

# 5

Export Program  
Manual

## Special Procedures

### *Special Programs • Protected Commodities*

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## Introduction

These special procedures provide Authorized Certification Officials<sup>1</sup> (ACOs) additional direction and guidance for the following tasks:

- ◆ Processing violations of The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or The Endangered Species Act (ESA).
- ◆ Validating and endorsing documents for protected commodities

These special procedures supplement the general procedures for certifying commodities for export presented in the *Procedures* chapter of this manual.



**Important**

Continue with these procedures **only** after conducting a preliminary assessment through [Table 5-8-1](#) on [page 5-8-3](#).

These special procedures for processing protected plants offered for export or reexport are divided into the following categories:

- ◆ [American Ginseng \(\*Panax quinquefolius\*\)](#) on [page 5-8-20](#)
- ◆ [Protected Plants Other Than American Ginseng](#) on [page 5-8-6](#)
- ◆ [Violations of ESA or CITES](#) on [page 5-8-35](#)

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1 **Only** ACOs working at designated CITES ports are authorized to validate and to endorse CITES or ESA documents. Nevertheless, some designated CITES ports have established procedures that allow State or county cooperators to attest that the plants are artificially propagated and to complete a State export certificate. The exporter sends the State export certificate, the invoice, and specified copies of the CITES or ESA documents to the designated CITES port for validation and endorsement. At some designated CITES ports, a blank export certificate **must** be obtained and partially completed by the exporter and sent back to the designated CITES port along with the other paperwork.

Procedures have been established to allow PPQ PHSSs at nondesignated ports to confirm that the exporter has a PPQ Form 622, *General Permit* or *Protected Plant Permit*, and the proper CITES or ESA documents. On October 5, 2005 PPQ renamed the *General Permit* as the *Protected Plant Permit* PPQ in 7 CFR Part 355, in order to have a more descriptive title for this permit dealing with endangered species of flora. The Plant Health Safeguarding Specialist (PHSS) confirms all the paperwork agrees with the shipment and has the exporter complete PPQ Form 572 and send along with specified copies of the invoice and CITES or ESA documents to the designated CITES port for validation and endorsement. If there's a concern about the shipments validity, the shipment may be required to go through the designated CITES port.

These special procedures **do not** cover timber species regulated by CITES. For the procedures covering the export and reexport of timber species, EXIT this manual and GO to the [CITES I-II-III Timber Species Manual](#).

### Determine Your Authority to Certify Protected Commodities for Export

If the commodities are protected by CITES or ESA, refer to [Table 5-8-1](#) on [page 5-8-3](#).

**TABLE 5-8-1: Determine Authority to Certify Protected Commodities**

If you are:	Then:
Located at a designated CITES port	REFER to <a href="#">Determining the Country's Import Requirements</a> on <a href="#">page 3-4-1</a> AND GO to <a href="#">Overview of Processing Protected Commodities</a> on <a href="#">page 5-8-3</a>
<b>Not</b> at a designated CITES port	1. CONTACT the nearest designated CITES port or a PPQ regional botanist (through proper channels) or Export Certification Specialist for guidance to arrange to move the shipment to a designated port (at the owner's expense). Some designated CITES ports have established procedures for ACOs at interstate locations and non-designated CITES ports to assist in inspecting and processing shipments of protected plants <sup>1</sup> 2. EXIT this manual. You are <b>not</b> authorized to complete a certificate for a commodity regulated by CITES or ESA

- 1 Some designated CITES ports have established procedures that allow State or county cooperators to attest that the plants are artificially propagated and to complete a State phytosanitary certificate. The exporter sends the State phytosanitary certificate, the invoice, and specified copies of the CITES or ESA documents to the designated CITES port for validation and endorsement. At some designated CITES ports, a blank export certificate **must** be obtained and partially completed by the exporter and sent back to the designated CITES port, along with the other paperwork.

Procedures have been established to allow PPQ officers at non-designated CITES ports to confirm that the exporter has PPQ Form 622, USDA General Permit, and proper CITES or ESA documents. The officer confirms that all the paperwork agrees with the shipment and has the exporter complete PPQ Form 572 and send along with specified copies of the invoice and CITES or ESA documents to the designated CITES port for validation and endorsement. If there's a concern about the shipment's validity, then shipments may be required to go through the designated CITES port.

### Overview of Processing Protected Commodities

The task of enforcing the legislation that protects plants from extinction requires that ACOs determine if the protected articles are moving in accordance with CITES or ESA.

**TABLE 5-8-2: Determine if Protected Commodities Are Moving in Accordance with CITES or ESA**

If the protected articles are moving:	Then the ACO may:
In accordance with CITES or ESA	<ul style="list-style-type: none"> <li>◆ VALIDATE and ENDORSE documents issued by the Division of Management Authority (DMA)</li> <li>◆ ISSUE an export certificate based on the import requirements of the foreign country and the inspection results</li> </ul>
In violation of CITES or ESA	<ul style="list-style-type: none"> <li>◆ MODIFY inventory sheets or State-issued export certificates if allowed and appropriate; otherwise</li> <li>◆ REFUSE to validate and endorse DMA-issued documents</li> <li>◆ REFUSE to issue an export certificate</li> <li>◆ DETERMINE whether to initiate violation procedures</li> </ul>

### Overview of Validating and Endorsing DMA-Issued Documents

The DMA-issued documents are **not** valid for the export or reexport of protected plants until the documents are endorsed by an ACO. DMA-issued documents include export certificates, permits, and reports accompanied by continuation sheets, inventory sheets, or State-issued export certificates, if appropriate.



DMA-issued documents **must** be validated and endorsed **only** at designated CITES ports; export certificates for CITES or ESA protected plants **must** be issued **only** at designated CITES ports ([Table 3-3-6](#) on [page 3-3-7](#)).

### Identifying Protected Plants

PPQ is responsible for enforcing CITES and ESA for exporting and reexporting listed plants. Therefore, ACOs **must** determine whether the commodity is protected by CITES or ESA before confirming they can meet the import requirements of the foreign country. For procedure on deciding if you can certify the commodities based on their CITES or ESA status, refer to [Eligibility Based on Protected Status](#) on [page 3-3-5](#).

ACOs can use EXCERPT to determine if the plant name is a protected plant or plant part. The same listings can also be found at:

- ◆ CITES Web site address: <<http://www.CITES.org/>>
- ◆ ESA Web site address: <<http://www.fws.gov/angered/wildlife.html>> (then click on the link for “Federal list of endangered and threatened wildlife and plants”)

All protected plants are listed in EXCERPT, including genera in the families Cactaceae and Orchidaceae. The [Characteristics of Cactaceae](#) and the [Characteristics of Orchidaceae](#) are listed below to help visually identify commodities that may be regulated by CITES or ESA.

### Characteristics of Cactaceae

Characteristics of Cactaceae are as follows:

- ◆ Stems are succulent with small, woolly or felt area often bearing clusters of spines or bristles
- ◆ If stems are **not** succulent, then look for stems with tufts of fuzz and spines arising from the fuzz

### Characteristics of Orchidaceae

Characteristics of Orchidaceae are as follows:

- ◆ Flowers are orchid-like
- ◆ Leaf venation is parallel
- ◆ Roots are fibrous or cord-like to tuberous
- ◆ Stems often are more or less swollen or thickened and form a pseudo bulb

If you **cannot** find the plant name and/or you doubt its accuracy, **do not** proceed until the plants are correctly identified. If local expertise is unavailable, consult with the nearest PPQ botanist.

### Authority to Certify Protected Commodities for Export

**Only** ACOs located at designated CITES ports are authorized to certify protected commodities. Therefore, you **must** determine whether you are located at a designated CITES port.

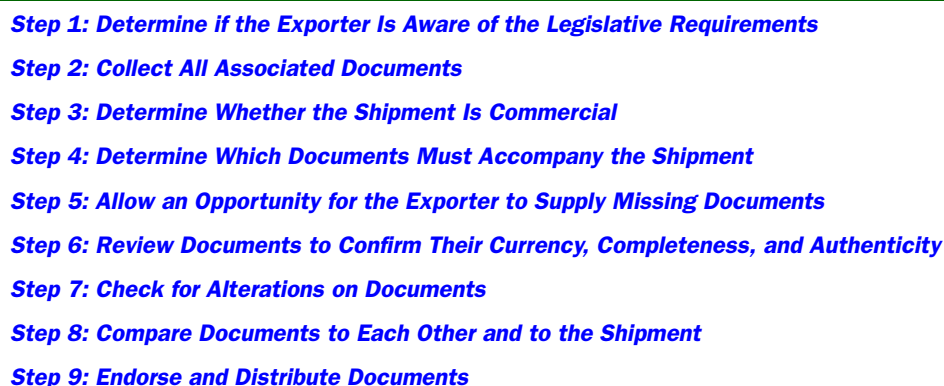
Use [Table 3-3-6](#) on [page 3-3-7](#) to look up the designated CITES ports for plants (by State).

For procedure on determining your authority to certify protected commodities for export, refer to [Overview of Processing Protected Commodities](#) on [page 5-8-3](#).

