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Export Program
Manual

Special Procedures

Special Programs • Export Certification Violations

Only officials authorized by PPQ can change or correct information on certificates. Unauthorized changes are in violation of 7CFR 353 and may be prosecuted under the Plant Protection Act (7USC 7701) and other applicable laws. When a violation is discovered the State Plant Health Director (SPHD) should consider the circumstances surrounding the violation before proceeding to one of the following actions:

- ◆ Issue an APHIS Form 7060, Official Warning, Violation of Federal Regulations (**only** after consulting with the local or regional Investigative and Enforcement Services (IES) officials)
- ◆ Refer a request for investigation to the local IES investigator for further action¹

SPHDs should determine the intent behind the violation and work with the local or regional IES official to make the judgment to either officially warn the violator(s) or pursue prosecution. If the intent is **not** clear or is ambiguous, then SPHDs can use their IES counterparts to get a recommendation about which action to take.

Repeat violations or those with the appearance of an attempt to deceive or commit fraud should be automatically referred to IES investigators for further action. IES, in turn, will determine if an investigation will be forwarded to the Office of the Inspector General (OIG) for criminal prosecution.

APHIS Form 7060 should be issued when the violation **does not** warrant further action and **only** after consultation with local or regional IES officials. If APHIS Form 7060 is issued, IES may take **no** further action on this incident.

¹ For local and regional IES contacts, see Web site address: <<http://www.aphis.usda.gov/ies/contacts.shtml>>

EXAMPLE

The following are some examples of violations for which APHIS Form 7060 may be used instead of pursuing an investigation (none of the following apply if the exporter is apparently seeking certification of an uninspected shipment):

- ◆ Addition of a letter of credit or other commercial reference
- ◆ Correction to or deletion of botanical names of plants
- ◆ Correction to the declared means of conveyance
- ◆ Correction to the name of the exporter or consignee
- ◆ Correction to the number (generally **only** decreases) and descriptions of packages, or distinguishing marks
- ◆ Decrease in the quantity of declared

These certification violations are prohibited practices and can result in a foreign government rejecting a certificate and therefore rejecting the shipment. These prohibited practices should **not** warrant a criminal investigation, and unless an attempt to defraud is apparent, these first-time violations would warrant issuance of APHIS Form 7060. PPQ uses APHIS Form 7060 to inform the exporter, shipper, or broker of the violation and to advise him or her of the correct procedure to follow for making changes to a certificate. Also, the exporter should be informed of the consequences of failing to follow procedures.