3

Airport and Maritime Operations Manual

Maritime Operations

Controlling Garbage

Contents

Introduction **page 3-6-1**
- Policy **page 3-6-2**
- Materials Needed **page 3-6-2**

Methods and Procedures **page 3-6-2**
- Determining if Vessel Is on Garbage Violation List **page 3-6-3**
- Monitoring/Inspection of Vessel Garbage **page 3-6-4**

Reference Section **page 3-6-4**
- Assessing Civil Penalties for Garbage Violations **page 3-6-4**
- Handling Regulated Garbage Aboard U.S. Naval and Coast Guard Vessels **page 3-6-5**
- Handling Regulated Garbage Aboard Vessels Other Than U.S. Naval or Coast Guard Vessel **page 3-6-6**
- Completing a Compliance Agreement **page 3-6-6**
- Handling and Documenting Violations of Compliance Agreements **page 3-6-7**
- Conducting an Investigation and Assembling a Case File **page 3-6-7**
- Recycling **page 3-6-9**

Introduction

The *Maritime Operations—Controlling Garbage* section gives you procedures for controlling garbage which includes monitoring, removing, and disposing at an approved facility, assessing civil penalties, and documenting garbage violations.

Garbage is restricted to prevent the entry and dissemination of plant pests and animal diseases. Garbage arriving from any place outside the United States or Canada is subject to requirements and safeguards for handling once in the United States. Because garbage may contain prohibited items, controlling and disposing of garbage is an area of vital concern to PPQ.

Shipboarding and garbage monitoring are PPQ's enforcement activities to ensure garbage is maintained aboard vessels in a way that reduces the pest risk associated with garbage.

Where facilities exist and are approved at a port, garbage may be removed from a vessel for approved disposal either by sterilization or incineration. Arrangements for disposal must be made in advance with the PPQ office or under direct PPQ supervision. Removal and disposal must be done by an establishment that has signed a

compliance agreement with the local PPQ office. See the ***Reference Section*** on **page 3-6-4** for instructions and guidelines for the removal and disposal of vessel garbage.

Policy

The policy guidelines on monitoring/surveillance includes the following:

- Vessels **not** boarded will be monitored
- Of vessels boarded, at least 50 percent of the vessels boarded will be subsequently monitored while in port

The condition of the garbage containers will be checked on all vessels whether by ship boarding or by monitoring.

Materials Needed

When controlling garbage, you will need the following items:

- PPQ Form 288, Ship Inspection Report, or local log sheet used for monitoring vessel's garbage
- PPQ Form 592, Notice of Violation

Methods and Procedures

PPQ monitors vessels and regulates vessel garbage to prevent the entry and dissemination of plant pests and animal diseases. All garbage is regulated on vessels traveling between any of the following:

- Continental United States
- Foreign countries
- Hawaii
- U.S. possessions and territories

When a vessel travels solely between ports in the continental United States or Canada, the garbage is **not** regulated. In addition, garbage can be disposed of without incinerated or sterilized if **either** of the following conditions are met:

1. Vessel has **not** been in any port outside the continental United States and Canada within the previous 2 years[1]

1 If the vessel has only traveled between Hawaii, U.S. territories or possessions, and the continental United States or Canada, then the 2-year period is reduced to 1 year.

2. Vessel has disposed of the all following items:

- ❖ Meat and meat products regardless of origin, **except** shelf stable canned meat/poultry
- ❖ Fresh and condensed milk and cream from countries in which foot–and–mouth disease exists
- ❖ Fresh eggs
- ❖ Fresh fruits and vegetables[2]
- ❖ All garbage aboard the vessel[2]

Following disposal, all storerooms which held the previously listed materials were cleaned and disinfected[3] as directed by a PPQ officer

- ❖ Complete PPQ Form 288 to document that the garbage was disposed of and the carrier was cleaned and disinfected
- ❖ Alert the vessel's captain to keep a copy of the form to show subsequent ports that the garbage was retained and the carrier was cleaned and disinfected
- ❖ The ship's log must show that, since being cleaned and disinfected, the carrier has **not** been to a port outside the continental United States or Canada

For information on the removal and disposal of regulated garbage, assessing civil penalties, or handling garbage of U.S. Naval vessels, see the ***Reference Section*** on **page 3-6-4**.

