

1

Agricultural
Clearance

Introduction

Contents

Purpose	page 1-1-1
Scope	page 1-1-2
Users	page 1-1-4
Authorities and Policies	page 1-1-4
Application	page 1-1-6
Maintaining Contact with APHIS PPQ	page 1-1-6
How to Use This Manual	page 1-1-6
Reporting Problems	page 1-1-7
Conventions	page 1-1-8

Purpose

The *Manual for Agricultural Clearance* (MAC) provides Customs and Border Protection (CBP) personnel working at airport, maritime, and land border locations with guidelines, directions, and policy for excluding pests that are a threat to American agriculture. CBP personnel will prevent pests from entering the United States by performing the following duties:

- ◆ Examining cargo and associated documentation
- ◆ Examining carriers¹
- ◆ Clearing passengers, crew, and their baggage
- ◆ Examining international mail
- ◆ Preventing the spread of pests
- ◆ Preparing plant pest interceptions

CBP clears carriers and passengers and controls garbage and cargo to minimize the risk of introducing plant pests and/or animal diseases into the United States. This manual provides the information necessary to accomplish those clearance tasks that are performed at airports, maritime ports, and land border points of entry. As a part of excluding pests, CBP will also perform Agriculture Quarantine Inspection Monitoring (AQIM) activities on passengers, vehicles and cargo that enter at ports of entry. This activity is a critical step to providing USDA with risk information that ultimately provides additional direction and policy for better exclusion of pests. CBP personnel can find AQIM definitions, steps, procedures and other related information in the online USDA, APHIS, AQIM Handbook.

¹ Airplanes, barges, boats, busses, cars, railroad cars, ships, sea-land trailers, trucks, or other devices that transport or convey products, goods, or passengers.

Scope

This manual is broadly divided into chapters that address each of the duties mentioned above. In addition to information presented in the chapters, the manual contains appendixes, a glossary, and an index.

The chapters are summarized below:

The *Introduction* provides basic information about the manual. This information includes purpose, scope, users, related documents, how to use the manual, and a description of conventions (unfamiliar or unique symbols and highlighting) that appear throughout the manual.

The *Examining and Monitoring Cargo* chapter is subdivided into these sections:

- ◆ *Clearing Imported Cargo and Inspecting Cargo Holds*
- ◆ *Clearing Transiting In-Bond Cargo*

The *Examining Carriers* chapter is subdivided into these sections:

- ◆ *Monitoring Garbage*
- ◆ *Clearing Aircraft*
- ◆ *Clearing Vessels*
- ◆ *Clearing Trains and Busses*
- ◆ *Clearing Privately Owned Vehicles*

The *Clearing Passengers, Crew, and Baggage* chapter provides policy, methods, and procedures for clearance.

The *Examining United States Postal Service (USPS) International Mail* chapter gives you the information needed to regulate mail.

The *Preventing the Spread of Pests and Diseases* chapter includes information on safeguarding, cleaning, and disinfecting.

The *Preparing Plant Pest Interceptions* chapter outlines procedures for preserving and submitting specimens for identification.

The *Violations* chapter includes information on violations and assessing civil penalties.

Each section includes an *Introduction* that gives a brief review of the content of the section, the equipment you need, any general policies, and any information you need to know before beginning a task.

The *Appendixes* contain information such as completing and distributing forms; cooperation with other federal agencies; lists of military bases, stations, airfields, sealift command vessels, approved airports; garbage violation and in-flight meals aboard military aircraft policies; emergency procedures to prevent dissemination of pests, fruits and vegetables in transit; operation guidelines; Investigative and Enforcement Services; and subpoenas under the Plant Protection Act.

The *Glossary* defines specialized words, abbreviations and acronyms, and other terms used in airport and maritime operations that may be difficult or unfamiliar.

The *Index* contains topics and page numbers for quick reference.

What the MAC Does Not Cover

The MAC does **not** cover the following:

- ◆ Information on determining enterability of items
- ◆ Information on what types of cargo to hold
- ◆ Port policies or port guidelines
- ◆ Information pertaining to treatments
- ◆ Information on specific inspection techniques
- ◆ Specific AQI Monitoring (AQIM) directions or procedures to do at the ports of entry. Please refer to the online AQIM Handbook http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/aqim_handbook.pdf for these specifics.

