

4

Agricultural
Clearance

Clearing Passengers, Crew, and Baggage

Contents

Introduction	page 4-1-2
Policy	page 4-1-2
Materials Needed	page 4-1-2
APHIS Manuals	page 4-1-2
Other Materials	page 4-1-3
Screening Baggage	page 4-1-3
Inspecting Baggage	page 4-1-4
Accompanied Baggage	page 4-1-4
Unaccompanied Baggage	page 4-1-5
Taking Action Based on Inspection	page 4-1-6
Seizing and Safeguarding Contraband	page 4-1-7
Safeguarding Detained Baggage Items	page 4-1-7
Inspecting Propagative Materials in Baggage	page 4-1-7
Documenting Passenger Clearance	page 4-1-9
Agricultural Quarantine Activity Systems	page 4-1-9
DHS Online	page 4-1-9
Examining and Disposing of Contraband	page 4-1-10
Handling Pet Birds in Baggage	page 4-1-10
Locations of Bird Quarantine Facilities	page 4-1-11
Responsibilities	page 4-1-11
Supplies	page 4-1-12
Procedures	page 4-1-13
Disinfecting Footwear	page 4-1-13
Mixing Disinfectants	page 4-1-13
Courtesy of the Port When Inspecting Diplomats	page 4-1-14
Courtesy of the Port for Boarding Military and State Aircraft	page 4-1-16
Contraband on Board	page 4-1-16
Extenuating Circumstances	page 4-1-17
Courtesy of the Port to Foreign Officials and Vessels	page 4-1-17
Permission to Board	page 4-1-18
Handling Garbage	page 4-1-18
Garbage Violations	page 4-1-18
Animals Aboard Public Vessels	page 4-1-18
Handling Passengers That Are in Transit	page 4-1-19

Introduction

This chapter of the MAC provides policy, methods, and procedures you will need to clear passengers and crew. Inspection can be divided into two phases: screening and inspecting. Screening involves questioning the passenger, reviewing the declaration, and visually observing the passenger's baggage for referral for further examination. Inspecting involves a more detailed questioning of the passenger and, if deemed necessary, a physical examination of the baggage.

Policy

The inspection of passengers and their baggage is necessary since they present a risk for pest introduction. The completion of AQI Monitoring (AQIM) activities on passenger baggage will provide valuable risk information to help create or revise operations strategies for mitigating the pest risk. Because of the risk, CBP must use well established strategies to detect pests and contraband. These strategies include screening, use of detector dogs, and X-ray equipment. Information obtained from the Passenger Analysis Unit (PAU) may help evaluate risk. CBP may also use civil penalties as a method to enhance passenger compliance with regulations.



Caution on diplomatic pouches—never open or X-ray diplomatic pouches without the approval of the affected embassy or consulate. If you have convincing evidence that there are prohibited articles in a diplomatic pouch, then you may contact the affected embassy or consulate to get their approval to open it. If the embassy or consulate gives their approval, most often they will want to be present when the pouch is opened. The Vienna Convention on Diplomatic Relations prohibits our access to diplomatic pouches.

Materials Needed

You will need the following items for clearing passengers:

APHIS Manuals

- ◆ *Animal Product Manual* http://www.aphis.usda.gov/ppq/manuals/pdf_files/APM_Chapters.htm
- ◆ *Regulating the Importation of Cut Flowers and Greenery* http://www.aphis.usda.gov/ppq/manuals/pdf_files/30Flowers_and_Greenery.pdf
- ◆ *Regulating the Importation of Fresh Fruits and Vegetables* http://www.aphis.usda.gov/ppq/manuals/pdf_files/FV_Chapters.htm
- ◆ *Miscellaneous and Processed Products Manual* http://www.aphis.usda.gov/ppq/manuals/pdf_files/50Miscellaneous.pdf
- ◆ *Unprocessed Seeds Not Intended for Propagation* http://www.aphis.usda.gov/ppq/manuals/pdf_files/40Seeds.pdf

