



## **Commodity Import Approval Process**

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## **ABBREVIATIONS**

APHIS	Animal and Plant Health Inspection Service (USDA)
CFR	Code of Federal Regulations
FAVIR	Fruits and Vegetables Import Requirements
NPPO	National Plant Protection Organization
PPQ	Plant Protection and Quarantine
PRA	Pest Risk Analysis
USDA	U.S. Department of Agriculture

## **Introduction**

To obtain access to U.S. markets for a fruit, vegetable, plant, or plant product that is not already an approved commodity, you must initiate a commodity import request. There are 4 major chronological steps in the process:

- Determine if the commodity is an approved commodity or currently undergoing a pest risk analysis
- If it is not approved or currently undergoing a pest risk analysis, submit a commodity import request
- APHIS will conduct a pest risk analysis and an environmental review to determine potential pests likely to remain on the commodity upon importation and potential mitigations that may be required to avoid, reduce, or eliminate the risk of pest introduction.
- If APHIS determines that the commodity can be safely imported into the United States, APHIS will initiate the regulatory administrative process to seek public comment.

Each of these steps is explained in this document, which is a printable version of [APHIS' website](http://www.aphis.usda.gov/import_export/plants/plant_imports/process/index.shtml)<sup>1</sup>, which describes the commodity import approval process for plants and plant products.

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<sup>1</sup> [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/process/index.shtml](http://www.aphis.usda.gov/import_export/plants/plant_imports/process/index.shtml)

## **Approved Commodities**

Many fruits, vegetables, plants, and plant products can be imported into the United States and its territories. To determine if the commodity you want to import is already approved for importation, please refer to the manuals and relevant websites listed below:

### **Hawaii and the US Territories**

If you are interested in importing commodities into the continental United States from the State of Hawaii or one of the U.S. Territories, please check one or more of the following:

[Hawaii Manual](#)<sup>2</sup>

[Puerto Rico Manual](#)<sup>3</sup>

[7 CFR part 318](#)<sup>4</sup>

If the commodity is not allowed entry into the continental United States, the State or Territory Plant Health Office will have to submit a commodity import request to APHIS in accordance with Title 7, Code of Federal Regulations (7 CFR), [§ 319.5](#)<sup>4</sup>.

### **Fresh Fruits and Vegetables**

If you are interested in importing fresh fruits and vegetables into the United States, please check the [Fruits and Vegetables Import Requirements \(FAVIR\) database](#)<sup>5</sup>. You can search FAVIR for approved fruits and vegetables by country or by the commodity's common or scientific name.

If you have questions about the fresh fruits and vegetables information in FAVIR, please send an email to [PPQ.FAVIR.Comments@aphis.usda.gov](mailto:PPQ.FAVIR.Comments@aphis.usda.gov).

If the commodity is not listed in FAVIR, please check the list of [in-progress PPQ pest risk analyses](#)<sup>6</sup> to see if it is currently being evaluated. If the commodity is not allowed entry into the United States and is not currently undergoing a pest risk analysis, the national plant protection organization ([NPPO](#))<sup>7</sup> of the exporting country must submit a commodity import request.

### **Plants for Planting**

If you are interested in importing plants or seeds for planting into the United States, please check one or more of the following:

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<sup>2</sup> [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/hawaii.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/hawaii.pdf)

<sup>3</sup> [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/puerto\\_rico.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/puerto_rico.pdf)

<sup>4</sup> <http://ecfr.gpoaccess.gov/cgi/t/text/text->

[idx?sid=2c792c35f9340d44f7f3566349088256&c=ecfr&tpl=/ecfrbrowse/Title07/7tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=2c792c35f9340d44f7f3566349088256&c=ecfr&tpl=/ecfrbrowse/Title07/7tab_02.tpl)

<sup>5</sup> <https://epermits.aphis.usda.gov/manual/index.cfm?ACTION=pubHome>

<sup>6</sup> [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/downloads/PRAlist.pdf](http://www.aphis.usda.gov/import_export/plants/plant_imports/downloads/PRAlist.pdf)

<sup>7</sup> NPPOs are listed at [https://www.ippc.int/index.php?id=1110520&no\\_cache=1&type=contactpoints&L=0](https://www.ippc.int/index.php?id=1110520&no_cache=1&type=contactpoints&L=0)

[Plants for Planting website](#)<sup>8</sup>

[Plants for Planting Manual](#)<sup>9</sup> (Please check for entries at the family, genus, and species levels.)

