**CAPS Volunteer Survey Group: Summary of Activities 2012-2014**

The National CAPS Committee (NCC), in its annual meeting in February 2012, discussed the possibility of the use of volunteers in CAPS surveys. In the summer of 2012, John Bowers ask Avi Eitam to lead a group to discuss this issue. Over 10 members of the CAPS community, including both PPQ and State representatives, participated in multiple conference calls.

The group decided early on to select a visual survey for Asian longhorned beetle as a template for volunteer surveys. Several calls were dedicated to detailed discussions of Survey Design & Sampling Methodology. In late 2012, the group began work on other aspects of the survey guidelines, including Recruitment and Retention, Training, and Reporting.

A draft document, “Volunteer Survey Guidelines: Asian longhorned beetle”, was presented to the NCC in February 2013, with the understanding that some sections still needed significant work. John requested that the group change its focus, and discuss the “people aspects” of the survey, including confidentiality and liability issues.

During 2013, it had come to our attention that other individuals within PPQ may have an interest in the use of volunteers for surveys. In June 2013, John drafted a white paper “The Use of Volunteers in Exotic Pest Surveys”, with an invitation for anyone wanting to join the group to contact Avi. Having received no further interest, the group renewed its discussions in October 2013.

The group had discussions with Darlene Bolinger and Brooke Geller of the Office of General Counsel regarding the legal status of CAPS volunteers, specifically whether they would be protected for liability under workers compensation and the Federal Torte Claims Act. Whether a volunteer is considered a federal employee for these purposes will depend on whether the individual is deemed to be “acting on behalf of a federal agency in an official capacity,” which a judge would ultimately decide, if a suit were filed.

Increasing the involvement of PPQ in the surveys, for example by training or supervising the volunteers, would increase the probability that they would be recognized as federal employees. However, this level of involvement is beyond what is typical in CAPS surveys. States should recognize that they may be liable for the volunteers if they are to be utilized in a survey. For those states with the interest in pursuing use of volunteers in their CAPS surveys, the CAPS Cooperative Agreement would need to outline the state’s agreements with the volunteers regarding liability and confidentiality.

Given the uncertainty regarding the legal status of volunteers in cooperative programs such as CAPS, Kathy Handy concluded that it would be best to table the development of standardized guidance/templates for use of volunteers in CAPS surveys. However, it may be possible to continue to pursue this if the states would opt to either (1) increase PPQ involvement in the survey; or (2) recognize that they may be liable for injury sustained by the volunteers, and well as damage to properties caused by volunteers during the course of their official survey duties.

We may continue to pursue guidelines for use of volunteers in PPQ surveys, if there is an interest for this within the agency, as their legal status in this case would be clear. The Forest Service does use volunteers in their activities, and we could use their guidelines as a model for ours.