Other Materials

- ◆ Guidelines for the Protection of CITES III Timber http://www.aphis.usda.gov/ppq/manuals/pdf_files/Cites_III.pdf
- ◆ Nursery Stock Restrictions (M319.37-A & B) and Nursery Stock, Seeds and Bulbs Regulation http://www.aphis.usda.gov/ppq/manuals/pdf_files/Nursery_Stock.pdf
- ◆ Bolt cutters
- ◆ Brochure handouts
- ◆ Can opener
- ◆ *CBP Form AI-277, Agriculture Inspection Baggage Information on page A-1-40*
- ◆ Container or receptacle with a tight-fitting lid for placing contraband
- ◆ Disinfectants for footwear
- ◆ Disposable gloves
- ◆ Hand lens
- ◆ Lighter for boiling larvae
- ◆ Luggage keys
- ◆ Paper or plastic bags for separating and identifying contraband
- ◆ Paper towels
- ◆ Pocket knife
- ◆ *PPQ Form 309A, Pest Interception Record on page A-1-90*
- ◆ *VS Form 10-4, Specimen Submission on page A-1-122*
- ◆ Tape or twine for resealing packages
- ◆ Vials and pill boxes for making interceptions

Screening Baggage

Screening is the process of selecting baggage for further examination. In practice, screening is a review of the written declaration, an assessment of oral responses to an officer's questions, and a visual assessment for baggage. **Do not** support any system in which the passenger declaration (written or by channel selection) is the only factor in selection of passengers for examination.

A successful screening system should include the following:

- ◆ CBP Agriculture Specialist to conduct a face-to-face interview and review of the written declaration
 - ❖ The interview should take place when the passengers have possession of their baggage
 - ❖ If the interview takes place before the passengers have their baggage, then CBP personnel should screen these same passengers once they have their baggage
- ◆ Opportunity to redirect passengers for more comprehensive inspection

Inspecting Baggage

All persons and baggage are subject to inspection upon arrival.



All passengers and crew are responsible for lifting their baggage onto the inspection belt and opening all baggage for inspection. Airlines or porters may be called for assisting disabled passengers with their baggage. **Do not** lift or open baggage for passengers or crew.

Inspection can consist of as little as detailed questioning or as much as a thorough inspection of the passenger's baggage. High-risk baggage should receive a thorough examination. A passenger carrying low-risk baggage who declares an agricultural item might simply be asked to produce the item for examination. For the procedures in handling foreign diplomats with A-1 or A-2 visas, go to [Courtesy of the Port When Inspecting Diplomats on page 4-1-14](#).

Accompanied Baggage

When inspecting passengers with baggage, do as follows:

1. Review the Customs Declaration and question the passenger about the items declared.
2. Allow the passenger to amend the declaration by restating the agricultural questions on the declaration and allowing the passenger to respond orally.

The initial declaration along with the opportunity to amend the declaration meets the first two criteria for allowing you to assess a civil penalty.

3. Search passenger baggage thoroughly for agricultural items.



Take care **not** to search passenger baggage blindly with your hands due to safety hazards such as sharp objects, razor blades, broken glass, and syringes. Wear rubber gloves for examination due to risk of anthrax.

4. Refer to your *Plant Import: Nonpropagative Volume of Manuals*¹, *Nursery Stock Restrictions*, or *Animal Product Manual* to determine admissibility and any conditions of entry. Inspect these items and seize prohibited or infested items. A careful inspection can have a positive effect on cooperating inspectors and the passenger.
5. Examine the article for soil or manure. If you find the article contaminated with soil, then have the soil removed and disposed of. Soil removal is unnecessary from some areas in Canada. . Refer to the *Miscellaneous and Processed Products Manual* http://www.aphis.usda.gov/ppq/manuals/pdf_files/50Miscellaneous.pdf. If you find contamination with manure, clean the article and disinfect.

Unaccompanied Baggage

Inspect unaccompanied baggage after the carrier has been cleared and when a carrier representative is available to open the baggage. If you discover agricultural contraband, remove it from the baggage for examination and disposal. If you seize contraband, place the *Notice to Arriving Traveler* flyer in the baggage. If resources are available, include a written description of any item that was removed.

¹ *Cut Flowers and Greenery Manual, Fresh Fruits and Vegetables Manual, Miscellaneous and Processed Products Manual, or Unprocessed Seeds Manual*

Taking Action Based on Inspection

The regulatory action you should take is specified in the *Animal Product Manual, Nursery Stock Restrictions*, or the *Plant Import: Nonpropagative Volume of Manuals*¹. See [Table 4-1-1](#) to determine if the information is covered in the Reference Section.