[7 CFR 319.37](#)<sup>4</sup> (Please note that certain plants, i.e. cotton, sugar cane, citrus, corn and related plants, rice wheat and coffee, are regulated separately under 7 CFR 319.)

Plants that **are not** listed are generally admissible. However, if the commodity you are seeking is not listed in either of the above sites, please also check the list of [in-progress PPQ pest risk analyses](#)<sup>10</sup> to see if it is currently being evaluated.

### **Cut Flowers and Greenery**

If you are interested in importing into the United States cut flowers or greenery (including branches or stems and any fruit attached) to be used for decoration or ornamentation, that are not intended for consumption or planting, please check the following:

[Cut Flowers and Greenery Manual](#)<sup>11</sup>

[7 CFR 319.74-1 through 319.74-4](#)<sup>4</sup>

### **Other Plant Products**

If you are interested in importing into the United States other plant products not listed above, please check the following manuals regarding the admissibility of the commodity:

[Seeds Not for Planting Manual](#)<sup>12</sup> provides information on requirements for importing articles, such as whole seeds (grain and nuts for consumption), imported for purposes other than planting or growing.

[Miscellaneous and Processed Products Manual](#)<sup>13</sup> provides information on requirements for importing articles of plant origin (i.e., processed fruit, grain and grain products, wood and wood products, logs and lumber) and nonplant origin (i.e., goatskins, brassware, and beeswax) that might introduce exotic pests and parasites. If the country/commodity is not listed in the manual or regulations, then we may not regulate it.

If the commodity you are looking for is not allowed entry into the United States from the country of interest, the national plant protection organization (NPPO) of the exporting country must submit a commodity import request.

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<sup>8</sup> [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/Q37.shtml](http://www.aphis.usda.gov/import_export/plants/plant_imports/Q37.shtml)

<sup>9</sup> [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/plants\\_for\\_planting.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/plants_for_planting.pdf)

<sup>10</sup> [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/downloads/PRAlist.pdf](http://www.aphis.usda.gov/import_export/plants/plant_imports/downloads/PRAlist.pdf)

<sup>11</sup> <https://epermits.aphis.usda.gov/manual/index.cfm?ACTION=pubHome>

<sup>12</sup> [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/seeds\\_not\\_for\\_planting.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/seeds_not_for_planting.pdf)

<sup>13</sup> [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/miscellaneous.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/miscellaneous.pdf)

## **Commodity Import Request Process**

If the commodity you want to import into the United States is not currently approved for importation and is not currently undergoing a pest risk analysis (please see [Approved Commodities](#) for more information), the NPPO of the country from which the commodity would be exported must submit the information listed in 7 CFR § [319.5\(d\)](#)<sup>4</sup> to APHIS at the address listed in the regulations. Upon receipt of a completed request, APHIS will initiate the pest risk analysis process.

### **Risk Analysis Process**

The risk analysis process examines the plant pests and diseases that are known to be associated with a commodity, identifies those pests that are likely to remain on the commodity upon importation into the United States, and evaluates the mitigations that may be required to avoid, reduce, or eliminate the risk of pest introduction into the United States. APHIS conducts risk analyses in accordance with International Standard for Phytosanitary Measures No. 11, “Pest Risk Analysis for Quarantine Pests,” and its supplements, set by the International Plant Protection Convention.

