



APPENDIX E

Use of Permits and Phytosanitary Certificates in Regulating Imported Articles

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Introduction

The purpose of this section is to gather and present some essential administrative and operational policy involved in the use of permits and foreign phytosanitary certificates.

Definition and Purposes of a Permit

A permit is either written or oral permission to import plant material. Permits are required by the Plant Quarantine Act and the Federal Plant Pest Act. A permit:

- ◆ Provides a contact and exchange of information between PPQ and the importer. This contact serves to inform the importer of PPQ regulations and to inform PPQ of the importer's intentions.
- ◆ Informs importer of conditions of entry such as required treatments or designated ports of entry.
- ◆ Strengthens PPQ's ability to exclude prohibited material and thereby keep out plant pests.
- ◆ Allows PPQ to verify that importers had prior knowledge of PPQ regulations.

Kinds of Permits

There are three categories of permits for plants and plant products:

- ◆ Oral permit
- ◆ Written import permit for admissible plants and plant products
- ◆ Departmental permit (for prohibited articles)

Oral Permits

Articles Exempt From Written Permits:

A formal, written permit is seldom required for enterable, noncommercial lots (baggage and mandado^{*}). The officer's oral permission is appropriate for small lots of admissible material intended for personal consumption.

Written Permits

1. Generally, written permits for plants and plant products are issued by the Permit Unit of Scientific Services, Riverdale, Maryland. This office delegates their permit issuing authority to ports as follows:
 - A. Honolulu and San Juan may issue permits for importations of plants into their areas—provided that it is known in advance that the material will **not** arrive first at a mainland port.
 - B. All ports may issue a written import permit for enterable material if:
 - i. The material arrives without a permit;
 - ii. No more than one importation is planned by the importer; and
 - iii. The material does **not** require postentry growing.
2. Written import permits are issued only for enterable articles requiring a permit.
3. There are several forms for issuing permits:
 - A. PPQ Form 597 (Import Permit for Plants and Plant Products) is used by the Permit Unit. Ports may also use PPQ Form 587 (Application for a Permit) to issue a “one time only” permit.
 - B. PPQ Form 622 (CITES) is used by the Permit Unit but only for plants.

* Mandado—small lots of fruits and vegetables being imported for local consumption along the Mexican border.

C. PPQ Form 526 (Application and Permit to Move Live Plant Pests, and Noxious Weeds) is used by the Permit Unit. This permit would be issued for Federal Noxious Weeds and for articles like pollen to be used as bee feed that are regulated by 7CFR 319.76 (Exotic Bee Diseases and Parasites).

4. Permits are issued and numbered using the specific subpart under which the material is regulated:

If the product is:	Then the article is regulated by subject:	And would be issued permit number*:
Constructed from rice straw, example—tatami mats	55 (7CFR 319.55)	55 and three or more numbers
Tomatoes	56 (7CFR 319.56)	56 and three or more numbers

* This number occurs in Block 1 of PPQ Form 597.

If a written permit is required, the “Then” column in the decision tables in the Reference Sections will alert you by using the statement “REQUIRES A WRITTEN PERMIT.” For articles where the action is merely “INSPECT AND RELEASE,” or the article is unlisted in the Reference Sections—an oral permit is appropriate. Where the action is “REQUIRE A PERMIT,” the port decides whether a written or oral permit is appropriate.

Directions for Clearing Shipment Where the Importer Holds a Written Permit:

1. Make sure that the permit is current and appropriate for the article being imported. If the permit is either invalid or expired, then give the importer or the importer's agent an application for a permit and follow instructions on the next page.
2. If the permit is both current and valid, then release the shipment if appropriate.

Directions for Clearing Shipments of Enterable Articles (Except Those Postentry or in Transit*) Where the Importer Does Not Hold a Written Permit (or the Permit Has Expired):

If the article:	And:	Then:
Does not require a written permit		1. GIVE an oral permit, then 2. INSPECT AND RELEASE
Requires a written permit	No other importations contemplated within the next 2 years	1. WRITE a one time only permit, then 2. INSPECT AND RELEASE
	Additional importations contemplated within the next 2 years	1. HAVE importer fill out an application for a permit (PPQ Form 587) in triplicate, then 2. INSPECT AND RELEASE, then 3. STAMP all three copies of the PPQ Form 587 with your Release stamp and distribute copies as follows: —Give original to the importer —Send a copy to the Permit Unit —Keep one copy for your port files

* See the Airport and Maritime Operations Manual on transiting cargo.