TABLE 4-1-1: Determine Action to Take on Footwear or Pet Bird

If you found:	Which was:	And the farm or ranch is in:	Then:
Footwear	Used on a farm or ranch that has livestock or poultry	Australia, Iceland, or New Zealand	Unless soil must be removed and disposed of, no action is required since these countries are free from animal disease of concern
		Other than above	GO to Disinfecting Footwear on page 4-1-13
	Never used where there was livestock or poultry	—————→	Unless soil must be removed and disposed of, no action is required since there is negligible risk of animal contamination
Pet bird	—————→	—————→	GO to Handling Pet Birds in Baggage on page 4-1-10
Other than footwear or a pet bird	—————→	—————→	GO to Table 4-1-2

TABLE 4-1-2: Material Other Than Footwear or a Pet Bird

If the material:	And:	Then:
Is prohibited	You are holding the material for a decision on enterability from Headquarters	GO to Safeguarding Detained Baggage Items on page 4-1-7
	You are not holding the material	GO to Seizing and Safeguarding Contraband on page 4-1-7
Is enterable ¹	It is propagative plant material	GO to Inspecting Propagative Materials in Baggage on page 4-1-7
	It is nonpropagative plant material	INSPECT and RELEASE ²

- 1 If material has restrictions that cannot be met such as treatment, postentry, special certification, or it is an ESA or CITES plant, then seize the material.
- 2 If it is impracticable or too great a risk to inspect the material in the passenger area, then consider having that material sent to a cargo facility for inspection.

Seizing and Safeguarding Contraband

After referring to the appropriate APHIS manual,² seize the following agricultural items:

- ◆ those that the manual instructs you to refuse entry
- ◆ those that have restrictions that cannot be met

Explain to the passenger the pest risks and the general reason for the seizure. Be diplomatic and polite but firm when taking contraband from passengers. Safeguard all seized material out of the reach of the passenger. Collect and record the information necessary to complete PPQ Form 309A accurately. Ports will establish local Standard Operating Procedure to fulfill these requirements. If the seizure is pet birds, go to [Handling Pet Birds in Baggage on page 4-1-10](#).

Safeguarding Detained Baggage Items

Occasionally, you may need to hold a detained item for a decision on admissibility. Mark the material held with the identity of the importer and an alert to other officers that material is being held. Safeguard the material (refrigerate if necessary) until you receive a decision. If it is determined to be admissible, have the passenger make arrangements to pick up or forward the material.

Inspecting Propagative Materials in Baggage

All propagative materials offered for import must be accompanied by a phytosanitary certificate issued by the country of origin. Some examples of propagative materials include seeds for planting, plants in growing media, flower bulbs, green stalks with nodes, and rooted items. Due to the limited amount of time available during passenger baggage inspection and the less than ideal conditions for inspecting plant propagative materials, use the following guidelines in [Table 4-1-3](#) for determining which shipments of enterable propagative materials to send to the local USDA APHIS Plant Inspection Station. See [Appendix O](#) for a list of Plant Inspection Stations.

² *Animal Product Manual, Nursery Stock Restrictions, Cut Flowers and Greenery Manual, Fresh Fruits and Vegetables Manual, Miscellaneous and Processed Products Manual, or Unprocessed Seeds Manual*

TABLE 4-1-3: Determine Which Shipments of Propagative Materials to Send to a Plant Inspection Station

If the material:	And the material:	Then:
Is prohibited by Federal Regulation (7CFR300-399)	Is not accompanied by a USDA-APHIS Permit	REFUSE ENTRY
	Is accompanied by a USDA-APHIS Permit	SAFEGUARD ¹ and SEND ² to the Plant Inspection Station listed on the permit or permit label, along with all the accompanying documentation ³
Is admissible with a written permit issued by USDA-APHIS ⁴	Is not accompanied by a copy of the phytosanitary certificate issued by the country of origin	REFUSE ENTRY
	Is accompanied by a copy of the phytosanitary certificate issued by the country of origin	SAFEGUARD ¹ and SEND ² to the Plant Inspection Station listed on the permit or permit label, along with all the accompanying documentation ³
Is admissible without a written USDA-APHIS permit	Is not accompanied by a copy of the phytosanitary certificate issued by the country of origin	REFUSE ENTRY
	Is accompanied by a copy of the phytosanitary certificate issued by the country of origin	1. INSPECT 2. RELEASE, if free from pests