Determining if Vessel Is on Garbage Violation List

Before boarding, find out if the vessel is on the Garbage Violation List. It lists, alphabetically by vessel name, those vessels that are violators (one to two prior garbage violations) and habitual violators (three or more prior garbage violations). The Garbage Violation List (updated quarterly) is available at the following URL:

<http://inside.aphis.usda.gov/protection/ppq/ppq592gv.html>

You will need this information if you find a violation. Real time violations can be found on Lotus Notes at the PPQ Maritime site (contact Quarantine Policy, Analysis and Support (QPAS) for the icon).

2 Only fresh fruits and vegetables and all garbage need to be disposed of in these routings. No cleaning and disinfection of the stores area is required.

3 Disinfectant used must be a product approved by U.S. Public Health for use in food preparation or storage area.

Monitoring/Inspection of Vessel Garbage

Monitor a vessel's garbage by observing (aboard or from ashore[4]) the maintenance of garbage aboard the vessel. While a vessel is in port, the following are violations of the garbage regulations:

- Dumping of garbage into harbor or inland waterways
- Disposing of garbage in unauthorized manner
- Keeping garbage containers outside the vessel's railing
- Leaking garbage containers
- Uncovered garbage containers
- Exposed, incontinent garbage

TABLE 3-6-1 Handling Garbage Violations

If you discover garbage:	Then:
With one or more of the violations listed under ***Monitoring/Inspection of Vessel Garbage*** above	◆ ELIMINATE the pest risk ◆ ISSUE a civil penalty by completing PPQ Form 592 (see **Table A-1-34 on page-A-1-99** for values for penalties) ◆ DOCUMENT the violation on PPQ Form 288
That is **not** in violation of the conditions listed above	Do **either** one of the following: ◆ DOCUMENT monitoring activities on PPQ Form 288 ◆ DOCUMENT using a local log to list vessel, date monitored, and condition of garbage containers[1]

1 See ***PPQ Form 288, Ship Inspection Report*** on **page A-1-48** for instructions on completing the form.

Seal to prevent use while in U.S. territorial waters, if the vessel's garbage handling equipment includes either of the following:

- Garbage chutes
- Garbage containers built into the railing

Reference Section

Assessing Civil Penalties for Garbage Violations

Assess a civil penalty whenever you detect a garbage violation. Complete PPQ Form 592, Notice of Violation.

PPQ Form 592

PPQ Form 592, Notice of Violation, is used to document garbage violations on vessels, the improper breaking of PPQ seals, unauthorized removal of garbage from a vessel, and the failure to

4 Monitor from ashore only if all the conditions of the garbage can be observed from the shore.

provide advance notification of arrival. Civil penalty action consists of completing a PPQ Form 592 and settling the case at the port by collecting a spot settlement. When civil penalties are **not** collected at the port, the PPQ Form 592, PPQ Form 288, an Officer's Statement, and any other pertinent documents must be forwarded to REAC. See ***PPQ Form 592, Notice of Violation*** on **page A-1-98** for instructions.

Handling Regulated Garbage Aboard U.S. Naval and Coast Guard Vessels

Handle regulated garbage from U.S. Naval vessels, Coast Guard vessels[5], and Military Sealift Command (MSC) vessels (listed in ***List of Military Sealift Command Vessels*** on **page J-1-1**) the same as you would handle regulated garbage from commercial vessels. If regulated foreign stores are present and **not** purged or transferred to an outbound vessel, notify subsequent ports of the restricted stores aboard.

If there are no regulated foreign stores aboard the vessel, require sterilization or incineration of all garbage aboard the vessel at docking and all garbage produced during the first 24 hours at the first U.S. port. Once the garbage is incinerated or sterilized at the first U.S. port, no further action is required at subsequent ports.

