

Chapter 4.17 Import Permits

1. Overview

This chapter covers requirements and activities for the issuance of the various U.S. import permits that are relevant to the licensure and regulation of veterinary biologics. Several of the CVB Inspection and Compliance requirements are mentioned, as a Reviewer may be asked about these by a prospective permittee. However, the focus of this chapter is PEL responsibilities.

The Center for Veterinary Biologics (CVB) issues 3 kinds of import permits for veterinary biologics:

Permit for Distribution and Sale
Permit for Research and Evaluation
Permit for Transit Shipment

This chapter discusses the submissions needed and the regulatory considerations relevant to each permit issued by the CVB.

Please note that the National Import and Export Service (NIES) issues import or transport permits for controlled material or organisms (agents) and vectors. Such permits may be needed by firms to import materials to conduct work needed for licensure or for acquiring a permit for distribution and sale, e.g., Master Seed and Master Cell candidates.

In general, all animal pathogens require an import permit from NIES; policy regarding the need for a permit for a specific material or isolate may change periodically or be updated: **NIES should be contacted regarding current policy before applying for a permit.** Contact information for Organisms and Vectors is: OV@aphis.usda.gov (e-mail seems to work as the best method for questions), or by telephone at 301-851-3300, Option 3.

2. Related Documents

Regulations:

Title 9, Code of Federal Regulations, [Parts 104.1 – 104.6](#) (9 CFR 104.1-104.6)

Policy:

Veterinary Services Memoranda Nos. [800.101](#) (primary reference), [800.50](#), [800.53](#), and [800.109](#)
[CVB Notice 13-03](#)

3. Procedures

3.1 Permits for Distribution and Sale

3.1.1. Application:

This permit is applied for using an [APHIS Form 2005](#). As shown in the figure below, the applicant selects the middle checkbox, “General Sale and Distribution” in Box 2 of the Form 2005. When using the APHIS Form 2005 to apply for a permit for distribution and sale, the application is sent directly to the CVB in Ames, IA, either by hard copy in the mail, or electronically.

<small>This application must be submitted for issuance of a U.S. Veterinary Biological Product Permit. This information will be used to determine if the product may be brought into the U.S., or for approval of transit shipment of biological products move through the U.S. (9 CFR 104).</small>		<small>According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0570-0013. The time required to complete this information collection is estimated to average 1.0 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.</small>	
<small>U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE VETERINARY SERVICES, CENTER FOR VETERINARY BIOLOGICS APPLICATION FOR UNITED STATES VETERINARY BIOLOGICAL PRODUCT PERMIT</small>		1. DATE SUBMITTED	
<input type="checkbox"/> INITIAL <input type="checkbox"/> RENEWAL			
INSTRUCTIONS: Submit one copy of application for each product. If more space is needed, attach additional sheets and refer to item number. Enclose supporting documents.			
2. TYPE OF APPLICATION			
<input type="checkbox"/> RESEARCH AND EVALUATION <small>(Complete all items except 10 through 15)</small>		<input type="checkbox"/> GENERAL SALE AND DISTRIBUTION <small>(Complete all items except 6, 7, 8, 9, and 15)</small>	
		<input type="checkbox"/> TRANSIT SHIPMENT ONLY <small>(Complete all items except 9 through 14)</small>	
3. NAME AND ADDRESS OF APPLICANT (include No., Street or RFD No., City, State, and Zip Code)		4. NAME AND ADDRESS OF PRODUCER	
5. NAME OF PRODUCT (one only)		FOR EACH SHIPMENT OF SAME PRODUCT GIVE:	
		6. ESTIMATED ARRIVAL DATE	7. ESTIMATED QUANTITY
			8. U.S. PORT OF ENTRY

3.1.2: The Permit for Distribution and Sale

An Example Permit for Distribution and Sale is shown in Appendix 1. Note that the Permit title varies from the designation on the Form 2005, being “Distribution and Sale”. This permit does not have an expiration date.