## Protected Plants Other Than American Ginseng

**Figure 5-8-1** illustrates the steps to follow when determining if protected plants (**other than** American ginseng, *Panax quinquefolius*) are moving in accordance with CITES or ESA and when validating and endorsing DMA-issued documents.

When validating and endorsing DMA-issued documents for American ginseng, GO to [American Ginseng \(\*Panax quinquefolius\*\)](#) on **page 5-8-20**.

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- Step 1: Determine if the Exporter Is Aware of the Legislative Requirements**
  - Step 2: Collect All Associated Documents**
  - Step 3: Determine Whether the Shipment Is Commercial**
  - Step 4: Determine Which Documents Must Accompany the Shipment**
  - Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents**
  - Step 6: Review Documents to Confirm Their Currency, Completeness, and Authenticity**
  - Step 7: Check for Alterations on Documents**
  - Step 8: Compare Documents to Each Other and to the Shipment**
  - Step 9: Endorse and Distribute Documents**

**FIGURE 5-8-1: Overview of Steps to Validate and Endorse DMA-Issued Documents for Protected Plants Other Than American Ginseng**

### Step 1: Determine if the Exporter Is Aware of the Legislative Requirements

Determine if the exporter is aware of the legislation and the requirements of the legislation to substantiate if there was an obvious attempt to defraud the government or to violate the regulations.

If there is **no** obvious attempt to defraud the government or to violate the regulations, GO to [Step 2: Collect All Associated Documents](#) on **page 5-8-6**.

### Step 2: Collect All Associated Documents

If **not** already done as part of a preliminary assessment, collect invoices, bills of lading, or air waybills, and other shipping documents as well as the documents issued by DMA and PPQ.

Use these documents to verify weights, numbers, and kinds of protected plants being offered for export. All protected plants **must** be invoiced, marked, or identified with the following marking requirements in accordance with 7CFR 355.21:

- ◆ Country or location where the plants were collected or grown

- ◆ Identity of the plants to the appropriate taxon (genus and species required, together, with the word “hybrid”) and the number being exported
- ◆ Name and address of the consignee
- ◆ Name and address of the exporter, shipper, or broker
- ◆ Shipper’s mark and number
- ◆ Serial number of the DMA-issued permit or certificate issued for the export or reexport of commodities

For mail shipments, the following additional requirements **must** be met to be in accordance with 7CFR 355.21:

- ◆ Material **must** be double wrapped with an unsealed inner wrapping addressed to the consignee
- ◆ Name, address, and phone number of the intended recipient in the foreign country **must** be included on a separate sheet of paper placed inside the package, i.e., PPQ Form 572, *Application for Inspection and Certification of Domestic Plants and Plant Products for Export*
- ◆ Package marking and identification **must** be shown on the outside of the package
- ◆ Package **must** have sufficient postage to reach the foreign destination

### Step 3: Determine Whether the Shipment Is Commercial

Determine whether the shipment is commercial or noncommercial. This determination influences certifying the protected commodities and effects which DMA-issued document is issued, i.e., for CITES Appendix I material an export permit is issued while for CITES Appendix II material a certificate of artificial propagation is issued. In addition to reviewing shipping documents and interviewing the exporter, see [Table 5-8-3](#) on [page 5-8-8](#) for the criteria to apply when determining whether a shipment is commercial.

**TABLE 5-8-3: Determine Whether the Shipment Is Commercial**

<b>If the commodities offered for export:</b>	<b>Then consider the shipment a:</b>
Are known to be for sale or resale	Commercial <sup>1</sup> shipment
Are consigned to a nursery or a plant dealer	
Are of a volume and variety that exceed what can be reasonably considered for personal use	
Are from parties involved in commercial activities as evidenced by State registration, i.e., nursery, advertisements in trade journals and catalogs	
<b>Do not</b> apply to the above criteria	Noncommercial shipment

1 The definition of a commercial shipment according to 7CFR 355.2 is as follows: “Engaged in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise exchanging or acquiring the plants as a livelihood or enterprise engaged in for gain or profit. This term shall **not** include persons engaged in business merely as carriers or customhouse brokers.” The above definition is one of the criterion for determining whether a shipment is commercial.

### Step 4: Determine Which Documents Must Accompany the Shipment

Determine which documents **must** accompany a shipment of protected commodities based on the governing legislation and the shipment. For the documents that are required, ACOs **must** ensure that they are present and valid. Begin at [Table 5-8-4](#) on [page 5-8-8](#).

**TABLE 5-8-4: Determine Which DMA-Issued Documents Must Accompany the Shipment**

<b>If the commodities:</b>	<b>And the shipment is:</b>	<b>Then:</b>
Are protected solely by CITES	Commercial	GO to <a href="#">Table 5-8-5</a> on <a href="#">page 5-8-9</a>
	Noncommercial	GO to <a href="#">Table 5-8-6</a> on <a href="#">page 5-8-10</a>
Are protected solely by ESA	→	GO to <a href="#">Table 5-8-7</a> on <a href="#">page 5-8-11</a>
Are protected by both CITES and ESA	Commercial	GO to <a href="#">Table 5-8-8</a> on <a href="#">page 5-8-12</a>
	Noncommercial	GO to <a href="#">Table 5-8-9</a> on <a href="#">page 5-8-13</a>



**TABLE 5-8-5: Determine Which Documents Must Accompany Commercial Shipments of CITES Protected Commodities**

<b>If the commodities are:</b>	<b>And are:</b>	<b>Then:</b>
Exempt <sup>1</sup> from CITES permit requirements because of artificial propagation, but <b>not</b> exempt from the requirements for a certificate	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix II <i>Certificate of Artificial Propagation</i></li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued <i>Certificate of Origin</i></li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
<b>Not</b> exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix I <i>Export Permit</i> (or <i>Re-export Certificate</i>) with attached permit from the country of destination</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix II <i>Export Permit</i> (or <i>Reexport Certificate</i>)</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued <i>Certificate of Origin</i></li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>

1 Commercial shipments are **not** allowed movement under certificates of exemption when the protected commodities were acquired prior to the date that CITES applied to them, or the protected commodities are being exchanged between registered scientists or scientific institutions.

**TABLE 5-8-6: Determine Which Documents Must Accompany Noncommercial Shipments of CITES Protected Commodities**

<b>If the commodities are:</b>	<b>And are:</b>	<b>Then:</b>
Exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix I certificate, which <b>must</b> be specific for the category exemption (artificial propagation, pre-CITES, or exchange between registered scientific institutions)</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix II certificate, which <b>must</b> be specific for the category exemption (artificial propagation, pre-CITES, or exchange between registered scientific institutions)</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued <i>Certificate of Origin</i></li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
<b>Not</b> exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix I <i>Export Permit</i> (or <i>Re-export Certificate</i>) with attached permit from the country of destination</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix II <i>Export Permit</i> (or <i>Reexport Certificate</i>)</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued <i>Certificate of Origin</i></li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>

- 1 The Division of Management Authority (DMA) grants exemptions for the following:
- ◆ Plants artificially propagated that are **not** a commercial shipment of protected plants or their derivatives listed under CITES Appendix I
  - ◆ Plants that were acquired prior to the date CITES applied to them
  - ◆ Plants that are being exchanged between registered scientists or scientific institutions

**TABLE 5-8-7: Determine Which Documents Must Accompany ESA Protected Commodities**

<b>If the shipment is:</b>	<b>And the commodities are:</b>	<b>And are:</b>	<b>Then:</b>
Commercial	Endangered	→	1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i> , and 4 copies of DMA-issued <i>Permit for the Export of Endangered or Threatened Species</i> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b>
	Threatened	<b>Not</b> exempt <sup>1</sup> from ESA permit requirements	
		Exempt <sup>1</sup> from ESA permit requirements	
Noncommercial	Endangered	→	1. REQUIRE 4 copies of DMA-issued <i>Permit for the Export of Endangered or Threatened Species</i> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b>
	Threatened	<b>Not</b> exempt <sup>1</sup> from ESA permit requirements	
		Exempt <sup>1</sup> from ESA permit requirements	

- 1 Artificially propagated seeds of a species listed as “Threatened” under the ESA **do not** require a DMA-issued permit, unless the specific species has special rules to apply. EXCERPT indicates which species have special rules.
- 2 For cultivated seeds, REQUIRE that the seeds are labeled with the name of the species and a statement that the seeds are of cultivated origin.

**TABLE 5-8-8: Determine Which Documents Must Accompany Commercial Shipments of Commodities Protected by Both CITES and ESA**

If the commodities are:	And are:	Then:
Exempt <sup>1</sup> from CITES permit requirements because of artificial propagation	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix I <i>Certificate of Artificial Propagation</i> amended in <i>Block 5</i> to authorize Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued <i>Certificate of Origin</i> amended in <i>Block 5</i> to authorize Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
Not exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix I <i>Export Permit</i> (or <i>Re-export Certificate</i>) amended in <i>Block 5</i> to include Endangered or Threatened species, with an attached permit from the country of destination</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued CITES Appendix II <i>Export Permit</i> (or <i>Re-export Certificate</i>) amended in <i>Block 5</i> to include Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>, and 4 copies of DMA-issued <i>Certificate of Origin</i> amended in <i>Block 5</i> to authorize Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>

1 Commercial shipments are **not** allowed under certificates of exemption when the commodities were acquired prior to the date that CITES applied to the commodities, or the commodities are being exchanged between registered scientists or scientific institutions.

