



Animal and Plant Health Inspection Service Plant Protection and Quarantine

Compliance and
Environmental
Coordination

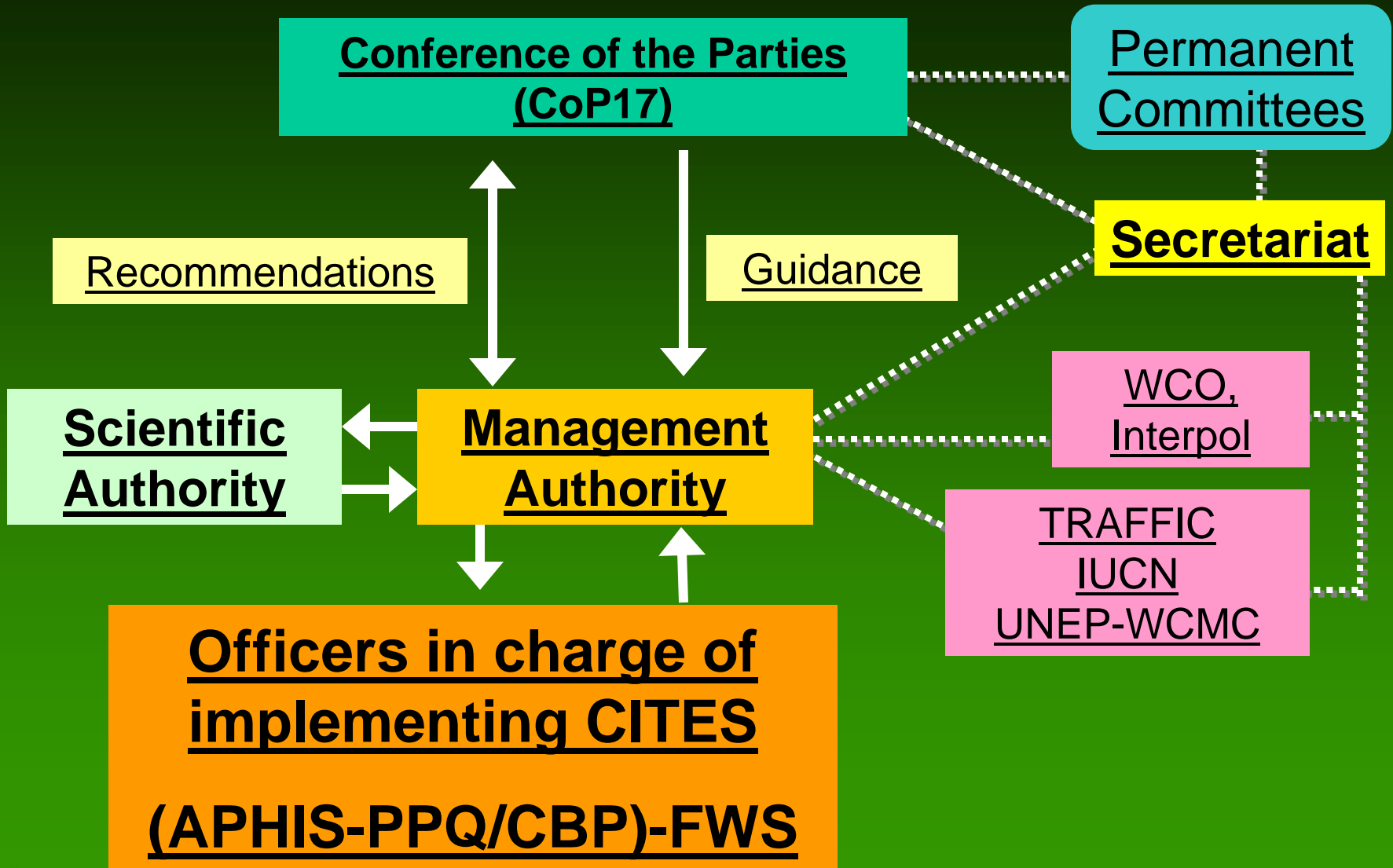
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www.CITES.org



How CITES works



Enforcement of CITES is Based on:

- Endangered Species Act of 1973
- Title 7 of the Code of Federal Regulations
- Title 50 of the Code of Federal Regulations
- Civil Asset Forfeiture Reform Act of 2000 (CAFRA)
- Homeland Security Act of 2002
- Lacey Act (Amended 2008-H.R.2419, Sec. 8204, U.S.C. 3371- 3378)



Section 3 Definitions ESA of 1973

(15) The term “Secretary” means...with respect to the enforcement of the provisions of this Act and the Convention...which pertain to the importation or exportation of terrestrial plants, the term **also means** the Secretary of Agriculture.”

(16 U.S.C.1532,Sec.3(15) & also refer to 7 CFR 355.1)



The ESA - PROHIBITED ACTS

VIOLATIONS OF THE CONVENTION - It is unlawful for any person subject to the jurisdiction of the United States to engage in any trade in any specimens contrary to the provisions of the Convention, or to possess any specimens traded contrary to the provisions of the Convention

(16 U.S.C. 1538 sec. 9 (c)(1))



ESA/CITES - Enforcement

Any person authorized to enforce this Act may detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation.

