response is determined. Follow-up responses will be made as described in either a or b as information is available, and within a timely manner.

- a. Consignment documented origin is U.S.

- i. ACP investigates the lot in question and works with the Handler to determine disposition of the consignment.

Tested lots are designated for specific markets depending on their aflatoxin analyses. Different markets have established various tolerances for aflatoxin contamination, a lot which may not meet the tolerance in one market may meet the tolerance in another. Consequently, lots that are rejected by EU port authorities may be returned to the United States for rework, shipped to other destinations willing to accept them, or reworked in the EU in accordance with Regulation (EC) No. 882/2004⁶.

- ii. ACP requests an initial investigation by the Handler and includes review of applicable sample collection, Aflatoxin Certificate of Analysis, and PEAR Shipping Report.
 - iii. Handler maintains records for consignments returned to the U.S. to facilitate traceability of final disposition.
 - iv. ACP provides follow up response to EC with a copy to USDA-FAS and USDA-MOAD.
- b. Consignment documented origin **NOT** U.S.

ACP examines notification and assists where possible to inform the EC of documentation discrepancies and other concerns. In these cases, since the US pistachio industry is not responsible for the shipments, there may be limited availability of records.

3. Overarching Industry Review

- a. ACP collects all RASFF notifications and periodically analyzes data to identify long term statistical trends indicating the need for a refinement or adjustment of the Program.
- b. ACP takes action based upon long-term trends in coordination with stakeholders.
- c. USDA-FAS facilitates communications with EU.

6 PROGRAM MANAGEMENT, VERIFICATION, AND OVERSIGHT ACTIVITIES

The following program management, verification and oversight activities are divided into sections based on the responsible party. Responsible parties include the ACP, USDA-Foreign Agricultural Service (FAS), USDA-MOAD, USDA-SCI, USDA-S&T, and the Program Signatory Subcommittee.

6.1 Administrative Committee for Pistachios (ACP):

Responsibilities:

1. Serves as the Local Competent Authority for administration of the Program.
2. Reviews and implements revisions to the Program Manual annually, subject to USDA-MOAD approval.
3. Manages MOUs.
4. Maintains Signatory list on website.
5. Provides PEAR training to Handler Personnel.
6. Reviews and approves Signatory SSOP.
7. Responds to RASFF notifications.
8. Compiles data on sampling and analysis provided by Signatories and makes data available to the PEAR Signatory Subcommittee.

9. Conducts compliance checks of sampling procedures.
10. Reviews Signatory Subcommittee meeting minutes and recommendations.

6.2 USDA-MOAD:

Responsibilities:

1. Ensures compliance with the Federal marketing order for pistachios.
2. Oversees the ACP's administration of the marketing order and, thus the Program.
3. Conducts periodic evaluation of the marketing order.
4. Reviews and approves proposed Program changes.

6.3 USDA-SCI:

Responsibilities:

1. Performs the Initial verification audits to ensure system is in place.
2. Performs periodic audits to ensure compliance of sampling procedures and records.
3. Enforces corrective actions to nonconformances found during audits.
4. Communication with Signatories and ACP.

6.4 USDA-S&T:

Responsibilities:

1. Administers the Laboratory Approval Program for Aflatoxin Analysis for USDA-Approved laboratories, including audits and surveillance of laboratory practices and performance to ensure compliance with (EC) No. 401/2006, as amended.
2. Ensures Certificates of Analysis comply with EU requirements.
3. Enforces corrective actions for nonconformances found to the Laboratory Approval Program.
4. Communicates with laboratories and the ACP, as needed.

6.5 PEAR Signatory Subcommittee:

Responsibilities:

1. Periodically reviews export markets to determine if Program scope needs to revision and make recommendations to the ACP.
2. Periodically reviews the shipping tolerance and recommends changes to ACP. Data is provided through the ACP.
3. Makes recommendations to ACP regarding the editing/approval of the Program Manual.

7 PEAR PROGRAM PERFORMANCE EVALUATION

Criteria:

1. Compliance of Program participants
2. Management of border rejection rates.
3. Timely response to RASFF notifications.

The Program is intended to provide assurances to the European Union that US pistachios exported to the EU under this program meet EU requirements for sampling and testing for aflatoxin in pistachios. This requires a more formal, standardized testing and reporting system for US pistachio exports to the EU, which this program provides. The Program is evaluated on (at least) these three criteria.

The Program contains the elements needed for these assurances and a critical measure of performance is the verification of Program Signatory compliance through periodic audits. Signatories undergo USDA-SCI audits and occasional sampling compliance checks by ACP.