- 1 The plant material must be stored in a CBP limited access area.
- 2 The importer is responsible for making arrangements, and for the cost of forwarding the materials to the plant inspection station. The importer is also responsible for making arrangements for picking up or shipping the propagative materials after they have been released.
- 3 See [Appendix O](#) for a list of plant inspection stations.
- 4 The shipment requires a written permit if it contains **any** of the following:
 - ◆ Lots of 13 or more articles (other than seeds, bulbs or sterile cultures of orchid plants) from anywhere but Canada
 - ◆ Articles that require a Postentry Permit
 - ◆ Plants regulated by CITES or ESA
 - ◆ Articles that require treatment as a condition of entry
 - ◆ Seeds of woody plants (trees or shrubs) from anywhere but Canada
 - ◆ Bulbs of *Allium sativum*, *Crococsmia*, *Gladiolus* and *Watsonia* from New Zealand
 - ◆ Articles of *Cocos nucifera* (coconut)
 - ◆ Articles (except seeds) of *Dianthus* spp. from anywhere but Canada
 - ◆ Articles (except seeds) of *Malus*, *Pyrus*, *Prunus*, *Cydonia*, *Chaenomeles*, and/or *Rubus*, from Canada
 - ◆ Articles (except seeds) of *Castanea* or *Castanopsis* destined to California or Oregon
 - ◆ Articles (except seeds) of *Pinus* (5-leaved), destined to Wisconsin
 - ◆ Articles of *Ribes* destined to Massachusetts, New York, West Virginia, or Wisconsin
 - ◆ Articles (except seeds) of *Planera* or *Zelkova* from Europe, Canada, St. Pierre Island, or Miquelon Island, and destined to California, Nevada, or Oregon
 - ◆ Seeds of *Prunus* from Canada and destined to Colorado, Michigan, New York, Washington or West Virginia
 - ◆ Articles (except seeds) of *Vitis* from Canada and destined to California, New York, Ohio, Oregon and Washington
 - ◆ Articles (except seeds) of *Corylus* from Canadian provinces east of Manitoba and destined to Oregon or Washington
 - ◆ Articles (except seeds) of *Pinus* from Canada
 - ◆ Articles (except seeds) of *Ulmus* from Canada and destined to California, Nevada or Oregon
 - ◆ *Solanum tuberosum* true seed from New Zealand and the area of Chile between 39 degrees and 44 degrees South latitude

Documenting Passenger Clearance

Document on Customs Declarations and agriculture forms all regulatory action and inspection activities you take. The documenting of action on the Customs Declaration is a record that you have inspected and released a passenger that was specifically referred for agricultural inspection. If you seize contraband, then record the quantity and type of materials seized.

Document baggage inspection on CBP Form AI-277 and PPQ Form 213. CBP Form AI-277 is used to record the number of inspections made, the number of inspections resulting in seizures being made, and type of seizures made. Record the number of inspections on CBP Form AI-277 (or by local method) by tallying the number of inspections. PPQ Form 213 is a record of the total number of inspections and seizures made from each flight as well as information pertaining to the flight, such as flight number, tail number, block time, and the number of passengers and crew. Complete PPQ Form 213 after all passengers and crew are cleared. For instructions on how to complete the forms see [CBP Form AI-277, Agriculture Inspection Baggage Information on page A-1-40](#) and [PPQ Form 213, Airplane Inspection Record on page A-1-68](#). For clearing passengers aboard vessels, complete [CBP Form AI-288, Ship Inspection Report on page A-1-43](#) to document your inspection. See [Table A-1-7](#) for instructions on completing the form.

Agricultural Quarantine Activity Systems

Record your inspection data on the AQAS web site:

<https://mokcs14.aphis.usda.gov/aqas/login.jsp>

DHS Online

Or through the DHS web site:

<https://dhsonline.dhs.gov/portal/jhtml/community.jhtml>

This web site includes databases for:

- ◆ WADS (Work Accomplishment Data System)
- ◆ [PPQ Form 280, Web Based Database on page A-1-75](#)
- ◆ AQIM

Examining and Disposing of Contraband

Examine all fruit, vegetables, and other plant material for plant pests (insects, mites, mollusks, nematodes, and diseases).

Dispose of pulpy or fleshy fruits and vegetables by grinding. Incinerate or sterilize any fibrous, hard, or other plant material which cannot be disposed of by grinding.