What the MAC Covers That Is Also Covered in the *Animal Product Manual (APM)*

For easier reference, the following topics are covered in this manual as well as in the *Animal Product Manual*:

- ◆ Cleaning and disinfection
- ◆ Cooperating with other Federal agencies
- ◆ Handling pet birds in baggage and aboard vessels
- ◆ Taking action on prohibited animal products in cargo

Users

This manual is written for use by CBP personnel. The experience levels of users will vary, but it is assumed that the officer has a working knowledge of the following:

- ◆ Assessing civil penalties
- ◆ Selecting passenger baggage for agricultural risk
- ◆ Clearing passengers
- ◆ Examining cargo for clearance
- ◆ Verifying cargo
- ◆ Recognizing contamination in cargo
- ◆ Recognizing pests in cargo

Authorities and Policies

The regulatory authority for taking the actions listed in this manual is contained in the following Acts:

- ◆ Act of July 2, 1962—21 U.S.C. 134d
- ◆ Animal Health Protection Act
- ◆ Endangered Species Act
- ◆ Plant Protection Act
- ◆ Section 306(2) of the Tariff Act of June 17, 1930
- ◆ 21 U.S.C. 111

These Acts and statutes give you authority to control garbage and inspect carriers, passenger baggage, and cargo arriving from Guam, Hawaii, Puerto Rico, U.S. Virgin Islands, and foreign countries.²

APHIS Manuals

- ◆ Animal Product Manual http://www.aphis.usda.gov/import_export/plants/manuals/ports/apm.shtml
- ◆ Cut Flowers and Greenery Import Manual http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/cut_flower_imports.pdf
- ◆ Fresh Fruits and Vegetables Import Manual http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/fv.pdf

² Interstate movement is not handled by CBP.

- ◆ Miscellaneous and Processed Products Manual http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/miscellaneous.pdf
- ◆ Seed Not for Planting http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/unprocessed_seeds_imports.pdf
- ◆ CITES I-II-III Timber Species Manual http://www.aphis.usda.gov/import_export/plants/manuals/domestic/downloads/cites.pdf
- ◆ Nursery Stock Restrictions (M319.37-A & B) and Nursery Stock, Seeds and Bulbs Regulation http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/nursery_stock.pdf
- ◆ PPQ Treatment Manual http://www.aphis.usda.gov/import_export/plants/manuals/ports/treatment.shtml

Authority for specific regulatory actions is contained in Titles 7, 9, and 50 Code of Federal Regulations (CFR).

Title 7CFR contains the following parts:

- ◆ Part 319 for specific quarantine actions
- ◆ Part 330 for inspecting means of conveyance, taking emergency action on khapra beetle, regulating garbage, soil, plant pests, and requiring advance notice of arrival for carriers
- ◆ Part 351 for regulating plants and plant products in mail
- ◆ Part 352 for safeguarding items **not** intended for entry into the United States (aircraft and vessel stores, and cargo for immediate export)
- ◆ Part 360 for regulating noxious weeds

Title 9CFR contains the following parts:

- ◆ Part 93 for regulating live animals
- ◆ Part 94 for regulating garbage, milk and milk products, and meat
- ◆ Part 95 for regulating animal by-products
- ◆ Part 96 for regulating casings

Title 50CFR for regulating endangered species.

Refer to the CFRs if you are interested in finding more information on specific regulations.

Other documents which include information related to agricultural clearance are as follows:

- ◆ CBP Agricultural Alerts and Notices
- ◆ Army Regulation 40-12, SECNAVINST 6210.2A and AFR 161-4
- ◆ Department of Defense, Regulation 4500.9R, Ch. 505 and 506
- ◆ Foreign Clearance Guide
- ◆ Naval Supplemental Publication Number 486, Vol.1
- ◆ Technical Guidance 31, Contingency Retrograde Washdown
- ◆ Vienna Convention on Diplomatic and Consular Relations

Application

This manual contains the policy and guidelines for the tasks associated with agricultural clearance. The policies listed in this manual must be followed. The guidelines were written with the recognition that there are differences between ports, and allows individual ports some procedural flexibility in completing required tasks.

This manual not only informs officers on how to perform various clearance tasks, but also informs Port Directors (PDs) on what tasks take priority to aid in allocating resources to accomplish those tasks.

Maintaining Contact with APHIS PPQ

Supervisory Agriculture Specialists or their designees can maintain close contact with their counterparts in PPQ through appropriate channels to keep informed of any changes in local entry procedures. Make sure that whenever procedures change, control is maintained over cargo that is at risk for introducing pests and pathogens.