Another measure is the management of the border rejection rate of lots sent to the EU. The border rejection rate helps provide an estimate of the average aflatoxin contamination of the US exports. If all elements of the Program are operating as expected, the border rejection rate and subsequently the average aflatoxin contamination in exports to EU should be minimized.

The third criteria used to measure performance is the timely response to RASFF notifications of US pistachios in the EU. Timely response and thorough investigation show the pistachio industry's commitment to meeting the EU requirements of minimizing aflatoxin contamination of consignments.

8 Annex I - Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

The Administrative Committee for Pistachios (the ACP) and the exporting pistachio handler below (the signatory) hereby enter into agreement regarding the administration and compliance with the Pistachio Export Aflatoxin Reporting (PEAR) Program.

The ACP serves as the local competent authority for the PEAR Program and is responsible for administering the federal marketing order for pistachios produced in California, Arizona and New Mexico (7 CFR Part 983), which is established under the Agricultural Marketing Agreement Act of 1937, as amended (Act). The PEAR program is open to handlers regulated under the pistachio federal marketing order.

The Pistachio Export Aflatoxin Reporting (PEAR) Program is intended to meet EU expectations for a formal aflatoxin control program for US pistachio exports to EU Member States, specifically (EC) No. 1881/2006. The program provides standardized reporting of sampling, analytical certification, and traceability with equivalency to that used by the European Union (EU) for official testing of pistachios at the port of entry.

The purpose of this agreement is to detail the management and administrative responsibilities of the ACP as well as the responsibilities of the individual signatory under the PEAR Program. Pursuant to Section 10 (i) of the Act, this agreement also allows the ACP to make available certain confidential records to the PEAR Program provided such information is relevant to the services the ACP is providing to the PEAR Program and the information provided remains confidential.

The terms of the agreement are detailed in the appended PEAR Program manual. The responsibilities of the ACP and Signatory include, but are not limited to the following:

The ACP:

1. Reviews and implements revisions to the Program Manual annually, subject to USDA-MOAD approval.
2. Maintains a Signatory list on website.
3. Provides PEAR Program training to Signatory personnel.
4. Reviews and approves Signatory SSOP and conducts compliance checks of sampling procedures.
5. Responds to RASFF notifications.
6. Compiles data on sampling and analysis provided by Signatories and makes data available to the PEAR Program Signatory Subcommittee.
7. Contracts for audit services through the USDA – Specialty Crop Inspection and the signatory agrees to compensate the ACP upon billing for the services rendered to the signatory.
8. Will hold in confidence data submitted by the signatory under the PEAR Program but may issue reports containing data compiled by all signatories without attribution to individual signatories.

The Signatory:

1. Passes a handler Hazard Analysis and Critical Control Point (HACCP) or Global Food Safety Initiative (GFSI) audit to insure hygienic production.
2. Allows USDA Specialty Crop Inspection Division to audit at least annually to verify compliance. The Handler will provide USDA auditors access to documentation and records necessary to ensure compliance.
3. Designates a representative(s) to carry out responsibilities under the PEAR Program.
4. Receives PEAR Program training and ensure new employees responsible for sampling receive training and maintain a training log for personnel.
5. Allows listing of Handler's name on ACP website as a PEAR Program Signatory.
6. Understands that non-compliance results in suspension of shipping under the Program. Failure to correct the non-compliance within 30 days of notification results in ACP actions of disenrollment, removal from the PEAR Program listing, and informing the EU authorities of that removal.
7. Participates in RASFF reviews as required by the ACP.
8. Understands that PEAR Program participation covers shipments made within the crop year and does not refer to the year of production of the shipped product. The signatory agrees to the conditions of revocation/removal from the PEAR Program.

Signatory

Administrative Committee for Pistachios
4938 East Yale Avenue, Suite 102
Fresno, California 93727

Company Name

Signed By

Signed By

Title

Title

Date

Date

9 Annex II – PEAR Program Handler Document for Export to the EU

9.1 Instructions for Completing PEAR Program Handler Document

Original Commodity Condition: For US pistachios complying with Pistachio Export Aflatoxin Reporting Program for Exports to the European Union