3.1.3: Eligibility for a Permit, and Important Restrictions

Each person making application to import veterinary biologics shall reside in or operate a business establishment in the U.S. Under U.S. law, only domestically produced products may be issued a license; therefore, foreign produced product must be imported under a permit. The holder of the permit is therefore a U.S. entity importing the foreign produced biologic for distribution and sale, and is legally responsible for compliance. In short, there are no foreign permittees, only foreign manufacturers.

There must be a “quarantine” facility in the U.S. where the serials of the permitted product are received and held until release by CVB Inspection and Compliance (IC); there must be someone there to let an inspector in with no notice.

Permits for Distribution and Sale are **not** issued from countries known to have exotic diseases. There have been rare exemptions.

Ingredients must **not** be derived from Bovine Spongiform Encephalopathy (BSE) countries; the permittee must show this to be true.

If we are not able to inspect the site due to a U.S. State Department travel restriction and this is expected to be a long term situation, we can't issue the permit.

There may be a trade embargo: If there is a trade embargo the product cannot be imported and we will not issue a permit.

We do **not** allow conditional permits.

We **do** allow FFM as well as FUP permits.

3.1.4: General Requirements: Following is a very brief comparison of notable features of a license and a permit for distribution and sale:

Domestically Produced Biologic	Foreign Produced Biologic
The Establishment or a person holds the license	U.S. entity or person holds the permit.
Each product gets an individual license.	Each product now gets an individual permit (see CVB Notice 13-03).
Product is held on licensed premises until CVB release.	Product is held at approved U.S. location in "quarantine" until CVB release.
Manufacturing sites must be inspected prior to licensure and after licensure.	Foreign manufacturing site and U.S. quarantine site must be inspected prior to issuing the permit. After the permit is issued inspections are announced (foreign) and unannounced (U.S. site).
Apply with APHIS Forms 2001 and 2003	Apply with Form 2005
One Establishment Number covering all sites on the Establishment License	One or more Permit Numbers based on the number of foreign manufacturing sites; Permit Numbers include a letter, e.g., 1000A
Establishments hold establishment and product licenses and may also be permit holders.	The manufacturer does not have a license or a permit.
Risk Assessments are required for biotechnology products, new agents (live), and as required by the situation.	Same as for a license; and a SIF and Risk Assessment are needed, and are based on the risk of introducing unwanted agents into the U.S.
Master Seeds and Cells must be approved.	Master Seeds and Cells must be approved.
Key studies and activities (e.g., efficacy, field safety, inactivation validation, potency test validation, prelicense serials); Outline, Labels, Plots, Blueprints, Legends, etc.	Same as for licenses

Upon receipt of an application for a permit for distribution and sale, the Reviewer obtains a Permittee Number and a Product Code and proceeds as for a license.

3.1.5.1: Summary Information Format (SIF) and Risk Assessment (RA)

As noted above, a SIF specific to imported biologicals is required:

www.aphis.usda.gov/animal_health/vet_biologics/publications/SIF_import.pdf

This SIF identifies the information regarding the facilities, reagents, production procedures, and testing procedures that should be evaluated when US Officials must prepare risk analyses for proposals to import veterinary biological products into the United States. The purpose of this SIF, the “Summary Information Format For the Importation of Veterinary Biological Products into the United States from Countries Where Foreign Animal Diseases Exist and Other Specified Countries”, is to provide Veterinary Services with the information needed to conduct risk analyses for proposals to import veterinary biological products from countries that represent a risk for the introduction of foreign animal disease into the United States.

Note 1: This SIF is also required for...

A U.S. Veterinary Biological Permit for Research and Evaluation involving a request to conduct field studies in accordance with 9 CFR Part 103.3.

A U.S. Veterinary Biological Product License Application for a product being produced from a Master Seed or Master Cell imported under a U.S. Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (see 9 CFR Part 122.2).

Note 2:

Once the unlicensed (“experimental”) biologic is allowed in the U.S. under a CVB Research and Evaluation Permit, CVB permission is needed to ship the biologic elsewhere in the U.S. as provided for under 9 CFR 103.3.