The preferred method of disposition of seized animal products is by incineration or sterilization. If incineration and sterilization are unavailable, then it is acceptable to grind and discharge into an approved sewage system. However, disposal into the sewage system is not applicable to materials confiscated from passengers due to BSE risk concerns.

If you intercept a plant pest or disease, complete PPQ Form 309A, using the information recorded with the seizure. Submit the interception to the appropriate identifier (see [Preparing Plant Pest Interceptions on page 7-1-1](#)).

Handling Pet Birds in Baggage

All birds (except birds from Canada), as distinguished from poultry or unaccompanied birds, imported into the United States must be quarantined for 30 days at a USDA bird quarantine facility. The importer is responsible for making the necessary arrangements for quarantine as well as obtaining health certificates in the country of origin. Birds (except for budgies and cockatiels) are also subject to U.S. Department of Interior, Fish and Wildlife Service regulations.

VS has the responsibility for the handling of legally and illegally imported pet birds. You will find the regulations governing the importation of birds in 9CFR 93. Pet birds are also regulated by Fish and Wildlife Service (FWS). This service may require CITES or Wild Bird Conservation Act Export/Import Certificates issued by the country of export.



Except for budgies and cockatiels, all parrot-like birds (psittacine birds) are protected by CITES.



Workstations may have established guidelines to coordinate the importation of pet birds beyond those published here.

Pet birds are those imported for the personal pleasure of their owners and are **not** intended for resale. Pet birds are regulated since they can carry the following viral and bacterial diseases of concern:

- ◆ Exotic Newcastle disease (viral)
- ◆ Avian influenza (viral)
- ◆ Psittacosis³ (bacterial)

In general, pet birds imported into the United States must be accompanied by a health certificate and a VS issued Import Permit. U.S. origin birds returning to the U.S. need only a health certificate.

Locations of Bird Quarantine Facilities

Quarantine facilities for birds exist at the following locations:

J.F.K. International Airport, New York
Los Angeles, California
Miami, Florida

Responsibilities

VS is responsible for providing personnel during weekends and holidays. In addition, if a bird is **ineligible** for home quarantine, then VS is responsible for inspecting and transporting the bird to a quarantine facility during normal working hours.

VS port veterinarians are responsible for the following:

- ◆ Picking up a bird within 12-24 hours of notification by CBP
- ◆ Determining whether a bird is eligible for entry into the U.S.
- ◆ Inspecting the bird
- ◆ Completing all necessary paperwork
- ◆ Transporting the bird to a quarantine facility

CBP is responsible for the following:

- ◆ Notifying VS (the Port Veterinarian, a field veterinarian, or the AVIC) of a bird's arrival (refer to Appendix H of the APM for the list of AVICs, VRS and VS staff veterinarians)
- ◆ Safeguarding the bird until the VS veterinarian arrives

3 Psittacosis is an infectious disease of parrots and related birds. This bacterial disease is communicable to humans. In humans, the symptoms of psittacosis include a high fever, severe headache, chills, muscle aches and a cough.

If a VS official is unavailable when a bird is presented for entry, CBP personnel will hold the bird until a VS official arrives and can assume responsibility for the bird.

The owner (or importer) is responsible for the following:

- ◆ Obtaining an import permit if necessary
- ◆ Obtaining a health certificate in the country of origin
- ◆ Paying all user fees and costs associated with importing pet birds
- ◆ Arranging for the quarantine of the bird if necessary

Supplies

- ◆ **Cages or carriers:** VS supplies cages or carriers that can accommodate both small and large birds. CBP is responsible for storing these cages at the port of entry. CBP must inventory the cages and let VS know if more are needed. If a cage or carrier is used, VS is responsible for cleaning and disinfecting the cage or carrier before returning it to the port of entry.
- ◆ **Cartons:** CBP supplies the cardboard cartons used to transport the birds in cages or carriers to a quarantine facility. Cartons must be large enough to accommodate the cages or carriers. CBP must ensure the carton is placed in a room with good ventilation and appropriate temperature. The best way to do this is to get cartons specifically made for shipping live animals. Otherwise, cut a sufficient number of air holes out of the two opposite sides of a solid carton. You can buy suitable cardboard cartons from a commercial rental dealer, self-storage business, or moving company.
- ◆ **Air filters:** VS supplies air filters to CBP. These are designed to prevent the spread of viruses and bacteria. **Never** substitute the VS supplied air filters with other types of filters. Place the air filters over the air holes on the **outside** of the carton. Use a sturdy tape such as duct tape to hold the air filters in place.
- ◆ **Bird feed:** CBP supplies feed. Ports of entry are responsible for maintaining a small amount of assorted varieties of bird feed that is available at most pet and grocery stores. To preserve the feed's quality, store the feed in a freezer.