#### **1. Methodology**

The risk assessment is an analysis of the plant pests and diseases known to be associated with the commodity in the country of origin. The risk assessment identifies the pests likely to remain on the commodity upon importation into the United States if certain safeguards are not established. A risk assessment is drafted using the information provided by the NPPO in accordance with 7 CFR § [319.5](#)<sup>4</sup>, scientific literature, operational information and experience, and consultation with entities both within and outside APHIS. In some cases, the risk assessment may only be a list of pests present in that country and that are known to affect the commodity under review. In other cases, the risk assessment may further analyze each pest that could be harmful if introduced into the United States and may include options that could be used to avoid, reduce, or eliminate the risk of pest introduction associated with the importation of the commodity. These options may include procedures such as phytosanitary inspection and certification; pre-export requirements such as growing season inspection; treatment; limited origin; port of entry inspection; treatment at destination, in transit or at the point of entry; post-entry quarantine; post-entry measures such as specific end-use requirements or limited distribution; prohibition of entry of specific commodities from specific origins; or a combination of these or other options (i.e., a systems approach).

The risk management analysis evaluates the mitigations that may be required to avoid, reduce, or eliminate the risk of pest introduction that could be associated with the importation of the commodity.

#### **2. Drafting and Reviewing a Risk Assessment**

##### **Drafting a Risk Assessment**

APHIS prepares a draft risk assessment or pest list based on the information provided by the NPPO and other available scientific and technical information. The risk assessment focuses on determining the pests associated with the commodity at its origin that may be introduced into the United States by the commodity's importation. The determination of risk is based on the likelihood and consequences of introduction for the pests of concern. Subject matter experts, producers, academics, and scientists in the United States and other countries may be consulted during this process. The draft risk assessment or pest list does not include measures to mitigate pest risk since risk management is conducted after completion of both the stakeholder and country consultations. The time it takes us to prepare a risk assessment or pest list varies depending on the availability of information and our workload. Risk assessments for fruits, vegetables, or plants for planting are added to the list of in-progress PPQ pest risk analyses at the next update of the lists.

### **Reviewing the Risk Assessment**

When we complete a draft risk assessment or plant pest list, it undergoes internal Agency review. We may make changes to the risk assessment or pest list based on this internal review.

## **3. Risk Assessment Stakeholder/Country Consultation**

### **Stakeholder Consultation**

APHIS makes draft risk assessments or pest lists for plant and plant product commodity import requests available for a 30-day review by stakeholders prior to the country consultation process on the [Stakeholder Risk Assessment Consultation](http://www.aphis.usda.gov/import_export/plants/plant_imports/process/stakeholder_consultation.shtml) website<sup>14</sup>. To participate in the stakeholder consultation process, please subscribe to the [APHIS Stakeholder Registry](https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new)<sup>15</sup> and then do the following:

- Expand: "APHIS - Plant Health Information" to see detailed list
- Expand: "Importation into the US"
- Expand: "Entry Requirements" and
- Select the box: "Risk Analyses and Assessments (PRA)"

By doing this, you will automatically receive notification from the Stakeholder Registry when risk assessments or pest lists are available for stakeholder consultation. During the consultation period, you will find the risk assessments or pest lists and additional information on the [Stakeholder Risk Assessment Consultation](http://www.aphis.usda.gov/import_export/plants/plant_imports/process/stakeholder_consultation.shtml) website<sup>14</sup>.

During the consultation period, we also provide a copy of the risk assessment or pest list to the subject country in preparation for the formal country consultation process.

Comments will be considered and may result in changes to the risk assessments or pest lists. However, we are unable to provide you with individual feedback regarding your comment. Please note that you

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<sup>14</sup> [http://www.aphis.usda.gov/import\\_export/plants/plant\\_imports/process/stakeholder\\_consultation.shtml](http://www.aphis.usda.gov/import_export/plants/plant_imports/process/stakeholder_consultation.shtml)

<sup>15</sup> <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new>

will have additional opportunities to provide comments on our risk assessments or pest lists when the respective proposed rules or notices are available for comment in the [Federal Register](#)<sup>16</sup>.

### **Country Consultation**

After the completion of the stakeholder consultation process, we send the risk assessment or pest list and possible mitigation options to the NPPO of the exporting country for review and comment. This allows the NPPO to provide APHIS with feedback regarding the pests listed in the risk assessment or pest list and the feasibility of the proposed risk management options. If the risk assessment or pest list was revised as a result of comments received from stakeholders, we will include the revisions in the documents presented for country consultation.