Important

If foreign stores were present and were purged or transferred to another vessel, document this purging or transfer on PPQ Form 288. Write "Purged (or transferred), now Domestic." Advise the Captain to retain the form until the vessel departs the mainland as proof of Domestic status.

If foreign stores are present, **do not** apply the 24-hour rule. Once the foreign stores are used up or otherwise disposed of, then you may apply the 24-hour rule. Until those stores are used up or disposed of, continue regulating that vessel's garbage as you would for any other foreign vessel.

To enlist support of APHIS garbage requirements, refer Naval personnel to Naval Supplemental Publication Number 486, Volume 1, to show that Naval policy parallels APHIS requirements for foreign garbage. Refer Coast Guard personnel to their *Subsistence Manual* COMDTINST M4061.3C (Waste Disposal Requirements).

Do not issue a civil penalty for a violation aboard a U.S. Naval or Military Sealift Command vessel listed in **Appendix J**.

Report the violation to a HQ, PPQ, VMO in PPQ, VRS.

5 U.S. Naval vessels are those with the designation “USS” followed by the name of the ship. MSC ships listed in ***List of Military Sealift Command Vessels*** are handled the same as U.S. Naval vessels. Ships under contract to the military, “NOAA” ships or other nonmilitary, government ships are handled as commercial vessels.

Handling Regulated Garbage Aboard Vessels Other Than U.S. Naval or Coast Guard Vessel

Important

If you witness the unsupervised landing of garbage or supervision by **other than** an authorized person, issue a civil penalty to the Captain of the vessel. Complete PPQ Form 592. (See ***PPQ Form 592, Notice of Violation*** on **page A-1-98**.)

Follow these steps when supervising the landing, collection, transportation, heating (sterilization) or incineration, and disposing of regulated garbage:

1. Require advance notification of the landing of regulated garbage.
2. Allow the landing of regulated garbage only under the supervision of a PPQ officer or a trained employee of an establishment that is under compliance.
3. Confirm that covered, regulated garbage is in tight, leakproof containers.
4. Verify that if the regulated garbage is to be moved, it is transported only by a PPQ approved transporter. In addition, the heating (sterilization) or incinerating must be under a compliance agreement.
5. Require that the garbage either be incinerated to ash or heated to an internal temperature of 212°F for 30 minutes. Again, the facility heating or incinerating the regulated garbage must be under compliance.
6. Confirm that garbage was heated (sterilized) and buried in a landfill.

Completing a Compliance Agreement

Before you start to complete a compliance agreement, you must receive a letter requesting approval of the facility. This letter may come from the Base Commander or from an agent having jurisdiction over a disposal facility.

The Port Director or other responsible PPQ official will review the application and do the following:

- Visit the facility
- Inform the applicant of all conditions to be specified in the compliance agreement
- Observe the operation of any equipment for adequacy in handling regulated garbage
- Inform the applicant of the consequences of failing to abide by the conditions of the compliance agreement

- Certify garbage cookers/sterilizers before signing and approving the compliance agreement
- Confirm the garbage is to be processed; be sure the agreement contains a statement that the facility meets the requirements of all applicable environmental authorities

See ***PPQ Form 519, Compliance Agreement*** for instructions.

Review the Compliance Agreement with the applicant to make sure that the applicant understands the conditions for handling and disposing of regulated garbage as specified in the Compliance Agreement.

Handling and Documenting Violations of Compliance Agreements

This section details what you are to do when you detect a violation of the compliance agreement.

The decision to revoke an establishment's compliance agreement is made at the Headquarters level.

Take the following actions when you detect a violation:

1. Eliminate the pest risk immediately.
2. Issue a letter stating the alleged violation of the regulation and/or compliance agreement. Follow the sample letter in ***Sample Letters to Notify Firms of Violations*** on **page D-1-1**.
3. Report the violation to the Headquarters VMO through the Port Director within 1 work day of discovery.
4. Document all violations by completing PPQ Form 518 and conducting an investigation of the incident. Make sure you include the Officer's Statement with **all** the facts of the violation. See ***PPQ FORM 518, Report of Violation*** on **page A-1-68** for instructions on how to complete the form; see ***Sample of Witness Statement to Garbage Violation*** on **page E-1-1**; and see ***Sample of PPQ Officer's Statement*** on **page E-1-2**.