Procedures

TABLE 4-1-4: Decide Which Procedures to Use for Handling Pet Birds

If the pet bird is:	Then:
Entering the United States	1. CONTACT the VS Port Veterinarian or AVIC ¹ to process and inspect the bird 2. SAFEGUARD the bird until the VS veterinarian arrives
Transiting the United States	GO to Table 4-1-5

¹ A list of AVICs is available in Appendix H of the APM.

TABLE 4-1-5: Action to Take on Pet Birds Transiting the U.S.

If the owner has:	Then:
Provided VS with advance notification of arrival	SAFEGUARD the bird until the VS veterinarian arrives
Not provided VS with advance notification of arrival	1. SAFEGUARD the bird 2. CONTACT local VS office or AVIC ¹

¹ A list of AVICs is available in Appendix H of the APM.

Disinfecting Footwear

Follow these directions to disinfect footwear:

1. Before applying disinfectant, clean excess dirt and manure from boots or shoes using a stiff brush, screwdriver, or other blunt object. Be sure to scrape dirt from crevices in shoes and boots. You may have the passenger clean the footwear.
2. Disinfect boots or shoes using chlorine bleach (sodium hypochlorite) solution or Virkon® S disinfectant.



Removing organic material (dirt, mud, soil, manure) contaminating footwear is critical for the disinfectant to work properly. You must remove all organic material from boots or shoes before using the disinfectant to ensure destruction of disease causing agents.

Mixing Disinfectants

Use the following tables for mixing disinfectants. Refer to [Table 4-1-6](#) to mix a bleach solution, and see [Table 4-1-7](#) to mix a solution of Virkon® S.

TABLE 4-1-6: Instructions for Mixing a 0.1% Solution of Sodium Hypochlorite

If the concentration of available chlorine is:	Then:
5.25% ¹	1. ADD 5 tablespoons (2.5 ounces or 75 ml) of bleach to each gallon of water (or 1 gallon of bleach to 50 gallons of water) 2. MIX thoroughly ²
6% ¹	1. ADD 4 tablespoons and 1 teaspoon (2.33 ounces or 65 ml) of bleach to each gallon of water (or 13 cups of bleach to 50 gallons of water) 2. MIX thoroughly ²

- 1 Determine the percent of available chlorine by checking the container's label. Sodium hypochlorite or "bleach" comes in two concentrations: 5.25 or 6 percent available chlorine.
- 2 Warn passengers that the strength of the solution may bleach out color depending on the type of footwear.

TABLE 4-1-7: Instructions for Mixing a 1.0% Solution of Virkon® S

If you need:	Then:
1 gallon of solution	1. ADD 8 teaspoons (1.3 ounces or 37 grams) of Virkon® S to 1 gallon of water 2. MIX thoroughly ¹
1 quart of solution	1. ADD 2 teaspoons (0.3 ounces or 8.5 grams) of Virkon® S to 1 quart of water 2. MIX thoroughly ¹
1 pint of solution	1. ADD 1 teaspoon (0.15 ounces or 4.3 grams) of Virkon® S to 1 pint of water 2. MIX thoroughly ¹

- 1 Mixed solutions of Virkon® S are stable for 7 days, or until yellow color fades, whichever comes first.

Courtesy of the Port When Inspecting Diplomats

Give courtesy of the port privileges to all persons possessing a diplomatic passport with an A-1 or A-2 Visa or a G-1 or G-2 Visa (UN diplomat).

Always be courteous and tactful when clearing diplomats because a misunderstanding may result in embarrassment to the U.S. Government. At the same time, keep in mind that a pest does **not** respect the status or rank of the person with whom it travels.

Tactfully ask the diplomats if they have any material of an agricultural nature. In the absence of evidence that would suggest otherwise, accept a negative declaration.



Always perform inspections in the presence of the diplomats or the diplomats' representatives. **Never** detain or search diplomats, although you may hold the baggage or shipment if you have a serious reason to believe⁴ they contain regulated items.