**TABLE 5-8-9: Determine Which Documents Must Accompany Noncommercial Shipment of Commodities Protected by Both CITES and ESA**

<b>If the commodities are:</b>	<b>And are:</b>	<b>Then:</b>
Exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I or Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES certificate amended in <i>Block 5</i> to authorize Endangered or Threatened species, which <b>must</b> be specific for the category of exemption (artificial propagation, pre-CITES, or exchange between registered institutions)</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of the DMA-issued <i>Certificate of Origin</i> amended in <i>Block 5</i> to authorize Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
<b>Not</b> exempt <sup>1</sup> from CITES permit requirements	CITES Appendix I	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix I <i>Export Permit</i> (or <i>Reexport Certificate</i>) amended in <i>Block 5</i> to authorize Endangered or Threatened species, with attached export permit or reexport certificate from the country of destination</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix II	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued CITES Appendix II <i>Export Permit</i> (or <i>Reexport Certificate</i>) amended in <i>Block 5</i> to include Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>
	CITES Appendix III	<ol style="list-style-type: none"> <li>1. REQUIRE 4 copies of DMA-issued <i>Certificate of Origin</i> amended in <i>Block 5</i> to authorize Endangered or Threatened species</li> <li>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-14</b></li> </ol>

1 A commodity may be exempt from the permit requirements when any of the following applies:

- ◆ Plant was artificially propagated
- ◆ Plant was acquired prior to the date CITES applied to the plant
- ◆ Plant is being exchanged between registered scientists or scientific institutions

## Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents

If the exporter is missing a required permit or certificate, use [Table 5-8-10](#) on [page 5-8-14](#) to determine the appropriate action to take.

If the exporter has all the necessary documents, GO to [Step 6: Review Documents to Confirm Their Currency, Completeness, and Authenticity](#) on [page 5-8-14](#).

**TABLE 5-8-10: Determine the Appropriate Action to Take When the Exporter is Missing Documents**

If the exporter:	Then:
Lacks DMA-issued permit or certificate	<ol style="list-style-type: none"> <li>1. REFER the exporter to DMA<sup>1</sup></li> <li>2. REFUSE to endorse DMA-issued documents until the exporter supplies the missing permit or certificate</li> <li>3. REFUSE to issue an export certificate</li> </ol>
Lacks PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>	<ol style="list-style-type: none"> <li>1. CONFIRM the shipment is commercial</li> <li>2. GIVE the exporter PPQ Form 621, <i>Application for General Permit to Engage in the Business of Importing, Exporting, or Reexporting Terrestrial Plants</i><sup>2</sup></li> <li>3. REFUSE to endorse DMA-issued documents until the exporter provides evidence that the exporter holds a current <i>General Permit</i> or <i>Protected Plant Permit</i></li> <li>4. REFUSE to issue an export certificate</li> </ol>
Has all necessary documents	GO to <a href="#">Step 6: Review Documents to Confirm Their Currency, Completeness, and Authenticity</a> on <a href="#">page 5-8-14</a>

- 1 For questions about CITES and/or ESA export documents, exporters can contact DMA at toll-free phone 800-358-2104 or write U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.
- 2 For questions about *General Permits* or *Protected Plant Permits*, exporters can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to the following Web site address: <<http://www.aphis.usda.gov/ppq/permits>>.

## Step 6: Review Documents to Confirm Their Currency, Completeness, and Authenticity

ACOs should review all relevant documents to confirm they are current, complete, and authentic as follows:

1. Verify that documents are current. Use [Table 5-8-11](#) on [page 5-8-15](#) to locate the expiration date on documents. If a DMA-issued permit or certificate has expired, then the exporter **must** replace the expired document with a current one.<sup>2</sup>

**TABLE 5-8-11: Locate the Expiration Date on Relevant Documents**

If the document is:	Then locate the expiration date:
CITES permit or certificate	In <i>Block 2. Valid until</i>
ESA permit	In <i>Block 7. EXPIRES</i>
PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>	On a line at the bottom left side

2. Confirm documents have been completed. For CITES permits or certificates, the exporter **must** have filled in *Blocks 4, 11, 13, and 14*. For ESA permits, *General Permits*, or *Protected Plant Permits*, the exporter should **not** have filled in any information.
3. Verify documents are authentic. Use [Table 5-8-12](#) on [page 5-8-15](#) to identify individuals authorized to sign such documents.

**TABLE 5-8-12: Identify Individuals Authorized to Sign Documents Issued by DMA and PPQ for Protected Plants**

If the document is issued by:	Then the document must be signed by one of the following individuals:	
DMA (CITES and/or ESA permits or certificates)	Mary Ellen Amtower Caroline Anderson Karen Anderson Bruce Babbitt Michael Carpenter Charlie R. Chandler Monica Farris Pamela Hall	Marshall Jones Lisa J. Lierheimer Michael Moore Kristen Nelson Teiko Saito Kenneth Stansell Margaret Tieger Bruce Weissgold
PPQ (PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i> )	Authorized employee of PPQ Permit Services. For questions about <i>General Permits</i> or <i>Protected Plant Permits</i> , exporters can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to the following Web site address: < <a href="http://www.aphis.usda.gov/ppq/permits">http://www.aphis.usda.gov/ppq/permits</a> >	

<sup>2</sup> For questions about CITES and/or ESA export documents, exporters can contact DMA at toll-free phone 800-358-2104 or write U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.

For questions about *General Permits* or *Protected Plant Permits*, exporters can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to the following Web site address: <<http://www.aphis.usda.gov/ppq/permits/>>.

### Step 7: Check for Alterations on Documents

Check permits and/or certificates for alterations, such as unauthorized additions, erasures, and forgeries. Look for the following:

- ◆ Added species to permits, certificates, continuation sheets, or inventory sheets
- ◆ Changed date of issuance or date of expiration
- ◆ Changed species names
- ◆ Changed quantities

Use [Table 5-8-13](#) on [page 5-8-16](#) to take the appropriate action.

**TABLE 5-8-13: Determine the Appropriate Action to Take Regarding Document Alterations**

If documents:	Then:
Show evidence of alterations	1. GO to <a href="#">Violations of ESA or CITES</a> on <a href="#">page 5-8-35</a> 2. REFUSE to endorse DMA-issued documents 3. REFUSE to issue an export certificate
Have <b>not</b> been altered	Go to <a href="#">Step 8: Compare Documents to Each Other and to the Shipment</a> on <a href="#">page 5-8-16</a>

### Step 8: Compare Documents to Each Other and to the Shipment

Compare documents to each other and to the shipment ensuring there are **no** discrepancies, omissions, inconsistencies, or inaccuracies as follows:

1. Compare the quantity of commodities against that which is listed on a bill of lading, air waybill, invoice; and against that which is listed in *Block 11* of CITES permits or certificates or in *Block 11* of ESA permits (if limitations are prescribed). See [Table 5-8-14](#) on [page 5-8-16](#) to verify the quantity of commodities.

**TABLE 5-8-14: Verify the Quantity of Commodities is As Listed on Accompanying Documents**

If the quantity listed on accompanying documents:	Then:
Agrees with the quantity listed on DMA-issued permit or certificate	GO to 2., below
Is <b>fewer</b> than the quantity listed on DMA-issued permit or certificate	1. ALLOW the exporter to change the quantity on the original copy of DMA-issued permit or certificate 2. GO to 2., below
Is <b>more</b> than the quantity listed on DMA-issued permit or certificate	1. REFUSE to endorse DMA-issued documents 2. REFUSE to issue an export certificate



2. Confirm that all conditions listed on DMA-issued permit and/or certificate have been met as follows:
  - A. Verify that conditions are met, which are listed in *Block 5* of CITES permits and certificates or listed in *Block 11* of ESA permits. *Blocks 5* and *11* will also indicate whether a permit or certificate can be copied for repeated use (see example below).

**EXAMPLE**

*Block 5* on a multiple-use permit may inform the permittee that the permit may **not** be used for exports to countries in the European Union.

- B. If any of the listed conditions is **not** met, REFUSE to endorse DMA-issued documents and REFUSE to issue an export certificate until the noncompliance is resolved (see examples below). If all conditions are met, then GO to 3., below.