If the NPPO agrees with our risk assessment or pest list and mitigation options, we will prepare the risk management document.

If the NPPO has comments on our risk assessment or pest list and mitigation options, we will review the comments, modify the documents if necessary, and prepare the risk management document.

### **4. Risk Management**

Upon completion of both the stakeholder and country consultations, APHIS will draft a risk management document (RMD) that lists specific measures to mitigate the pest risk posed by each pest listed in the RMD and prevent the introduction and establishment of the pest in the United States. For each measure, we indicate the reason it was selected and provide evidence that it is effective and supported by scientific and technical information.

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<sup>16</sup> <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

## **Regulatory Administrative Process**

After completion of the risk analysis process, APHIS initiates the regulatory administrative process. This process begins when we publish a notice or proposed rule in the *Federal Register* to announce that a risk assessment, pest list, risk management document, and supporting environmental documentation are available for public comment.

If the evaluated commodity meets the criteria in 7 CFR § [319.56-4](#)<sup>4</sup>, APHIS may publish a notice in the *Federal Register* instead of a proposed rule. On July 18, 2007, APHIS implemented a “notice-based” process for certain fruits and vegetables that allows the Agency to authorize certain imports without rulemaking (proposed and final rules). To be eligible for approval under the notice-based process, a commodity’s pest risk must be sufficiently mitigated by one or more of five designated phytosanitary measures. This process and the designated phytosanitary measures are described in 7 CFR § 319.56-4.

### **Notice-based process for certain fruits and vegetables**

If the evaluated fruit or vegetable meets the criteria in 7 CFR § [319.56-4](#)<sup>4</sup>, APHIS may publish a notice instead of a proposed rule. On July 18, 2007, APHIS implemented a “notice-based” process that allows the Agency to authorize certain imports without rulemaking. To be eligible for approval under the notice-based process, a commodity’s pest risk must be sufficiently mitigated by one or more of five designated phytosanitary measures. This and the designated phytosanitary measures are described in 7 CFR § [319.56-4](#)<sup>4</sup> (follow the prompts to § 319.56-4).

### **Rulemaking (Proposed and Final Rules) Process**

We have provided a description of APHIS’ rulemaking process as an appendix to this document.

APHIS’ Rule Development and Clearance Process (jpg)<sup>17</sup>—See appendix

### **Publication in the *Federal Register***

APHIS makes its risk analyses and accompanying documentation available for public comment through notices or proposed rules published in the *Federal Register*. The notices and proposed rules are usually available for public comment for 60 days.

You can access the notices, proposed rules, and documents we make available for public comment on-line at <http://www.Regulations.gov>. You can send your comments to our notices or proposed rules

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<sup>17</sup> <http://www.aphis.usda.gov/regulations/downloads/regdev.jpg>

directly to Regulations.gov following the instructions provided on the web site.

When the comment period for a notice or proposed rule closes, APHIS staff review all comments received by the due date and respond to them in a final rule or second notice that we publish in the *Federal Register*. The resultant notice or final rule will include an effective date, which is the date at which the commodity is approved for importation into the United States under the described requirements. (See the [Approved Commodities](#) section.)

### **Approval of a Commodity Import**

The effective date of the notice or final rule is the date the commodity is approved for importation into the United States under the described requirements. (Please note that the country of origin may be required to meet or establish certain standards prior to allowing importations of that commodity into the United States. Until such standards are established, the commodity will not be allowed into the United States.

To view requirements for commodities that are approved for importation, please see the [Approved Commodities](#) section.

### **Further Information**

If you have additional questions about importing a fruit, vegetable, plant or plant product, the requirements for obtaining approval for a new commodity, any other questions pertaining to the commodity import approval process for plants and plant products, please call our Customer Support office at 301-851-2046 or 877.770.5990.

Appendix 1:

# Rule Development and Clearance Process

