



Appendix C

Sample Letters and Statements

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Sample Letter to Notify a Firm that a Garbage Violation Has Occurred

Use the format in [Figure C-1-1](#) to notify a firm or company that a garbage violation has occurred.

[Date]

Dear *[Fill in]*:

It has been reported by a U.S. Department of Agriculture officer that on *[Date]*, *[Name of Firm or Company]* did *[Describe violation]*.

This is in violation of Federal Regulations 7CFR 330.400 and 9CFR 94.5 which require that regulated garbage be disposed of by incinerating, sterilizing, or grinding into an approved sewage system.

Any person who knowingly violates the Plant Protection Act (PPA) (7 U.S.C. §§ 8301 et. seq.) may be criminally prosecuted and found guilty of a misdemeanor which can result in penalties, a one-year prison term, or both. Additionally any person violating the PPA and/or the AHPA may be assessed civil penalties of up to \$250,000 per violation or twice the gross gain or gross loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater. This puts you on notice that approval of your facility to handle regulated garbage may be withdrawn as a result of noncompliance with regulations.

To prevent the entry into the United States of unwanted plant and animal pests and diseases, disposal of regulated garbage must be in accordance with the requirements of Federal Regulations (7CFR 330.400 and 9CFR 94.5). If you have any questions, please contact *[Local PPQ Officer and PD of CBP]* at *[Phone Number]*.

[Signature of Port Director]

Port Director

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FIGURE C-1-1: Sample Letter to Notify a Firm that a Garbage Violation Has Occurred

Sample Letter to Notify a Firm or Company that a Violation was Issued to an Employee or Crew Member



Important

Do **not** forward a letter to notify a firm or company that a violation was issued to an employee or crew member, prior to final adjudication of the violation.

The purpose of the violation letter is to let the company know that violations are occurring.

An employee or crew member may wish to settle a violation immediately. Once payment is made and the violator's signature is affixed to the violation form, then the matter is considered adjudicated.

An employee or crew member may exercise the right to dispute the violation and seek to resolve the matter through approved channels. **Only** after the violation has been properly adjudicated may the notification letter be forwarded.

Contact IES if you have any concerns or questions as to the adjudication status of a violation. After final adjudication of the violation, the location port where the violation occurred will issue the violation letter to the firm or company. All violation letters will be printed at the port where the violation occurred and forwarded to the U.S. Postal Service for mailing. A return receipt may be utilized to validate that the letter was delivered and who received the letter.

Do **not** communicate to the firm or company that a violation has occurred, by electronic mail (e-mail), express mail, voice mail, fax, answering machine, etc. **Only** use the U.S. Postal Service for mailing the letter.

In the violation letter, you may disclose the following:

- ◆ Date the violation occurred
- ◆ Description of the violation
- ◆ Violator is an employee of the firm or company
- ◆ Total number of violations that have occurred by employees or crew members of the firm or company

In the violation letter, do **not** disclose to the firm or company the name of the violator or the name of other employees or crew members who were present at the time. The key here is to let the company know that violations are occurring.

The sample letter in **Figure C-1-2** is to notify a firm or company that a violation was issued to an employee or crew member. Complete the italicized items and omitting brackets and italics in your letter of notification.

[Date]

Dear *[Fill in]:*

On *[Date]*, an employee of *[Name of firm or company]* did *[Describe violation]*.

This letter serves as notice that a violation of the Plant Protection Act (7 U.S.C. §§ 8301 et. seq.) and the regulations and standards issued thereunder have occurred. Violation of these Federal regulations may be criminally prosecuted and can result in monetary penalties, a one-year prison term, or both. Additionally violations of these Federal regulations can result in a civil penalty of \$250,000 per violation, or more depending on the circumstances of the violation.

The crew members are recognized as having knowledge of the animal and plant regulations through training and/or knowledge gained from their employment and frequent travel. Please take the opportunity to consult with your employees and conduct additional training if needed.

To prevent the entry into the United States of unwanted plant and animal pests and diseases, the traveling public and crew members are asked to help. By complying with all Federal regulations, we all contribute to the protection of America's agriculture. Your assistance in this effort is appreciated.

If you have any questions, please contact *[Local PPQ Officer and PD of CBP]* at *[Phone number]*.

[Signature]

[Name and position]

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FIGURE C-1-2: Sample Letter to Notify a Firm or Company that a Violation Was Issued to an Employee or Crew Member

Sample of Witness Statement

STATEMENT

Date _____

I, [witness' name] voluntarily make the following statement to [CBP Inspector's name] who has identified himself/herself to me as a Federal Officer of Customs and Border Protection, Department of Homeland Security, knowing that it may be used as evidence.

[Statement—use as many pages as necessary.]

(NOTE: Do **not** use the following paragraph if the statement is handwritten, only use if the statement is typed.)

I have read the foregoing statement and vouch that the information contained therein is true to the best of my knowledge. I have been offered an opportunity to add to, delete from, or change anything herein that I feel is erroneous or incorrect. I have been offered no remuneration for making this statement and make it of my own free will.

Signature of CBP Inspector

Signature of Person Making Statement

Address

City, State, Zip Code

Sample of CBP Agriculture Specialist's Statement

Agriculture Specialist *[Specialist's Name]*
 CBP Form AI-591# *[Fill in]* Date *[Fill in]*

Violator *[Violator's Name]* Date of Violation *[Fill in]* Port *[Fill in]*

Declaration

TABLE C-1-1: Locator for Agriculture Question 11 on Customs Form 6059B

If Agriculture Question 11 was marked:	Then:
Yes	1. Go to 1., below 2. Continue to 2., below
No	Go to 2., below, then continue to 3
Not Marked	Go to 2., below, then continue to 3

1. The agricultural items declared on Customs Form 6059B are as follows: *[list agricultural items]*.
2. There was no written declaration. I/other officer *[list name]* asked the agriculture question. The violator answered *[list answer]*.
3. I/other officer *[list name]* asked the question again. The violator answered *[list answer]*.

Prohibited Material

Complete the following:

Quantity _____ Plant/animal/other material (plant part; kind of meat) _____

Origin: *[list origin]*

Prohibited material found in: *[suitcase/handbag/other]*.

Attempt to Conceal

The prohibited material was concealed in/by/under/inside *[list location]*.

Permit/Certificate

Did you ask if there was a permit or certificate? Yes ___ No ___ (check)

The prohibited material was or was not (circle one) accompanied by a valid APHIS permit/certificate.

Remarks: Describe any unusual actions taken by the violator.

EXAMPLE

[Describe any unusual actions taken by the violator.] "Mr. Gamtha grabbed the mango out of my hand and threw it against the wall," or "Mrs. Wallace grabbed my arm and yelled an obscenity at me."

[Signature of CBP Inspector] Badge # _____