**EXAMPLE**

Special conditions that may restrict an exportation are as follows:

- ◆ Fixed times or exact dates
- ◆ Particular sources
- ◆ Specific quantity or number of commodities

3. Confirm the commodities being exported are authorized by DMA-issued permit and/or certificate as follows:
  - A. Compare what is listed on accompanying documents against what is listed on DMA-issued permits and/or certificates (including inventory sheets that may accompany CITES documents).
  - B. After confirming that DMA-issued documents agree with accompanying documents, look at the shipment to confirm that **only** authorized commodities are present. If you are unable to identify the commodities, consult with the nearest PPQ botanist. REFUSE to issue an export certificate until the commodities are correctly identified. Use [Table 5-8-15](#) on [page 5-8-18](#) to verify the authorization of shipments.

**TABLE 5-8-15: Verify the Authorization of Shipments**

If:	And the exporter:	Then:
All commodities in the shipment are <b>authorized</b>		GO to <b>Step 9: Endorse and Distribute Documents</b> on <b>page 5-8-18</b>
Some or all of the commodities in the shipment are <b>not</b> authorized	Is a repeat violator or you determine that there was an obvious attempt to mislead or to conceal unauthorized material	<ol style="list-style-type: none"> <li>1. REFUSE to endorse DMA-issued documents</li> <li>2. REFUSE to issue an export certificate</li> <li>3. ENSURE that all unauthorized commodities are removed from the shipment</li> <li>4. GO to <b>Violations of ESA or CITES</b> on <b>page 5-8-35</b> to begin processing a violation</li> </ol>
	Agrees to remove the unauthorized commodities and you determine that initiating a violation is inappropriate	<ol style="list-style-type: none"> <li>1. LINE through the unauthorized entry on the attached inventory sheet</li> <li>2. WRITE “NOT AUTHORIZED” across the entry</li> <li>3. ENSURE that all unauthorized commodities are removed from the shipment</li> <li>4. GO to <b>Step 9: Endorse and Distribute Documents</b> on <b>page 5-8-18</b></li> </ol>

### Step 9: Endorse and Distribute Documents

Once the protected commodities meet the requirements of ESA and/or CITES, endorse and distribute DMA-issued documents. Consider the shipment certifiable and eligible for an export certificate. Before issuing an export certificate, identify import requirements of the foreign country and follow general inspection guidelines (see [Determining the Country’s Import Requirements](#) on **page 3-4-1** and [Inspecting Commodities](#) on **page 3-5-1**, respectively).

### Endorse DMA-Issued Documents

Follow the directions in [Table 5-8-16](#) on **page 5-8-19** to endorse DMA-issued documents.

**TABLE 5-8-16: Endorse DMA-Issued Documents to Export Protected Commodities**

If the DMA-issued document is:	Then follow these instructions to endorse the document:
CITES permit or certificate	<ul style="list-style-type: none"> <li>◆ <i>Block 13</i>—ENTER the actual quantity of commodities moving as specified for each entry in <i>Block 7/8. Common Name and Scientific name</i> (may be less, but <b>never</b> more than was authorized in <i>Block 11. Quantity</i>)</li> <li>◆ <i>Block 14</i>—ENTER the bill of lading or air waybill number, the port of export (designated CITES port), and the total number of shipping containers (VERIFY the entry if the block is already filled in)</li> <li>◆ <i>Block 15</i>—ENTER the date (spell out month), your signature, and STAMP “released”</li> </ul>
Continuation sheet	<ul style="list-style-type: none"> <li>◆ <i>Block 13</i>—ENTER the actual quantities of commodities moving as specified for each entry in <i>Block 7/8. Common Name and Scientific name</i> of the CITES permit</li> <li>◆ <i>Block 14</i>—ENTER the bill of lading or air waybill number, port of export, and the total number of shipping containers</li> <li>◆ <i>Block 15</i>—STAMP “released” and ENTER your signature and the date signed (spell out month)</li> </ul>
Inventory sheet <sup>1</sup>	<i>Block 15</i> —STAMP “released” and ENTER your signature and the date signed (spell out month)
ESA permit	<i>In the bottom right corner of the permit</i> —STAMP “released” and ENTER your signature and the date signed (spell out month)

1 If an invoice is used as an inventory sheet, STAMP, DATE, and SIGN the invoice.

### Distribute DMA-Issued Documents

Distribute DMA-issued documents as follows:

1. SEND the original, endorsed documents with the shipment, including inventory and continuation sheets if appropriate.
2. RETURN to the exporter, one set of the endorsed documents marked “COPY.”
3. SEND to the following DMA address, one set of the endorsed documents, securely stapled together:

U.S. Fish and Wildlife Service  
Division of Management Authority  
4401 North Fairfax Drive, Room 700  
Arlington, Virginia 22203

4. KEEP one set of the endorsed documents for the issuing office files.
5. DISCARD any remaining copies.

## American Ginseng (*Panax quinquefolius*)

**Figure 5-8-2** on **page-5-8-20** illustrates the steps to follow when determining if American Ginseng (*Panax quinquefolius*) is moving in accordance with or in violation of CITES and when validating and endorsing documents. Before going to Step 1, first see **Table 5-8-17** on **page 5-8-21** to confirm that the ginseng is regulated by CITES.

When validating and endorsing DMA-issued documents for the export or reexport of protected plants **other than** American ginseng, then GO to *Protected Plants Other Than American Ginseng* on **page 5-8-6**.

- Step 1: Determine if the Exporter Is Aware of the Legislative Requirements***
- Step 2: Collect All Associated Documents***
- Step 3: Determine Whether the Shipment Is Commercial***
- Step 4: Determine Which Documents Must Accompany the Shipment***
- Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents***
- Step 6: Confirm That American Ginseng Roots Were Legally Collected in a State Approved for That Harvest Season***
- Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity***
- Step 8: Check for Alterations on Documents***
- Step 9: Compare the Documents to Each Other and to the Shipment***
- Step 10: Endorse and Distribute Documents***

**FIGURE 5-8-2: Overview of Steps to Validate and Endorse DMA-Issued Documents for American Ginseng (*Panax quinquefolius*)**

**TABLE 5-8-17: Confirm That The Ginseng Is Regulated by CITES**

If the commodities were collected or harvested from:	And are:	And are:	Then:
American ginseng ( <i>Panax quinquefolius</i> )	Whole plants	→	GO to <b>Step 1: Determine if the Exporter Is Aware of the Legislative Requirements</b> on page 5-8-21 because the articles are regulated by CITES
	Roots (or from the roots)	Whole or broken	
		Root hairs	EXIT these special procedures because the articles are <b>not</b> regulated by CITES
		Extract or derivative	◆ For domestic-origin ginseng, GO to <b>Determining the Country's Import Requirements</b> on page 3-4-1 to identify import requirements and then to determine if a PPQ Form 577 can be issued
Leaves, stems, flowers, or seeds (or from these structures)		→	◆ For foreign-origin ginseng, GO to <b>PPQ Form 579, Phytosanitary Certificate for Reexport</b> on page 3-8-14 to identify import requirements and then to determine if a PPQ Form 579 can be issued
◆ Chinese ginseng ( <i>Panax ginseng</i> ) ◆ Ginseng ( <i>Panax pseudo ginseng</i> ), ◆ Siberian ginseng ( <i>Eleutherococcus senticosus</i> )  (Excluding <i>Panax ginseng</i> from Russia)		→	

### Step 1: Determine if the Exporter Is Aware of the Legislative Requirements

Determine if the exporter is aware of the legislation and the requirements of the legislation to substantiate if there was an obvious attempt to defraud the government or to violate the regulations.

If there is **no** obvious attempt to defraud the government or to violate the regulations, GO to **Step 2: Collect All Associated Documents** on page 5-8-21.

### Step 2: Collect All Associated Documents

If **not** already done as part of a preliminary assessment, collect invoices, bills of lading or air waybills, State certificates, and other shipping documents issued by DMA and PPQ.

Use these documents to verify weights, numbers, and kinds of protected plants being offered for export. All American ginseng **must** be invoiced, marked, or identified with the following marking requirements:

- ◆ Identity of the plants or plant parts—American ginseng (*Panax quinquefolius*)
- ◆ Name and address of the consignee
- ◆ Name and address of the exporter, shipper, or broker
- ◆ Serial number of the DMA-issued permit or certificate issued for the export or reexport of plants or plant parts
- ◆ Shipper's mark and number
- ◆ State where the American ginseng was collected or harvested from cultivated plants

For mail shipments, the following additional requirements **must** be met to be in accordance with 7CFR 355.21:

- ◆ Material **must** be double wrapped with an unsealed inner wrapping addressed to the consignee
- ◆ Name, address, and phone number of the intended recipient in the foreign country **must** also be included on a separate sheet of paper placed inside the package, i.e., PPQ Form 572, *Application for Inspection and Certification of Domestic Plants and Plant Products for Export*
- ◆ Package marking and identification **must** be shown on the outside of the package
- ◆ Package **must** have sufficient postage to reach the foreign destination

### **Step 3: Determine Whether the Shipment Is Commercial**

Determine whether the shipment is commercial or noncommercial. This determination will influence certifying the protected commodities and effects which DMA-issued document is issued. In addition to reviewing shipping documents and interviewing the exporter, see [Table 5-8-18](#) on [page 5-8-23](#) for the criteria to apply when determining whether a shipment is commercial.