If the diplomat declares agricultural items or you have serious reason to believe⁴ the diplomat is carrying regulated items, follow the directions below:

- 1.** If the diplomats tell you they are carrying items of an agricultural nature, ask the diplomats to allow you to examine the agricultural items. If the diplomats agree to allow you to examine the articles, examine them. Release all enterable items. If you find prohibited items, explain the pest risk to the United States that could be caused by the item. Then ask the diplomats to surrender the items to you. If the diplomats refuse to allow you to inspect the agricultural articles or refuse to surrender any prohibited articles, then continue to the next step.
- 2.** Try to tactfully get the diplomats to open their baggage for inspection or to surrender any prohibited articles as follows:
 - A.** Explain the pest risk to the United States that could be caused by the item. Inform the diplomats that such action is in violation of Articles 36 and 37 of the Vienna Convention on Diplomatic Relations, and/or Article 50 of the Vienna Convention for Consular Relations Officers. These Articles state that inspections and seizures are allowed for quarantine purposes regardless of a privileged person's status.
 - B.** If the diplomats comply with your request, then proceed as in 1 above. If the diplomats still refuse to cooperate, record all the details of the incident on PPQ Form 591. Although you cannot assess a civil penalty to diplomats carrying a valid A-1, A-2, G-1 or G-2 visa, you will use this form to document the incident.
 - C.** Inform the diplomats that a full report will be forwarded to the Department of State so that the incident can be handled immediately by the appropriate embassy. Notify your supervisor/Port Director who will then telephone the DFO as soon as possible with a description of the incident and follow up with a copy of the written report filled out on PPQ Form 591.

⁴ The term "serious reason to believe" is used here because it is used in the Vienna Convention on Diplomatic and Consular Relations.

Courtesy of the Port for Boarding Military and State Aircraft

The Courtesy of the Port addresses aircrafts that have been given Diplomatic Overflight and Landing Clearance by the Department of State (DOS), Bureau of Political-Military Affairs, and Office of International Security Operations (PM/ISO). Such aircrafts are known as “state aircraft.”

In general, CBP Agriculture Specialists are instructed not to board the foreign government or foreign military aircraft described above. CBP Agriculture Specialists do not board such aircraft out of respect for international agreements between the United States and many foreign countries regarding the sanctity of state aircraft. Also, international custom and practice dictate that, once clearance is given, foreign military aircrafts are exempt from inspection if there is not a specific agreement to the contrary, or unless the right to inspect is asserted in the terms of the diplomatic clearance.

Various international agreements and international custom and practice therefore oblige the United States to protect the sovereignty of state aircraft. These agreements and practices in turn serve to protect the sovereignty and security of the United States and diplomatic aircraft when our President, Diplomats, and soldiers travel abroad. Additionally, the Department of Defense Foreign Clearance Guide gives clear guidance to aircraft commanders that they are not to allow a foreign government official to board their aircraft unless approved by the ambassador or the head of the applicable Service. Foreign governments often have the same expectation of their aircraft commanders.

Contraband on Board

If, however, a CBP Agriculture Specialist has a strong suspicion that the aircraft is being used to transport contraband, or strong suspicion of non-official use of the aircraft, authority to board may be obtained. For example, if CBP officials have credible information regarding contraband on board an aircraft belonging to a foreign nation, DOS may obtain authorization from the government of that foreign country for CBP to board the aircraft. Boarding with permission of the foreign government does not violate principles of sovereignty. If you believe there is a need to board an aircraft that has been granted Diplomatic Overflight and Landing Clearance by DOS, notify the Director of Field Operations (DFO) from your Port of Entry and the Situation Room through your Port chain of command. Notification allows CBP to coordinate with the DOS and that government’s embassy at appropriate levels. CBP may then facilitate a solution to the situation.

Although CBP Agriculture Specialists are not to board such aircraft, all persons equipments, baggage, and cargo that exit the aircraft are subject to normal inspection procedures in accordance with the law, unless separate regulations, agreements, policies, or arrangements apply. For example, heads of state, diplomats, and diplomatic couriers (and their pouches) that are accredited to the United States by the government of that country, may be entitled to certain exceptions. These are addressed in accordance with Directive 3340-032, Processing Foreign Diplomatic and Consular Officials. Regardless of the status of the person or the aircraft, unless prior arrangement is made with CBP, all agricultural products, cut flowers, meat, and garbage must remain on board while the aircraft is in the United States. Therefore, CBP will not ordinarily board nor inspect foreign state aircraft, military or non-military.