1. **Handler Name, Address, Telephone Number:** Name, address, and telephone number of the owner of the pistachios at the time of shipment.
2. **Lot No.:** Batch number should be the entire Batch (Lot) Identity Number.
3. **Lot Weight:** The total weight of the lot in lbs., kg, or mt.
4. **Type of packaging:** Enter type (bins, cartons, totes, etc.).
5. **Number of packages:** Enter the number of packages (bins, cartons, totes, etc.)
6. **Description of commodity:** The name used to describe the pistachios on the certificate. Select shelled (Kernel), Open, In-Shell or Roasted.
7. **Sampler:** Indicate of sampled by Handler or USDA.
8. **Local Competent Authority:** The local Competent Authority is the “Administrative Committee for Pistachios (ACP).”
9. **Date Sampled:** Enter the date sampled.
10. **Aflatoxin Certificate of Analysis (COA) number:** The Aflatoxin COA number must be issued by a lab approved by USDA-AMS. The COA must be attached to the PEAR Program form.
11. **Central Competent Authority:** The Competent Authority for pistachios is “USDA-AMS.”
12. **Commodities certified for:** “Direct human consumption for aflatoxin only.

If pistachios for Human consumption they must meet EU standard for aflatoxin of 10.0 ppb-total, 8.0 ppb-B1 (EC No. 1881/2006).

Handler Attestation:

In accordance with the provisions of European Commission (EC) Regulation No. 401/2006, as amended, for the control of aflatoxin in pistachios the Handler attests that the commodities from this consignment have been sampled and tested for aflatoxin (see the attached Aflatoxin Certificate of Analysis). This consignment meets the shipping requirements of EC No. 1881/2006 and the Pistachio Export Aflatoxin Reporting Program shipping tolerance.

Name (Printed), Title, Signature of Signatory Handler or Designated Representative of Handler: should be completed at the bottom of the Original Commodity Condition Section of the document. Date of Completion of the document should also be completed.

Shipping Information:

13. **Consignor: Name, Address, Email, Telephone Number, and Fax Number.** (Note if different than Handler).
14. **Consignee in EU (Owner):** The entity who will be the next owner of the pistachios upon arrival in the EU. Indicate name, address, email, telephone number, and fax number.

This may be a freight forwarder, truck carrier or the ultimate owner of the pistachios in the EU. This needs to be the contact if port has issues with the shipment. (Also known as Agent or Declarant in EU)
15. **Country of Origin:** "United States"
ISO Code: "US"
16. **Country of destination:** This is the country which will be the final destination of the pistachios in the EU.
17. **Freight Company Name:** Name of company transporting the consignment.
18. **Point of import in EU:** Name of port where pistachios will arrive in the EU.
19. **Identification of container/Seal number:** Container number found on the outside of the container. Seal number should be the last seal put on the container prior to loading on the ship/airplane.
20. **Commodity code (HS code):**
Harmonized System code (EC No. 884/2014)
 - (a) Pistachios, in shell 0802 51 00
 - (b) Pistachios, shelled 0802 52 00
 - (c) Pistachios, roasted 2008 19 20

Signature and Date of Consignor.

9.2 Template Example

¹ [\(EC\) No. 1881/2006](#). Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs.

² [DG SANCO 2010-8743](#). Final report of a mission carried out in the United States from 15 to 24 September 2010 in order to assess the control system in place to control aflatoxin contamination in pistachios intended for export to the European Union.

³ [7 CFR Part 983](#). Pistachios Grown in California, Arizona, and New Mexico.

⁴ [\(EU\) No. 2015/525](#). Commission Implementing Regulation (EU) 2015/525 of 27 March 2015 amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin.

⁵ [\(EC\) No. 669/2009](#). Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC.

⁶ [\(EC\) No. 882/2004](#). Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

⁷ [\(EC\) No. 2006/504/EC](#). Commission Decision of 12 July 2006 on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins.

⁸ [\(EU\) 2016/2107](#). Commission Implementing Regulation (EU) 2016/2107 of 1 December 2016 amending Annex I to Regulation (EC) No 669/2009 as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports.

⁹ [\(EU\) 2017/2298](#). Commission Implementing Regulation (EU) 2017/2298 of 12 December 2017 amending Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin.

¹⁰ [DG SANTE 2107-6080](#). Final report of an audit carried out in the United States from 05 September 2017 to 12 September 2017 in order to assess the control system in place to control aflatoxin contamination in pistachios intended for export to the European Union.

¹¹ [\(EC\) No 401/2006](#). Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs.

¹² [\(EU\) No. 178/2010](#). Commission Regulation (EU) No 178/2010 of 2 March 2010 amending Regulation (EC) No 401/2006 as regards groundnuts (peanuts), other oilseeds, tree nuts, apricot kernels, liquorice and vegetable oil.