**TABLE 5-8-18: Determine Whether the Shipment Is Commercial**

If the American ginseng plants or plant parts offered for export:	Then consider the shipment a:
Are known to be for sale or resale	Commercial <sup>1</sup> shipment
Are consigned to a trading company, wholesaler, or dealer	
Are of a volume and variety that exceed what can be reasonably considered for personal use	
Are from parties involved in commercial activities as evidenced by State registration, a business, or advertisements in periodicals and catalogs	
<b>Do not</b> apply to the above criteria	Noncommercial shipment

- 1 The definition of a commercial shipment according to 7CFR 355.2 is as follows: “Engaged in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial plants for the purpose of selling, bartering, collecting, or otherwise exchanging or acquiring the plants as a livelihood or enterprise engaged in for gain or profit. This term shall **not** include persons engaged in business merely as carriers or customhouse brokers.” The above definition is one of the criterion for determining whether a shipment is commercial.

### Step 4: Determine Which Documents Must Accompany the Shipment

Determine which documents **must** accompany a shipment of American ginseng plants or roots based on the governing legislation and the shipment. For the required documents, ACOs **must** ensure they are present and valid. Begin at [Table 5-8-19](#) on [page 5-8-23](#).

**TABLE 5-8-19: Determine Which DMA-Issued Documents Must Accompany the Shipment**

If the American ginseng is being offered for:	And was:	Then:
Export	Collected from the wild <sup>1</sup>	GO to <a href="#">Table 5-8-20</a> on <a href="#">page 5-8-24</a>
	Harvested from cultivated plants <sup>1</sup>	GO to <a href="#">Table 5-8-21</a> on <a href="#">page 5-8-25</a>
Reexport	—————▶	GO to <a href="#">Table 5-8-22</a> on <a href="#">page 5-8-26</a>

- 1 Wild and cultivated roots may **not** be exported under the same Federal and State documents, as each type of root has different export criteria.

**TABLE 5-8-20: Determine Which Documents Must Accompany American Ginseng Collected from the Wild**

If the shipment is:	Then:
Commercial	1. REQUIRE all of the following documents: <ul style="list-style-type: none"> <li>◆ PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i></li> <li>◆ Copy of the invoice</li> <li>◆ Original plus 3 copies of the DMA-issued export permit for each harvest season<sup>1</sup></li> <li>◆ Original and a copy of the <i>Wild Ginseng Export Report</i> (attached to the DMA-issued export permit)</li> <li>◆ Original<sup>2</sup> and a copy of the State-issued <i>American Ginseng Export Certificate</i></li> </ul> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b>
Noncommercial	1. REQUIRE all of the following documents: <ul style="list-style-type: none"> <li>◆ Original plus 3 copies of the DMA-issued export permit for each harvest season<sup>1</sup></li> <li>◆ Original and a copy of the <i>Wild Ginseng Export Report</i> (attached to the DMA-issued export permit)</li> <li>◆ Original<sup>2</sup> and a copy of the State-issued <i>American Ginseng Export Certificate</i></li> </ul> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b>

- 1 Exporters need separate CITES export permits for American ginseng collected from different harvest seasons.  
 For example, if a person or company is exporting roots collected between June 2003 and June 2004, two export permits specific for each harvest season **must** be presented. The *Wild Ginseng Export Report* lists the States authorized for export for a particular harvest season.
- 2 In general, accept **only** the original State certificate. However, if the exporter or dealer modified the State certificate by writing the lower weight of ginseng being exported, and certified this change with the written words, "I made these changes on [date]" followed by the full legal signature of the exporter or dealer, a photocopy of the original State certificate may be used. This certificate **must** be modeled in accordance with Federal regulations.



**TABLE 5-8-21: Determine Which Documents Must Accompany American Ginseng Harvested from Cultivated Plants**

If the shipment is:	Then:
Commercial	<p>1. REQUIRE all of the following documents:</p> <ul style="list-style-type: none"> <li>◆ PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i></li> <li>◆ Copy of the invoice</li> <li>◆ Original and 3 copies of the DMA-issued other certificate to authorize movement of artificially propagated plants</li> <li>◆ Original and a copy of the <i>Cultivated Ginseng Export Report</i><sup>1</sup> (attached to the DMA-issued other certificate)</li> <li>◆ Original and a copy of the State-issued <i>American Ginseng Export Certificate</i> certifying that the American ginseng was cultivated (artificially propagated)</li> </ul> <p>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b></p>
Noncommercial	<p>1. REQUIRE all of the following documents:</p> <ul style="list-style-type: none"> <li>◆ Original and 3 copies of the DMA-issued other certificate to authorized movement of artificially propagated plants</li> <li>◆ Original and a copy of the <i>Cultivated Ginseng Export Report</i><sup>1</sup> (attached to the DMA-issued other certificate)</li> <li>◆ Original and a copy of the State-issued <i>American Ginseng Export Certificate</i> certifying that the American ginseng was cultivated (artificially propagated)</li> </ul> <p>2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b></p>

1 The *Cultivated Ginseng Export Report* lists the approved State(s) of origin.

**TABLE 5-8-22: Determine Which Documents Must Accompany Reexport Shipments of American Ginseng**

If the shipment is:	Then:
Commercial	1. REQUIRE all of the following documents: <ul style="list-style-type: none"> <li>◆ PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i></li> <li>◆ Copy of the invoice</li> <li>◆ Original and a copy of the DMA-issued <i>Reexport Certificate</i></li> <li>◆ Copy of a foreign document (import permit or phytosanitary certificate) or other supporting document that validates official entry into U.S. commerce</li> </ul> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b>
Noncommercial	1. REQUIRE all of the following documents: <ul style="list-style-type: none"> <li>◆ Original and a copy of the DMA-issued <i>Reexport Certificate</i></li> <li>◆ Copy of a foreign document (import permit or phytosanitary certificate) or other supporting document that validates official entry into U.S. commerce</li> </ul> 2. GO to <b>Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents</b> on <b>page 5-8-26</b>

**Step 5: Allow an Opportunity for the Exporter to Supply Missing Documents**

If the exporter is missing a required permit or certificate, use **Table 5-8-23** on **page 5-8-27** to determine the appropriate action to take.

If the exporter has all the necessary documents and the shipment offered for export is American ginseng collected from the wild, GO to **Step 6: Confirm That American Ginseng Roots Were Legally Collected in a State Approved for That Harvest Season** on **page 5-8-28**. Otherwise, SKIP to **Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity** on **page 5-8-29**.

**TABLE 5-8-23: Determine the Appropriate Action to Take When the Exporter is Missing Documents**

If the exporter:	And the American ginseng is:	Then:
Lacks DMA-issued permit, certificate, or export report	→	<ol style="list-style-type: none"> <li>1. REFER the exporter to DMA<sup>1</sup></li> <li>2. REFUSE to endorse DMA-issued documents until the exporter supplies the missing permit, certificate, or export report</li> <li>3. REFUSE to issue an export certificate</li> </ol>
Lacks PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>	→	<ol style="list-style-type: none"> <li>1. CONFIRM that the shipment is commercial</li> <li>2. GIVE the exporter PPQ Form 621, <i>Application for General Permit to Engage in the Business of Importing, Exporting, or Reexporting Terrestrial Plants</i><sup>2</sup></li> <li>3. REFUSE to endorse DMA-issued documents until the exporter provides evidence that he or she holds a current <i>General Permit</i> or <i>Protected Plant Permit</i></li> <li>4. REFUSE to issue an export certificate</li> </ol>
Lacks a State-issued <i>American Ginseng Export Certificate</i> <sup>3</sup>	→	<ol style="list-style-type: none"> <li>1. REFUSE to endorse DMA-issued documents until the appropriate State-issued certificate is presented</li> <li>2. REFUSE to issue an export certificate</li> </ol>
Has all the necessary documents	Collected from the wild	GO to <b>Step 6: Confirm That American Ginseng Roots Were Legally Collected in a State Approved for That Harvest Season</b> on page <b>5-8-28</b>
	Harvested from domestic-origin cultivated plants	GO to <b>Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity</b> on page <b>5-8-29</b>
	Of foreign origin	

- 1 For questions about CITES and/or ESA export documents, exporters can contact DMA at toll-free phone 800-358-2104 or write U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.
- 2 For questions about *General Permits* or *Protected Plant Permits*, exporters can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to <<http://www.aphis.usda.gov/ppq/permits/>>.
- 3 Generally, accept **only** the original State-issued *American Ginseng Export Certificate*. However, if the exporter or dealer had to modify the export certificate (wrote the lesser weight of ginseng roots being exported and certified the change with the statement, "I made these changes on [date]" followed by his or her full legal signature); you may accept a photocopy of the State-issued export certificate.

### **Step 6: Confirm That American Ginseng Roots Were Legally Collected in a State Approved for That Harvest Season**

When an exporter requests certification of a shipment containing American ginseng roots collected from the wild, ACOs **must** confirm the roots were legally collected from a State approved for that harvest season.

Compare the *Wild Ginseng Export Report* with the accompanying State-issued *American Ginseng Export Certificate*.