Example: The hopeful permittee has now received the imported prelicense serials and wants to ship them from the quarantine site to the CVB for confirmatory testing. Later, they will be used in the field safety study. Just as for domestically manufactured product, the CVB must give permission to move them to the field_study sites. For confirmatory testing, proceed as for a license.

3.1.5.2: Master Seed (MS) and Cell (MCS) Approval:

To import MS and MCS, the firm must have the necessary NIES permits for entry into the U.S., for confirmatory testing. For application, the firm uses Forms 16-3 and 16-7, respectively. Recombinant MS requires Forms 16-3 and 16-7. The NIES may require testing at FADDL for

entry into the U.S. This would be expected to occur only rarely due to the issues outlined in 3.1.3. There may be fees.

Note 1: The NIES may inspect the recipient before it issues an import permit for an agent or vector.

Note 2: Even with the NIES permit issued, these items may not be moved into a non-separate and apart research and development area (i.e., a biologics production area) without CVB approval. The CVB may require additional information and testing for such movement.

Note 3: If the item is a biologic as well as a live agent or vector, the importer may need both the CVB and NIES permits for importation in to the U.S.

Otherwise, the requirements for MS and MCS approval are as for a license.

3.1.5.3: Efficacy: Same as for licenses; with CVB approval, these may, with justification and documentation as necessary, be conducted outside the United States.

3.1.5.4: Field Safety: Generally, field safety studies are conducted as for licenses and must be done in the United States. There have been exceptions in special cases.

3.1.5.5: Withdrawal Time (Adjuvant Safety) Studies: Any required studies must be conducted in the U.S.

3.1.5.6: Diagnostic Kit Field Evaluation must be done in the U.S.

3.1.5.7: The Outline of Production: Same as for licensed products.

3.1.5.8: Labelling: Same as for Licensed Products, and...

The use of labeling approved by the CVB is limited to the biological product imported by the Permittee (i.e., limited to use in the United States).

When submitting labels for approval, Permittees must add to the Exceptions section of the APHIS Form 2015, "This label is to be used only on containers and packaging imported into the United States. Use of this label on serials (or portions thereof) not imported into the United States is prohibited." (VSM 800.101, Section IV.B.8, and Reviewers' Manual Chapter 4.2). This statement is intended to remind foreign manufacturers that they are not to use labels identifying the product as licensed by the USDA on any containers of product that they may distribute in countries other than the U.S. The Veterinary Permit Number implies not only that the product is licensed (permitted) in the U.S., but also that the individual serial (or portion thereof) has undergone serial release by APHIS. Only those containers that have been imported into the US may bear this assurance.

3.1.5.8: Inspections: Same as for licenses, and...

Both the U.S. and foreign sites must be inspected.

A minimum of 3 months' notice (subject to change) is needed for the pre-permit inspection; more than one inspection may be required.

All foreign site inspections are requested by the CVB.

Unannounced inspections occur only after the permit is issued (U.S. site only).

All expenses are paid by the permittee in advance (foreign site only); cost includes salary and travel expenses: U.S. law does not permit us to allocate funds for non-domestic inspections.

Frequencies of post-permit inspections are determined by risk: Usually 1 year after permitting, then every 2-3 years. If the manufacturer refuses, the CVB can stop sale of the product.

3.1.5.9: Restrictions:

Each shipment of biological product distributed and sold under the permit must be accompanied by an original certificate endorsed by a veterinarian of the government agency responsible for animal health (a "competent regulatory authority"), of the country of manufacture. If this is not possible, there must be other assurances acceptable to APHIS certifying that all ingredients of animal origin used to produce this product were obtained from ruminants from the United States or countries acceptable to the CVB..