Conducting an Investigation and Assembling a Case File

The purpose of conducting an investigation is to substantiate that a violation took place. OGC will decide whether or **not** to prosecute a violation based upon the results of the investigation and how well you prepared the case file. Only a sound investigation and well prepared case file will result in a successful prosecution.

Conduct your investigation in a fair and impartial manner making every effort to obtain a complete, factual record. **Do not** prejudge a case or discuss any phase of the investigation with unauthorized persons (non-APHIS personnel).

If you need advice or assistance with a complex or difficult investigation, or have questions about violations, you may contact your Investigative and Enforcement Services (IES) investigator. IES investigators are available to investigate violations that require additional inquiry, documentation, and case preparation. For a list of IES contacts, see ***Investigative and Enforcement Services*** on **page U-1-1.**

Attempt to obtain written statements from any person who has knowledge of the violation. Statements may be handwritten, or use the sample format in ***Sample Statements*** on **page E-1-1**. Ask witnesses to be specific in writing their statement, specifying all known facts, dates, names, titles, amounts, and descriptions. Ask the witness to sign and date the statement as soon as it is completed. If a witness refuses to sign the statement, submit the information over your (the investigator's) signature.

Collect evidence to corroborate the violation. If germane to your case, take photographs. Photographs make forceful evidence. If the incident represents a garbage violation, then if appropriate, collect samples from the garbage container, and a General Declaration, compliance agreement, warning letters, or statements from employees at the catering firm. If the incident represents a cargo violation, then collect evidence that shows how the article(s) entered the United States and was held, where the article was grown or the animal slaughtered, the carrier who moved the cargo, the owner of the cargo, the cargo's quantity, and the article's destination. More specifically, collect copies of air waybills, Customs entry papers, invoices, packing lists, and manifest entries. Also collect permits, phytosanitary certificates, photographs, and if appropriate, other physical evidence.

Give each piece of evidence an exhibit number. List the exhibits on a separate piece of paper with the heading "List of Exhibits."

EXAMPLE

List of Exhibits
Exhibit 1—Officer's Statement
Exhibit 2—Witness' Statement of Customs Inspector
Exhibit 3—Copy of the General Declaration
Exhibit 4—Napkin with the foreign carrier's logo
Exhibit 5—Warning letter

Label and assemble your evidence in the following order:

1. Statement from the officer initiating the action and from any contributive officer, violator's statement, and witness' statement.

2. Other documentary evidence related to the **current** violation such as the compliance agreement, air waybill, General Declaration, PPQ Form 309, and dates and methods of notifying the violator of APHIS regulations.
3. Physical evidence such as a piece from an empty carton that is labeled, napkins with the airline logo, and photographs. When submitting photographs, write the date, description, and photographer's name on the back of the photograph or on a piece of paper onto which the photograph is mounted. If the physical evidence presents a risk, then submit it so as to prevent leakage or disease dissemination—put it in tightly closed plastic bags.
4. Documentary evidence of any **previous** violations such as warning letters.

Recycling

The following items may be recycled under conditions as specified:

- Aluminum cans, glass and plastic containers (as long as they **never** held milk or other dairy products), if stored separately from food waste (garbage), and are **not** required to be incinerated or sterilized
  - The vessel must store the containers separate from the garbage; **neither** separation **nor** sorting is allowed **off** the vessel
  - If cans or containers are commingled with or contaminated with garbage then consider them as garbage and require sterilization or incineration
- Baled, clean, cardboard boxes or paper that are **not** contaminated with animal material and that are **not** meat containers, if stored separately from food waste (garbage), are **not** required to be incinerated or sterilized
  - If there is baled cardboard or paper that is ready for export to a foreign country, you may allow removal and storage, but **only** if the port where it was off-loaded from the vessel is also the port it will be exported from