When comparing the DMA-issued *Wild Ginseng Export Report* with the State-issued *American Ginseng Export Certificate*, confirm the following:

- 1.** The roots were legally collected from a State approved for that harvest season.<sup>3</sup> The export report lists the States authorized for export for that particular season. (Wild roots collected from different harvest seasons need separate permits and reports.)
- 2.** The weight of the roots and the harvest season authorized is the same on the export report as is on the State-issued export certificate.
- 3.** Use [Table 5-8-24](#) on [page 5-8-29](#) to determine the appropriate action to take when confirming that American ginseng roots were legally collected in a State approved for that harvest season.

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<sup>3</sup> If an exporter needs to know the State populations for which the export may be permitted, REFER the exporter to 50CFR 23.51 (Subpart F—Export of American Ginseng).

**TABLE 5-8-24: Determine the Appropriate Action to Take When Confirming That American Ginseng Roots Were Legally Collected From the Wild**

If:	And the exporter:	Then:
All the roots were legally collected from the wild	→	GO to <b>Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity</b> on <b>page 5-8-29</b>
All or a portion of the roots were illegally collected	Is a repeat violator or you determine that there was an obvious attempt to mislead or to conceal the fact that the roots were illegally collected	<ol style="list-style-type: none"> <li>1. REFUSE to endorse DMA-issued documents</li> <li>2. REFUSE to issue an export certificate</li> <li>3. ENSURE that the illegally collected roots are removed from the shipment<sup>1</sup></li> <li>4. GO to <b>Violations of ESA or CITES</b> on <b>page 5-8-35</b> to begin processing a violation</li> </ol>
	Agrees to remove the illegally collected roots and you determine that initiating a violation is inappropriate	<ol style="list-style-type: none"> <li>1. LINE through the unauthorized entry on the export report and State-issued export certificate</li> <li>2. WRITE “NOT AUTHORIZED” across the entry</li> <li>3. ENSURE that illegally collected roots are removed from the shipment<sup>1</sup></li> <li>4. GO to <b>Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity</b> on <b>page 5-8-29</b></li> </ol>

1 If it is impracticable for the exporter to separate the illegal roots from the legal roots because they were commingled from more than one source, REMOVE just the weight of the roots equivalent to the weight moving in violation of CITES.

### Step 7: Review Documents to Confirm Their Currency, Completeness, and Authenticity

ACOs should review all relevant documents to confirm they are current, complete, authentic as follows:

1. Verify documents are current. Use **Table 5-8-25** on **page 5-8-30** to locate the expiration date on documents. If the DMA-issued permit or certificate has expired, the exporter **must** replace the expired document with a current one.<sup>4</sup>

4 For questions about CITES and/or ESA export documents, exporters can contact DMA at toll-free phone 800-358-2104 or write U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203.

For questions about *General Permits* or *Protected Plant Permits*, exporter can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to the following Web site address: <<http://www.aphis.usda.gov/ppq/permits/>>.

**TABLE 5-8-25: Locate the Expiration Date on Relevant Documents**

If the document is:	Then locate the expiration date:
CITES permit or certificate	In <i>Block 2. Valid until</i>
PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i>	On a line at the bottom left side

2. Confirm documents have been completed. For CITES permits or certificates, the exporter **must** have filled in *Block 4* and *Block 11*. For *General Permits* or *Protected Plant Permits*, the exporter should **not** have filled in any information.
3. For shipments of American ginseng collected from the wild or harvested from cultivated plants, confirm a DMA-issued *Wild Ginseng Export Report* has been completed. The exporter fills in all the information on the export report and signs his or her name (**not** the company name). In the endorsement block, the exporter should **not** have filled in any information.
4. Verify documents are authentic. Use [Table 5-8-26](#) on page 5-8-30 to identify those individuals authorized to sign such documents.

**TABLE 5-8-26: Identify Individuals Authorized to Sign Documents Issued by DMA and PPQ for Protected Plants**

If the document is issued by:	Then the document must be signed by one of the following individuals:																
DMA (CITES and/or ESA permits or certificates)	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Mary Ellen Amtower</td> <td style="width: 50%;">Marshall Jones</td> </tr> <tr> <td>Caroline Anderson</td> <td>Lisa J. Lierheimer</td> </tr> <tr> <td>Karen Anderson</td> <td>Michael Moore</td> </tr> <tr> <td>Bruce Babbitt</td> <td>Kristen Nelson</td> </tr> <tr> <td>Michael Carpenter</td> <td>Teiko Saito</td> </tr> <tr> <td>Charlie R. Chandler</td> <td>Kenneth Stansell</td> </tr> <tr> <td>Monica Farris</td> <td>Margaret Tieger</td> </tr> <tr> <td>Pamela Hall</td> <td>Bruce Weissgold</td> </tr> </table>	Mary Ellen Amtower	Marshall Jones	Caroline Anderson	Lisa J. Lierheimer	Karen Anderson	Michael Moore	Bruce Babbitt	Kristen Nelson	Michael Carpenter	Teiko Saito	Charlie R. Chandler	Kenneth Stansell	Monica Farris	Margaret Tieger	Pamela Hall	Bruce Weissgold
Mary Ellen Amtower	Marshall Jones																
Caroline Anderson	Lisa J. Lierheimer																
Karen Anderson	Michael Moore																
Bruce Babbitt	Kristen Nelson																
Michael Carpenter	Teiko Saito																
Charlie R. Chandler	Kenneth Stansell																
Monica Farris	Margaret Tieger																
Pamela Hall	Bruce Weissgold																
PPQ (PPQ Form 622, <i>General Permit</i> or <i>Protected Plant Permit</i> )	Authorized employee of PPQ Permit Services. For questions about <i>General Permits</i> or <i>Protected Plant Permits</i> , exporters can contact PPQ Permit Services at toll-free phone 877-770-5990, or FAX at 301-734-8700, or go to the following Web site address: < <a href="http://www.aphis.usda.gov/ppq/permits">http://www.aphis.usda.gov/ppq/permits</a> >																

### Step 8: Check for Alterations on Documents

Check permits, certificates, and export reports for alterations, such as unauthorized additions, erasures, and forgeries. Look for the following:

- ◆ Changed date of issuance or date of expiration
- ◆ Changed authorized weights on the State-issued *American Ginseng Report Certificate* or CITES permit or certificate

- ◆ Listed both wild and cultivated roots on the same State-issued *American Ginseng Export Certificate*



Both wild and cultivated roots **cannot** be listed on the same State-issued *American Ginseng Export Certificate*.

Use [Table 5-8-27](#) on [page 5-8-31](#) to take the appropriate action.

**TABLE 5-8-27: Determine the Appropriate Action to Take Regarding Document Alterations**

If documents:	Then:
Shows evidence of alterations	<ol style="list-style-type: none"> <li>1. GO to <a href="#">Violations of ESA or CITES</a> on <a href="#">page 5-8-35</a> to begin processing a violation</li> <li>2. REFUSE to endorse any DMA-issued documents</li> <li>3. REFUSE to issue an export certificate</li> </ol>
Have <b>not</b> been altered	GO to <a href="#">Step 9: Compare the Documents to Each Other and to the Shipment</a> on <a href="#">page 5-8-31</a>

### Step 9: Compare the Documents to Each Other and to the Shipment

Compare documents to each other and to the shipment ensuring there are **no** discrepancies, omissions, inconsistencies, or inaccuracies, as follows:

1. Compare the quantity of roots against that which is listed on a bill of lading, air waybill, invoice; and against that which is listed in *Block 11* of CITES permits or certificates.
2. Compare the authorized weights on DMA-issued documents against weights on the State-issued export certificate and against what is actually being shipped. Use [Table 5-8-28](#) on [page 5-8-32](#) to verify the weight of the roots.

**TABLE 5-8-28: Verify That the Weight of Roots Is As Listed on Accompanying Documents**

If the weight of the roots being exported:	Then:
Agrees with the weight authorized on State-issued and DMA-issued permits and/or certificates	GO to 3., below
Is <b>less</b> than the weight authorized on State-issued and DMA-issued permits and/or certificate	1. ALLOW the exporter to draw a line through the weight on the State-issued export certificate and to enter the lower weight 2. HAVE the exporter certify the change by writing in ink the statement that, "I made these changes on [date]" followed by the full legal signature of the exporter or dealer 3. GO to 3., below
Is <b>more</b> than the weight authorized on State-issued and DMA-issued permits and/or certificates	1. REFUSE to endorse the DMA-issued documents 2. REFUSE to issue an export certificate

**3. Confirm all conditions listed on DMA-issued permits and/or certificates have been met as follows:**

- A.** Verify that conditions are met, which are listed in *Block 5* of CITES permits and certificates. *Blocks 5* and *11* will also indicate whether a permit or certificate can be copied for repeated use.
- B.** If any of the listed conditions is **not** met, REFUSE to endorse DMA-issued documents and REFUSE to issue an export certificate until the noncompliance is resolved (see examples below). If all conditions are met, then GO to #4 below.