Extenuating Circumstances

If circumstances arise in which boarding and inspection are necessary, contact the Director of Field Operations (DFO) from your Port of Entry and the Situation Room at (202) 344-3910, to file a significant incident report (SIR) through your Port chain of command. To verify the issuance of the Diplomatic Overflight and Landing Clearance, contact CBP Headquarters, or PM/ISO at (202) 647-4855 during normal working hours, or their 24-hour operation center at (202) 647-1512.

Courtesy of the Port to Foreign Officials and Vessels

Courtesy of the Port is a privilege granted by CBP and other Federal Agencies to foreign officials and vessels. Courtesy of the Port for boarding foreign public vessels, and garbage safeguarding guidelines to follow when inspecting foreign public Vessels are listed below.

The Department of State considers foreign, public vessels as all foreign commissioned naval vessels, scientific research vessels, and other vessels operated by a foreign government when used in noncommercial service. Generally, you will receive information in advance including the nationality of the vessel, port(s) to be visited, and the approximate date(s) of the visit.

Permission to Board

Unless you receive permission to board the vessel from the captain or another officer, then do not board the vessel. If boarding permission is granted, exercise good judgment in carrying out your inspection. Arrange to board with CBP Officers is encouraged. Be sure to discuss the protocol to be observed during boarding. Once aboard, make a careful assessment of the plant pest and animal disease risk associated with the stores or elsewhere, and of prohibited or restricted agricultural items. You can assess the risk either by questioning the captain or other officer, or by actual inspection. If actual inspection is warranted, then gain the permission and escort of the captain or another officer. If the captain or officer refuses to cooperate, then immediately contact the Director of Field Operations (DFO) from your Port of Entry and the Situation Room through your Port chain of command. Follow up your initial contact by writing an Officer's Statement of the incident describing the problem encountered.

Handling Garbage

Explain and solicit cooperation for maintaining garbage while the vessel is in port. The U.S. Navy usually makes initial arrangements for garbage removal for foreign, military vessels. If approved garbage disposal facilities are available at your Port, inform the captain or officer that an approved garbage disposal company may remove garbage. Make periodic checks to ensure the garbage is being handled properly. See [Monitoring Garbage on page 3-1-1](#) for specific information on garbage control.

Garbage Violations

If you detect a deliberate and flagrant violation of the garbage handling procedures or other safeguard requirements, then make a full report to the Director, Field Operations and the Situation Room through your Port chain of command. Follow up by writing an Officer's Statement of incident.

Animals Aboard Public Vessels

Live ruminant animals or swine should not be aboard public vessels given Courtesy of the Port. If live animals are aboard, the Director, Field Operations and the Situation Room should be notified through your Port chain of command. The vessel's captain is expected to prevent the removal of other animals (including birds) as well as other restricted or prohibited items.

Handling Passengers That Are in Transit

In-transit passengers are travelers who are immediately passing through the United States on their way to another country. In general, such passengers are low risk for introducing plant pests and animal diseases. However, if there is risk of pest escape, **do not** allow articles to transit. **Except** as provided for in the table that follows, **do not** allow prohibited meat to transit the United States. Use [Table 4-1-8 on page 4-1-19](#) to determine your action.

TABLE 4-1-8: Action to Take with In-transit Passengers' Animal Products and Plants or Plant Pests

If the passenger in-transit has:	And it:	And it is in their:	Then:
◆ Meat ◆ Meat product ◆ Animal product	Is ineligible for entry	Baggage checked through to destination	ALLOW transit
		Carry-on baggage	REFUSE to allow transit
◆ Animal by-product	Is eligible for entry	—————→	ALLOW transit
Plant or plant product	Is prohibited or requires treatment as a condition of entry	Baggage checked through to destination	REFUSE to allow transit
		Carry-on baggage	
	Is enterable without treatment	—————→	ALLOW transit
Plant pest	Has a permit	—————→	REFUSE to allow transit
	Lacks a permit	—————→	

If you can safeguard prohibited plant articles and those requiring treatment, then allow those articles to transit. Safeguards include having the passenger check the article through with the airline or ensuring that the passenger moves straight to a secure holding area, and then checking that holding area to make sure prohibited material is **not** left behind.