16 U.S.C. 1540 sec.11(e)(3)



The Homeland Security Act of 2002

Transferred certain duties from the Secretary of Agriculture to the Department of Homeland Security

H.R. 5005, Subtitle C, Sec, 421



Memorandum of Agreement between the USDA and DHS

The **importation** of “nonliving” CITES
plant material is now the responsibility
of CBP-APTL

Plant and plant products and
derivatives

Wood and wood products containing
all species of rosewood



Enforcing Convention on International Trade in Endangered Species (CITES)- COMMERCIAL SHIPMENTS

CBP agrees to:

- Review manifests and hold imported CITES materials. Refer CITES regulated live plant shipments to PPQ and regulate non-living CITES articles (e.g., rosewood, mahogany, ramin wood, ginseng, etc.)
- Review CITES permits accompanying non-living CITES shipments; seize shipments arriving w/o proper documents
- Process CITES paperwork for released shipments and forward cancelled permits to US Fish and Wildlife Services (USFWS)
- Distribute, and post/publish CITES seizure notices
- Safeguard seized shipments and arrange for transfer or disposal



The MOA and PPQ's Responsibilities

PPQ is responsible for the enforcement of CITES with regard to the importation of living plants, and the exportation or re-exportation of plants (living and nonliving)



Enforcing CITES and the ESA

- Combines the use of 7 CFR parts 355 & 356 written by APHIS to implement the provisions of the ESA and CITES,

and
- Various parts of USFWS regulations found in 50 CFR



Regulatory Decisions are Based on:

- CFRs
- APHIS Policy
- And CITES:

Articles of the Convention

Conference Resolutions

Notifications

Decisions



USDA APHIS PPQ Regulations

7 CFR Part 355 – Endangered Species Regulations Concerning Terrestrial Plants

355. 1 Purpose

Pursuant to the ESA of 1973, the Secretary is responsible for the enforcement of the Act and the Convention which pertain to the importation, exportation and re-exportation of terrestrial plants.

The regulations in this part are for the purpose of implementing this authority



Permission to Engage in Business

No person shall **engage in business** as an importer, exporter, or re-exporter of any terrestrial plants listed in 50 CFR 17.12 or referenced in 23.7(f)(6) unless such person has obtained a **Protected Plant Permit** for engaging in such business from Plant Protection and Quarantine **(7 CFR 355.11)**

If you are engaging in the business of importing CITES/ESA regulated timber or timber products complete PPQ Form 621 **and** PPQ Form 585.



“Engage in business as an importer, exporter, or re-exporter” of plants is defined as:

To import, export, or re-export 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 definition does not include persons engaged in business merely as carriers or customhouse brokers

If you have questions regarding the application process for the Protected Plant Permit or PPQ form 621, please call (301) 851-2046 or

Email:

PPQCITESESAPermits@aphis.usda.gov



Notification Requirements

Promptly upon arrival at a port of import (listed in 50 CFR part 24.12) of any terrestrial plant which is imported by means other than mail, the importer shall notify Plant Protection and Quarantine (or CBP, as per the Homeland Security Act of 2002) of the arrival and of the genus and species of the plant by such means as a:

manifest

Customs entry document,

commercial invoice,

waybill,

broker's document, or

notice form provided for that purpose

7 CFR 355.20(b)



Notification Requirements

Prior to the exportation or re-exportation of any terrestrial plant which is to be exported or re-exported by other than mail shall notify Plant Protection and Quarantine of the intended exportation or re-exportation and of the genus and species of the plant by such means as a:

manifest,

commercial invoice,

waybill,

broker's document, or

notice form provided for that purpose

7 CFR 355.20(c)



Presentation and Validation of Permits and Certificates - Import

Required CITES permits or certificates at the time of importation, must be validated by an inspector prior to movement of such plant from the Customs inspection area at the port of entry. The original documentation must be surrendered to the inspector at the time of validation

7 CFR 355.22(a)



Presentation and Validation of Permits and Certificates – Export or Re-export

Required CITES permits or certificates at the time of exportation or re-exportation, must be validated at the port of export or re-export by an inspector prior to the exportation or re-exportation of such plant. The original and one copy of the documentation must be submitted for validation, and the copy must be surrendered to the inspector at the time of validation

7 CFR 355.22(b)



CITES export permits and re-export certificates must be endorsed by an inspection official in the exporting country (quantity, signature, and stamp)