**EXAMPLE**

Special conditions that may restrict an exportation are as follows:

- ◆ Fixed times or exact dates
- ◆ Particular sources
- ◆ Specific quantity or number of roots

**4. Confirm the roots being exported are those are authorized by DMA-issued permit and/or certificate as follows:**

- A.** Compare what is listed on accompanying documents against what listed is on DMA-issued permits and/or certificates.
- B.** If the roots being exported are cultivated American ginseng, confirm that the roots were **not** collected in the wild. See [Figure 5-8-3](#) on [page-5-8-33](#) for the characteristics of wild and cultivated American ginseng. Use [Table 5-8-29](#) on [page 5-8-33](#) to verify the authorization of American ginseng roots.



Wild American Ginseng	Cultivated American Ginseng
<ul style="list-style-type: none"> <li>◆ Dense when squeezed</li> <li>◆ Gnarled</li> <li>◆ Darker, earthier color</li> <li>◆ If broken, the interior is a darker color with few air spaces</li> <li>◆ Growth rings are close together and continuous</li> <li>◆ More than 4 to 6 bud scars on the neck of the roots (see special conditions in <i>Block 5</i> of permit)</li> </ul>	<ul style="list-style-type: none"> <li>◆ Less dense when squeezed</li> <li>◆ Less gnarled</li> <li>◆ Lighter color</li> <li>◆ If broken, the interior is a lighter color with numerous air spaces</li> <li>◆ Growth rings are farther apart and <b>not</b> continuous</li> <li>◆ Rarely more than 4 to 6 bud scars on the neck of the roots</li> </ul>

**FIGURE 5-8-3: Characteristics of Wild American Ginseng and Cultivated American Ginseng**

**TABLE 5-8-29: Verify the Authorization of American Ginseng Roots**

If:	And the exporter:	Then:
All American ginseng roots (or parts) in the shipment are <b>authorized</b>	→	GO to <b>Step 10: Endorse and Distribute Documents</b> on <b>page 5-8-33</b>
Some or all of the roots in the shipment are <b>not</b> authorized (wild ginseng was substituted for cultivated ginseng or quantities were exceeded)	Is a repeat violator or you determine that there was an obvious attempt to mislead or to conceal unauthorized material	<ol style="list-style-type: none"> <li>1. REFUSE to endorse the DMA-issued documents</li> <li>2. REFUSE to issue an export certificate</li> <li>3. ENSURE that all unauthorized material is removed from the shipment</li> <li>4. GO to <b>Violations of ESA or CITES</b> on <b>page 5-8-35</b> to begin processing a violation</li> </ol>
	Agrees to remove the unauthorized roots and you determine that initiating a violation is inappropriate	<ol style="list-style-type: none"> <li>1. WRITE in the final, legal weight on the appropriate line in Block 13 of DMA-issued export permit or certificate</li> <li>2. ENSURE that all unauthorized material is removed from the shipment</li> <li>3. GO to <b>Step 10: Endorse and Distribute Documents</b> on <b>page 5-8-33</b></li> </ol>

### Step 10: Endorse and Distribute Documents

Once the American ginseng roots meet the requirements of CITES, endorse and distribute DMA-issued documents. Consider the shipment certifiable and eligible for an export certificate. However, identify import requirements of the foreign country and follow general

inspection guidelines before issuing an export certificate (see [Determining the Country's Import Requirements](#) on page 3-4-1 and [Inspecting Commodities](#) on page 3-5-1 respectively).

**Endorse  
DMA-Issued  
Documents**

Follow the directions in [Table 5-8-30](#) on page 5-8-34 to endorse DMA-issued documents.

**TABLE 5-8-30: Endorse DMA-Issued Documents to Export American Ginseng Roots**

If the DMA-issued document is:	The follow these instructions to endorse the document:
Export permit Other certificate to authorize movement of artificially propagated plants	<ul style="list-style-type: none"> <li>◆ <i>Block 13</i>—ENTER the actual quantity of ginseng roots moving as specified for each entry in <i>Block 7/8. Common Name and Scientific name</i> (may be less, but <b>never</b> more than was authorized in <i>Block 11. Quantity</i>)</li> <li>◆ <i>Block 14</i>—ENTER the bill of lading or air waybill number, the port of export (designated CITES port), and the total number of shipping containers (VERIFY the entry if the block is already filled in)</li> <li>◆ <i>Block 15</i>—ENTER the date (spell out month), your signature, and STAMP “released”</li> </ul>
<i>Wild Ginseng Export Report</i>	STAMP “released” and ENTER your signature and date signed (spell out month)
<i>Cultivated Ginseng Export Report</i>	

**Distribute  
DMA-Issued  
Documents**

Distribute the DMA-issued documents as follows:

1. SEND the original, endorsed documents with the shipment, including the accompanying export report.



**Never** allow the State-issued *American Ginseng Export Certificate* to go forward with the shipment.

2. RETURN to the exporter, one set of the endorsed documents marked “COPY.”
3. SEND to the following DMA address, one set of the endorsed documents to include the DMA-issued export permit or certificate with the accompanying export report, the original State-issued *American Ginseng Export Certificate*<sup>5</sup>, the bill of lading or air waybill signed by the carrier, and the invoice:

<sup>5</sup> Generally, accept **only** the original State-issued *American Ginseng Export Certificate*. However, if the exporter or dealer had to modify the export certificate (wrote the lesser weight of ginseng roots being exported and certified the change with the statement, “I made these changes on [date]” followed by his or her full legal signature); you may accept a photocopy of the State-issued export certificate.

U.S. Fish and Wildlife Service  
Division of Management Authority  
4401 North Fairfax Drive, Room 700  
Arlington, Virginia 22203-3507

4. KEEP one set of the endorsed documents for the issuing office files.
5. DISCARD any remaining copies.

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## Violations of ESA or CITES

The following procedures for processing violations of ESA or CITES are for plant material. (Additional procedures have been established for the forfeiture of nonplant material (such as equipment shipped with the plant material or the means of conveyance) when the exporter is found violating ESA or CITES.)

The following are violations of ESA and CITES:

- ◆ Commercially exporting protected plants **without** a PPQ Form 622, *General Permit* or *Protected Plant Permit* issued by PPQ Permit Services
- ◆ Exporting protected plants out of a port that has **not** been designated for the movement of protected plants
- ◆ Exporting protected plants without the documents required by ESA or CITES and issued by DMA
- ◆ Failing to keep records required by 7CFR 355.23 or refusing to make reports from these records when requested by PPQ
- ◆ Falsifying export documents to hide the actual identification of the plant, the number or weight of the shipment, the location where the plant was grown, etc.

The steps to take to process violations of ESA and CITES are referenced in [Figure 5-8-4](#) on [page 5-8-36](#).

- Step 1: Set Up a System for Filing the Violations**
- Step 2: Confirm That the Violation Warrants Prosecution**
- Step 3: Seize the Commodity**
- Step 4: Estimate the Retail Value of the Commodity Moving in Violation of the Legislation**
- Step 5: Start Forfeiture Procedures**
- Step 6: Safeguard the Seized Material**
- Step 7: Take Custody of Forfeited or Abandoned Material That Was Seized**
- Step 8: Start the Process for Getting Forfeited or Abandoned Live Plants to a Rescue Center**

**FIGURE 5-8-4: Overview of Steps for Processing Violations of ESA and CITES**

### **Step 1: Set Up a System for Filing the Violations**

The principle document you will be filing is PPQ Form 624, Notice of Seizure and Proposed Forfeiture. The purpose of the filing system is to:

- ◆ Allow you to have immediate access to what actions were taken on seized property (in case you are asked questions about a particular action)
- ◆ Facilitate a civil or criminal proceeding
- ◆ Identify repeat offenders

To set up your filing system, do the following:

1. Make a separate file folder for each shipment found in violation of the legislation.
2. Number each file consecutively from the first seizure for the fiscal year. In your numbering, first list your port and the year (see [Figure 5-8-5](#) on [page-5-8-36](#)), add a hyphen, and then list the seizure number.

Miami 03-01

**FIGURE 5-8-5: Example of Filing System Numbering Configuration for Violations**

3. Place Part 4 of PPQ Form 624 at the front of each file and update as necessary.
4. Retain each file for 5 years after the last documented action is taken.

### **Step 2: Confirm That the Violation Warrants Prosecution**

See [Table 5-8-31](#) on [page 5-8-37](#) to confirm that the violation warrants prosecution.

**TABLE 5-8-31: Confirm that the Violation Warrants Prosecution**

<b>If you have:</b>	<b>Then:</b>
Repeat violation	1. CONTINUE processing the violation since it warrants prosecution 2. GO to <b>Step 3: Seize the Commodity</b>
Evidence that a permit, certificate, or other official document was altered or forged to gain advantage	
Obvious attempt to mislead you or to conceal unauthorized material	
Violation that meets <b>none</b> of the criteria described in the 3 cells above <sup>1</sup>	1. DISCONTINUE processing the violation 2. MAKE CERTAIN the unauthorized material is removed from the shipment

1 The lack of ESA/CITES documents, the lack of a PPQ Form 622, *General Permit* or *Protected Plant Permit*, or the attempt to export out of a nondesignated port may, in part, be due to the exporter's lack of knowledge of the regulations. If there is **no** obvious attempt to defraud or violate the regulations, provide the exporter with the required information and/or refer the exporter to a designated port for clarification.