Ingredients of animal origin used in the preparation of this product must be procured from sources from the United States or countries acceptable to the CVB that are considered free of foreign animal diseases and with no or minimal risk of Bovine Spongiform Encephalopathy (BSE). Similarly, during the manufacturing process, the manufacturing facility does not receive, store, or process any ingredients of ruminant origin from countries not deemed acceptable to the CVB, and the product complies with all other provisions of 9 CFR 113.53.

See also 9 CFR 113.53 and Reviewers' Manual Chapter 2.2.1, License Restrictions.

3.2 Permit for Research and Evaluation (of a biologic)

This permit is applied for using an APHIS Form 2005. The applicant checks "Research and Evaluation" in Box 2 of the Form 2005. These applications are sent directly to CVB Operations in Riverdale, MD. Submit applications for a Veterinary Biological Permit for Research and Evaluation, or a Permit for Transit Shipment electronically via the [APHIS e-permit system](#). Note that one needs an eAuthentication account with a **Level 1 authentication** to apply through e-permits.

When using the Form 2005 to apply for a research and evaluation permit, or a transit shipment only permit, the application is reviewed by CVB Operations in Riverdale, MD. All permits for research and evaluation or transit shipments are issued electronically, therefore the quickest method in

obtaining the permit is to apply through APHIS ePermits. Hard copies may also be submitted but will be delayed in processing.

When importing a biologic under a Research and Evaluation permit to be used to support a permit for Sale and Distribution, indicate as such in the application under “Proposed Plan of Evaluation”.

For more information or questions on submitting an application contact CVB Operational Support at 301-851-3609.

Veterinary Biological Product Permit for Research and Evaluation are valid for one year and cannot be renewed. The firm must re-apply yearly to receive a new permit.

3.3 Permit for Transit (of a biologic)

See 9 CFR 104.6. This permit is for transport from one foreign country to another by way of the U.S. and is applied for using an APHIS Form 2005; the permit will have an expiration date. The applicant checks “Transit Shipment Only” in Box 2 of the Form 2005. These applications are sent to CVB Operations in Riverdale, MD (see 3.2, above).

3.4 Permits for Importation of Agents and Vectors

These are applied for using NIES Forms 16-3 and 16-7. They may be applied for electronically via the APHIS e-permit system.

Note 1: A firm having difficulty in obtaining the NIES permit may contact CVB Operations in Riverdale, MD for assistance in determining where the permit is in the process.

These permits have added restrictions, **and often are issued (or not) after consultation with the CVB**. Reviewers who have occasion to request or examine an NIES permit as part of a submission or permission to move the item are advised to look carefully at the restrictions, particularly in regard to movement of the agent or vector into production areas and its proposed use in those locations.

Permits issued by NIES will have an expiration date.

Appendix 1, Example Permit for Distribution and Sale:

**United States
Department of Agriculture**

UNITED STATES VETERINARY BIOLOGICAL PRODUCT PERMIT

DISTRIBUTION AND SALE

NO. K99A

Issued at Washington, D.C. on
Expires: Not Applicable

This permit is issued pursuant to the terms of the Act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of veterinary biological products. So far as the jurisdiction of the U.S. Department of Agriculture is concerned,

**Save Your Pet Animal Health, Inc.
1234 Feline Avenue
Ames, Iowa 50010**

is authorized to import
Feline Independence Antibody Test Kit, Code 5555.55

prepared by
**Love Europet
Hundestrasse 43
CB-9321 Langenkatze, Switzerland**

into the United States through the port of
Chicago, Illinois

Importation shall be made subject to the following special conditions:
Product will be stored at Save Your Pet Animal Health, Inc., 1234 Feline Avenue, Ames, Iowa 50010.

The producer/permittee agrees to submit to periodic reinspections of the production facility under terms to be specified in a Cooperative Agreement between the parties. The permittee agrees to be responsible for all costs associated with these inspections.

See attached restrictions.

This permit may be revoked if the permittee violates or fails to comply with said Act, the regulations made thereunder, or the conditions specified herein.

Date

Director, Center for Veterinary Biologics
Animal and Plant Health Inspection Service

APHIS FORM 2006 (APR 2001)