USDA and CITES into the Next Millennium

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USDA 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
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)
Why USDA-APHIS-PPQ?

- Reputation
- Regulatory functions
- Historical port presence
Memorandum of Agreement between the USDA and DHS

The **importation (enforcement)** 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
7 CFR Part 355  Endangered Species Regulations Concerning Terrestrial Plants

• §355.2 Definitions.


• Engage in business as an importer, exporter, or reexporter of terrestrial plants. To import, export, or reexport terrestrial 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 term shall not include persons engaged in business merely as carriers or customhouse brokers.
355.11 Protected plant permits

- “On or after March 26, 1985 no person shall engage in business as an importer, exporter or reexporter of any terrestrial plants listed in 50 CFR 17.12 of 23.23 unless such person has obtained a protected plant permit for engaging in such business from Plant Protection and Quarantine.”

- Protected plant permit:
  - Application Fee= $70.00
  - No additional fees per shipment
  - Valid for 2 years
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)
Exponential increase in CITES Export Endorsements following the rosewood listings of Jan. 2, 2017 at El Segundo USDA Plant Inspection Station
§24.1 Purpose of regulations.

The regulations contained in this part are for the purpose of establishing ports for the importation, exportation and reexportation of plants.

- Ports where we have trained inspectors and technical staff
- Logs and lumber (1995),
  and all other regulated CITES timber products