### Step 3: Seize the Commodity

If you have **not** already done so, seize the commodity moving in violation of the legislation.

### Step 4: Estimate the Retail Value of the Commodity Moving in Violation of the Legislation

Estimate the retail value of the commodities moving in violation of the legislation as follows:

- ◆ If the commodities are sold in the U.S., use the price asked or given for the items from the nearest retailer to estimate the value
- ◆ If there is **no** market for the commodity in the U.S., use the invoiced value or any other reasonable means to estimate the retail value

**TABLE 5-8-32: Regulate Seized Material Based on Estimated Value**

<b>If you estimate the value of the seized material to be:</b>	<b>Then:</b>
More than \$10,000	GO <b>Step 5: Start Forfeiture Procedures, Forfeiture Procedures When the Value of Seized Material Exceeds \$10,000</b> for procedures to be used when the value of the material exceeds \$10,000
\$10,000 or less	GO to <b>Step 5: Start Forfeiture Procedures, Forfeiture Procedures When the Value of the Material Seized is \$10,000 or Less</b> on <b>page 5-8-39</b>

## Step 5: Start Forfeiture Procedures

The following forfeiture procedures will allow you to gain legal custody of the material seized and to facilitate prosecution by DMA.

### Forfeiture Procedures When the Value of Seized Material Exceeds \$10,000

When the value of the material seized exceeds \$10,000, follow the steps listed below and continue processing the violation:

1. Complete PPQ Form 624, Notice of Seizure and Proposed Forfeiture; edit the completed form so there are **no** inaccuracies in *Blocks 3* and *4* (these blocks are used to describe the property, why the property was seized, and your authority for the seizure).
2. Ensure all relevant documents have been collected and filed. Update the file as necessary.
3. Post *Part 2* of PPQ Form 624 **immediately** as follows:
  - A. Post in a conspicuous place accessible to the public at the PPQ office where the plants were seized.
  - B. Keep the form posted for 21 days.
  - C. Record the date and time of the posting on *Parts 3* and *4* of the worksheet to PPQ Form 624.
4. Ensure you have recorded the file number of the violation on PPQ Form 624, Notice of Seizure and Proposed Forfeiture.
5. Send using Certified Mail with a return receipt requested, the following forms to the last known addresses of all people believed to be owners or agents of the seized materials.
  - A. PPQ Form 624, Notice of Seizure and Proposed Forfeiture, *Part 3* (and copies of *Part 3*)
  - B. PPQ Form 625, Claim and Bond
  - C. PPQ Form 626, Petition for Remission or Mitigation of Forfeiture
6. Record the names of the people to whom you mailed PPQ Form 624, *Part 3*, and the accompanying documents listed on PPQ Form 624, *Part 3*.
7. Write a narrative report of all relevant facts and circumstances of the violation. Include the names of any witnesses. Cite the laws believed to have been violated. If you need additional guidance, contact the Export Services (ES) staff in Riverdale, MD; Phone 301-734-8537; FAX 301-734-3249.
8. Within 5 working days, send the following documents to the Assistant District Attorney in the district where the commodities were seized.
  - A. Documents that accompanied the shipment

- B. PPQ Form 624, Notice of Seizure and Proposed Forfeiture, original and *Part 4*
- C. Your report

Send copies of all documents (sent to the Assistant District Attorney above), to ES at PPQ, Export Services, 4700 River Road, Unit 140, Riverdale, MD 20737<sup>6</sup>, and to the regional director where the violation occurred.

- 9. Go to [Step 6: Safeguard the Seized Material](#) on page 5-8-40.

When the value of the seized material is \$10,000 or less, follow the steps listed below and continue processing the violation:

**Forfeiture  
Procedures  
When the Value  
of the Material  
Seized is  
\$10,000 or Less**

- 1. Reconfirm the violation warrants prosecution.
  - A. In order to continue processing the violation you **must** have encountered an obvious attempt to defraud or violate the regulations. If such was the case, continue to the next step.
  - B. If there was **no** obvious attempt to defraud or violate the regulations, give the exporter the required information and/or refer the exporter to a designated port for clarification. **Do not** continue processing the violation. The lack of ESA/CITES documents, the lack of a *General Permit* or *Protected Plant Permit* (PPQ Form 622), or the attempt to export out of a nondesignated port may, in part, have been due to the exporter's lack of knowledge of the regulations.
- 2. Allow the owner the opportunity to **either** waive title to the material moving in violation of the legislation or challenge the forfeiture of that material.

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<sup>6</sup> Phone 301-734-8537; FAX 301-734-3249.

3. Advise the owner that the material becomes forfeited after 21 days. If, after 21 days, a PPQ Form 625, Claim and Bond, or a PPQ Form 626, Petition for Remission, is **not** received by the Deputy Administrator, the U.S. Government takes title to the material moving in violation of the legislation.

**TABLE 5-8-33: Regulate Seized Material Valued at \$10,000 or Less**

If the owner:	Then:
Agrees to waive title to the material	<ol style="list-style-type: none"> <li>1. HAVE the owner COMPLETE and SIGN PPQ Form 623, Waiver of Forfeiture Procedures by Owner of Seized Property</li> <li>2. MAKE sure the owner reads both sides of the form</li> <li>3. CONTINUE processing the violation</li> </ol>
Returns to challenge the forfeiture of the material	<ol style="list-style-type: none"> <li>1. GIVE PPQ Form 625 and PPQ Form 626 to the owner</li> <li>2. CONTINUE processing the violation</li> </ol>
Is absent	<ol style="list-style-type: none"> <li>1. MAIL PPQ Form 625 and PPQ Form 626 to the owner</li> <li>2. CONTINUE processing the violation</li> </ol>

4. Complete PPQ Form 624, Notice of Seizure and Proposed Forfeiture, for material seized under CITES and ESA legislation.
5. File the original at the PPQ office where the material was seized.
6. Post PPQ Form 624, *Part 2* **only** as follows:
  - A. Place *Part 2* in a conspicuous place accessible to the public at the PPQ office where the plants were seized.
  - B. Keep the form posted for 21 days.
  - C. Record the date and time of the posting on *Parts 3* and *4* of the worksheet to PPQ Form 624.
7. After you have filled in the file number, give *Part 3* of PPQ Form 624 to the owner. If you are unable to hand the form to the owner of the seized material, mail *Part 3* to the owner at the last known address. Use certified or registered mail with a return receipt requested.
8. Keep PPQ Form 624 *Part 4* as a worksheet to know what has happened, who was notified, and when the next step is to be taken.
9. Go to [Step 6: Safeguard the Seized Material](#) on page 5-8-40.

### Step 6: Safeguard the Seized Material

Safeguard the seized material and keep the plants alive until they leave your care. Ensure nothing is lost and live plants are kept alive and healthy. Do whatever you can to enhance the plants' survival.



## Step 7: Take Custody of Forfeited or Abandoned Material That Was Seized

You may take custody of the seized material if, after 21 days, both of the following occur:

- ◆ Claim and Bond was **not** received by the Deputy Administrator
- ◆ Exporter did **not** provide the required CITES or ESA documents or a USDA *General Permit* or *Protected Plant Permit* (PPQ Form 622)

Follow these steps to take custody of the seized plants:

1. Complete PPQ Form 627, Declaration of Forfeiture (see PPQ Form 624 (worksheet) Parts 1 and 4), to complete PPQ Form 627).
2. Send a copy of PPQ Form 627, using registered or certified mail with a return receipt requested, to the owner of the forfeited material.



Important

The plants are now the property of the U.S. Government.

3. Record on PPQ Form 624, *Part 4, Block 7(d)* (worksheet) the date and time you mailed PPQ Form 627, Declaration of Forfeiture.

## Step 8: Start the Process for Getting Forfeited or Abandoned Live Plants to a Rescue Center

To start the process for moving the forfeited or abandoned live plants to a rescue center,<sup>7</sup> do as follows:

1. Phone Plant Safeguarding and Pest Identification (PSPI), in Riverdale, MD and provide the following information:
  - A. Location where the plants were grown
  - B. Name of the port and the file number
  - C. Number and kind of plants
  - D. Whether the material is mailable

PSPI will relay the information to DMA, who will then select the rescue center. PSPI will give you the name of the rescue center.

2. Send the plants to the rescue center.

<sup>7</sup> A rescue center is a place (generally a public institution), that will grow the forfeited or abandoned plants to ensure the plants' survival.

- A.** If the shipment is too large to be mailed, PSPI will arrange for the rescue center to pay for shipping.
  - B.** Once arrangements are made to pay for the shipping, you will be advised.
- 3.** Record PPQ Form 624 in PPQ Form 624, *Part 4, Block 7(d)* (worksheet), the date and time you sent the plants to the rescue center.