Departmental Permits

The Departmental permit is issued using PPQ Form 597. Instead of citing a regulation number in Block 1 of PPQ Form 597—this block will contain the name “DEPARTMENTAL PERMIT” then 5 digits.

These permits are issued only by the Permit Unit only for prohibited articles. These permits are issued to the U.S. Department of Agriculture or Federal, State, and private research and educational institutions.



The pest risk involved with material moving under Departmental permit is relatively great because prohibited plant materials are attacked by serious plant pests and diseases in the country of origin. Therefore, Departmental permits usually state specific safeguards or conditions tailored for the intended importation.

Departmental permits are only issued by the Permit Unit located in Riverdale, Maryland. Ports of entry are never authorized to issue permits for prohibited materials.

Directions for Handling Material Imported Under a Departmental Permit:

1. Obtain a copy of the permit. If you cannot get a copy locally, then contact the Permit Unit through channels.
2. Ensure that the prohibited article being imported is the article authorized by the permit. If there is a discrepancy—HOLD the article under appropriate safeguards. Confer with the Permit Unit.
3. Follow the directions printed on the permit. Check that all conditions on the permit are met. Here are some examples of conditions found on permits:
 - A. Articles must be treated by PPQ at a port of entry
 - B. Articles must be inspected by the plant specialist named in the permit
 - C. Prohibited articles must be disposed of by autoclaving, incineration, or disposal through a waste grinder
4. If the shipment meets the stated conditions—then proceed as directed by the Departmental permit.
5. If the shipment does **not** meet the stated conditions—then HOLD the article(s) under appropriate safeguards. Refrigerate if necessary. Request instructions from the Permit Unit through channels.

Directions for Prohibited Articles Arriving Without a Departmental Permit

Determine if Article(s) is Consigned or Moving to a Research Facility or Educational Institution:

If the article is going to a research facility or educational institution—then consult the Permit Unit through channels. If the prohibited material presents an imminent pest hazard—then order the material DESTROYED or REEXPORTED.

If the material is neither moving to a research facility nor an educational institution—then order the material DESTROYED or REEXPORTED with the concurrence of your supervisor.

Directions if Prohibited Material is Hand Carried by a Researcher

1. If the Departmental permit authorizes the researcher to hand-carry prohibited materials, allow this in accordance with conditions listed on the permit. If the permit does **not** authorize hand carrying—consult the Permit Unit.

2. If the package must be sent to the Plant Germplasm Quarantine Center, see that the package is secure and has sufficient postage.
3. Mail the package to the Plant Germplasm Quarantine Center.

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Description of a Phytosanitary Certificate

A document issued under the auspices of the International Plant Protection Convention of 1952, stating facts about a plant or plant product and attesting to that article's freedom from pests and enterability into the destination country.

Purposes of a Phytosanitary Certificate

In general, use this document to:

- ◆ Identify type of material
- ◆ Identify area where material was grown
- ◆ Determine if article was treated in country of origin and what that treatment was
- ◆ Determine if quarantine requirements are met (growing season, preclearance)
- ◆ Confirm that material meets specific certification requirements
- ◆ Determine how much of the shipment to inspect



Take the following action unless the Reference Section of this volume of manuals directs you to do differently:

- ◆ Do **not** refuse entry to a shipment only lacking a foreign phytosanitary certificate.
- ◆ Inspect **all** shipments of plants and plant products—except for shipments of Canadian material accompanied by a phytosanitary certificate.
- ◆ If you have verification that a preclearance program is in operation, then you may waive inspection for precleared shipments bearing a U.S. Department of Agriculture release stamp on the foreign document. Occasionally spot check precleared shipments.

Example Where Lack of a Foreign Phytosanitary Certificate is Sufficient to Refuse Entry to a Shipment

Decorative stems of holly berries from The Netherlands **lacking** a Dutch phytosanitary certificate showing the name and address of the grower in The Netherlands.

Summary of Permits and Certificates

Do **not** confuse certificates and permits. A certificate is a statement of fact, while a permit is an authorization to do something. In most instances, the lack of these two documents alone is **not** sufficient reason to deny entry to an article.