How to Use This Manual

Review the contents of this manual to get a feel for the scope of material covered. Glance through the section that you'll be using, and familiarize yourself with the organization of the information.

Use the table of contents for each section to find the information you need.

EXAMPLE To find information on assessing a civil penalty for a ship's garbage violation, go to the section within **Examining Carriers** titled **Monitoring Garbage** and check the table of contents (within the section) for the page number.

If the table of contents is **not** specific enough, then turn to the index to find the topic and its page number.

Reporting Problems

Use **TABLE 1-1-1** to report suggestions, problems, situations, and disagreements which directly affect the contents of the MAC.

TABLE 1-1-1: How to Report Problems with the Manual

If you:	And the problem is:	Then:
Have a situation that requires an immediate response	Regarding birds, animal product or animal by-product , or procedures or regulatory actions in the MAC	CALL a HQ, PPQ, VMO at PPQ, VRS, 301/734-7633
	Regarding all other procedures or regulatory actions in the MAC that are not related to animal products or animal by-products	CONTACT (CBP contact to be determined)
<ul style="list-style-type: none"> ◆ Have comments, suggestions, or complaints about the content of the MAC or you disagree with a policy, procedure, or regulatory action identified in the MAC ◆ Have a suggestion for improving the formatting (design, layout, composition), grammar, or spelling of your MAC ◆ Have a problem accessing or with the availability of the on-line MAC 	Not urgent	CONTACT (CBP contact to be determined) and complete the Comment Sheet (located in the back of the manual)
	Urgent	CONTACT (CBP contact to be determined)
Have comments, suggestions, or complaints relating to any animal product or animal by-product or birds procedure or regulatory action content of the MAC	→	CONTACT PPQ, VRS through channels and describe why you disagree and what you recommend

Conventions

Conventions are established by custom and are widely recognized and accepted. Major conventions used in this manual follow.

Advisories

Advisories are used throughout the manual to bring important information to your attention. Please carefully review each advisory. The definitions have been updated so that they coincide with American National Standards Institute (ANSI), and are in the format shown below.



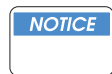
DANGEROUS indicates that **people** could **easily** be hurt or killed.



WARNING indicates that **people** could **possibly** be hurt or killed.



CAUTION indicates that people could possibly be endangered and slightly hurt.



NOTICE indicates a possibly dangerous situation where **goods** might be damaged.



IMPORTANT indicates helpful information.

EXAMPLE

Examples are graphically placed boxes within the text as a means of visually separating information from other information contained on the page. Examples will always appear in a box.

Boldfacing

Boldfaced type is used to highlight negative or important words throughout the MAC. Examples of these words include: **not, do not, except, never, other than.**

Bullets

Bulleted lists indicate that there is no order to the information listed.

Chapters

This manual contains the following chapters: *Introduction*; *Examining and Monitoring Cargo*; *Examining Carriers*; *Clearing Passengers, Crew, and Baggage*; *Examining United States Postal Service (USPS) International Mail*; *Preventing the Spread of Pests and Diseases*; *Preparing Plant Pest Interceptions*; and *Violations*.

Table of Contents

Chapter sections include a table of contents that lists the heading titles.

Control Data

Information placed at the top and bottom of each page helps users to keep track of their location in the manual. At the top of the page is the chapter, section, and first-level heading. At the bottom of the page is the month, year, manual transmittal number, title, page number, and unit responsible for content.

Heading Levels

Each section contains three headings. The first heading is indicated by a horizontal line followed by the title which continues across both the left and right columns. The second heading is in the right-hand column with the text beginning below it. The third heading is in the left-hand column and used to easily scan topics.

Hypertext

Blue colored hypertext indicates an active link to another section of the manual, E-mail address, or web site.

EXAMPLE

Refer to the *Glossary* for a definition of air taxi.

Indentions

Entry requirements which are summarized from CFRs, permits, or policies are indented on the page.

Numbering Scheme

A three-level numbering scheme is used to indicate pages, tables, and figures. The first number represents the chapter. The second number represents the section. The third number represents the page, table, or figure. This numbering scheme allows for easier updating and adding pages without having to reprint an entire chapter.

Section

The *Examining and Monitoring Cargo* and *Examining Carriers* chapters in this manual are broken down into sections. Each section begins on a new, right-hand page. Sections are identified by the second number in the numbering scheme used for this manual.