48462 Federal Register / Vol. 72, No. 163 / Thursday, August 23, 2007 / Rules and Regulations

Required information	Description
(16) Signature	An original handwritten signature of a person authorized to sign CITES documents for the issuing Management Authority. The signature must be on file with the Secretariat.
(17) Signature name	The name of the person who signed the CITES document.
(18) Source	The source of the specimen. For re-export, unless there is information to indicate otherwise, the source code on the CITES document used for import of the specimen must be used. See § 23.24 for a list of codes.
(19) Treaty name	Either the full name or acronym of the Treaty, or the CITES logo.
(20) Type of CITES document	The type of CITES document (import, export, re-export, or other): (i) If marked "other," the CITES document must indicate the type of document, such as certificate for artificially propagated plants, certificate for wildlife bred in captivity, certificate of origin, certificate of ownership, introduction-from-the-sea certificate, pre-Convention certificate, sample collection covered by an ATA carnet, scientific exchange certificate, or traveling-exhibition certificate. (ii) If multiple types are authorized on one CITES document, the type that applies to each specimen must be clearly indicated.
(21) Validation or certification	The actual quantity of specimens exported or re-exported: (i) Using the same units of measurement as those on the CITES document. (ii) Validated or certified by the stamp or seal and signature of the inspecting authority at the time of export or re-export.

(d) *Purpose of transaction.* If the purpose is not identified by a written description, the CITES document must contain one of the following codes:

Code	Purpose of transaction	Code	Purpose of transaction	Code	Purpose of transaction
B	Breeding in captivity or artificial propagation	L	Law enforcement/judicial/forensic	P	Personal
E	Education	M	Medical research (including biomedical research)	Q	Circus and traveling exhibition
G	Botanical garden	N	Reintroduction or introduction into the wild	S	Scientific
H	Hunting trophy			T	Commercial
				Z	Zoo

(e) *Additional required information.* The following describes the additional information that is required for specific...

What information is required on a U.S. and foreign CITES document ? 50 CFR Part 23.23



Designated Ports

No person shall import, export, or re-export plants at any place other than at a port designated in 50 CFR 24.12

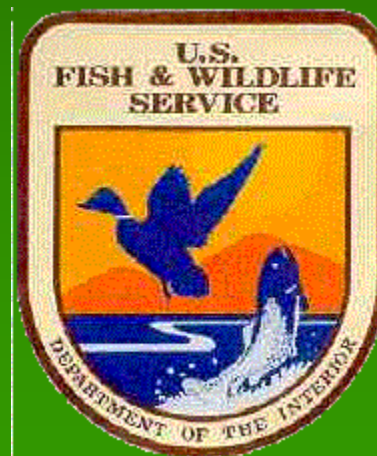
- We authorized USFWS to inspect and clear, including validation of CITES documents, shipments of products containing both CITES listed non-living plant species and any wildlife species, both CITES and non-CITES listed species

This guidance only applies to shipments that contain both CITES listed plants and wildlife



Internal partnerships

- Inter-agency cooperation and partnerships at the national level are very important for the new listings
 - CITES Authorities
 - USFWS
 - CBP
 - Judiciary DOJ



Procedural Guidelines * @



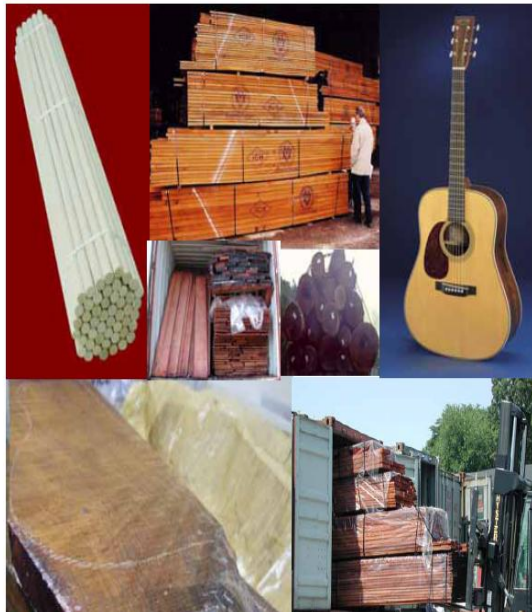
United States Department of Agriculture

Marketing and Regulatory Programs

Animal and Plant Health Inspection Service

Plant Protection and Quarantine

CITES I-II-III Timber Species Manual



United States Department of Agriculture

Marketing and Regulatory Programs

Animal and Plant Health Inspection Service

Plant Protection and Quarantine

Plant Inspection Stations Manual

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CITES I-II-III Timber
Species Manual

Violations, Seizures, and Forfeitures

Procedures

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Introduction

This chapter provides the procedures for processing violations of CITES Appendix I, Appendix II, and Appendix III protected timber species, and for seizure and forfeiture of CITES regulated timber species (including articles made from protected timber).



The ESA - Seizure and Forfeiture

All fish or wildlife or plants taken, possessed, sold, purchased, offered for sale or purchase, transported, delivered, received, carried, shipped, exported, or imported contrary to the provisions of this Act, any regulation made pursuant thereto, or any permit or certificate issued hereunder shall be subject to forfeiture to the United States

(16 U.S.C.1540 sec.11 (e) (4)(A))

