



Prohibitions and Restrictions on Mailing Animals, Plants, and Related Matter

Publication 14
August 2003



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Transmittal Letter

- A. Purpose.** This publication outlines the regulations for mailing animals, plants, and related products. The Postal Service™ is committed to fulfilling its long-standing mission of providing safe, affordable universal mail service to the people of America. You can help protect yourself, your loved ones, and the citizens of America and its agriculture, ecosystems and natural resources by abiding by the recommendations and laws provided in Publication 14.
- B. Additional Information.** Customers who need additional information about mailing animals, plants, and related matter should consult their postmasters.
- C. Availability.** This publication is accessible on the corporate intranet and internet web sites as follows:
- **Intranet:** Accessible at <http://blue.usps.gov> (click on "Information," then "Policies & Procedures," then "PUBs," and then the title of PUB 14).
 - **Internet:** Accessible at <http://www.usps.com> (click on "About USPS & News," then "Forms & Publications," then "Browse All Periodicals & Publications," then "Publications," (select either "PDF Format" or "Text Format"), and then "Pub 14."
- D. Comments.** Questions and comments, including suggestions for information that you wish to be included in future editions, should be sent to:
- MAILING STANDARDS
US POSTAL SERVICE
1735 N LYNN STREET RM 3025
ARLINGTON VA 22209-6038
- E. Cancellations.** All previous issues of Publication 14 are obsolete.
- F. Effective Date.** This publication is effective August 2003.

A handwritten signature in cursive script that reads "Stephen M. Kearney".

Stephen M. Kearney
Vice President
Pricing and Classification

Contents

1	Statement of Purpose	1
2	Terminal Inspection of Plants and Plant Products	3
21	Terminal Inspection Act	3
22	USDA Approval	3
23	Terminal Inspection Sites	3
24	Inspecting Mail	4
241	Selection of Packages	4
242	Inspection of Packages	4
243	Determination by Agricultural Inspector	5
244	Completion of Action	5
25	Postage Payment by Addressee	5
26	Return to Sender and Postage	5
27	Quarantine and Inspection Information	6
3	Plant Pests	7
31	Mailing Restrictions	7
32	Definition	7
33	Regulatory Control	7
34	Penalties	8
4	Quarantines	9
41	Authorization	9
42	Prohibitions	9
421	General Prohibitions	9
422	Notices	9
423	Mailing Prohibitions	9
424	Mailing Exception	10
425	Additional Mailing Prohibitions	10
43	Penalties	10
431	Nonmailable Items	10
432	Forged or Counterfeit Documents	11
5	Injurious Animals and Illegally Taken Fish, Wildlife, or Plants	13
51	Prohibitions	13
511	Injurious Animals	13
512	Illegally Taken Fish, Wildlife, or Plants	13

513	Information on Endangered Plant Species	14
514	Information on All Other Prohibitions and Restrictions	14
52	Mailing Restrictions	14
53	Penalties	14
6	Compliance	15
61	Mailer Responsibility	15
62	Additional Information	15
7	Enforcement	17
71	Mail Security	17
711	Postal Handling	17
712	Inspection Service Notification	17
72	Hawaii and Puerto Rico Mailings	17
73	U.S. Virgin Islands Mailings	18
74	Samoa, Former Canal Zone, and Guam Mailings	18
8	Packaging Requirements for Mailable Plants	19
81	Materials	19
82	Markings	19
83	Compliance	19

1 Statement of Purpose

Certain federal statutes impose restrictions and prohibitions on the mailing of plants, plant products, and plant pests; injurious animals; and illegally taken fish, wildlife, and plants. The purpose of these restrictions and prohibitions is to protect agriculture, ecosystems, and natural resources in the United States.

This publication outlines pertinent provisions of the statutes and procedures for their administration and enforcement. This publication does not deal with restrictions and prohibitions provided in 18 U.S.C. 1716 to prevent safety hazards that would be posed by the mailing of poisonous or otherwise dangerous animals. Those provisions are encompassed by the mailing standards in *Domestic Mail Manual* (DMM) C021 and C022, available for reference at all Post Offices.

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2 Terminal Inspection of Plants and Plant Products

21 Terminal Inspection Act

The Terminal Inspection Act (7 U.S.C. 166) makes it unlawful for anyone to mail a package that contains a plant or plant product to an address in a global state or territory maintaining terminal inspection of such plant or plant product if the outside of the package is not marked with a statement that fully and conspicuously identifies the contents. The statute authorizes imposition of a monetary penalty on anyone who makes such an unlawful mailing.

22 USDA Approval

Officials of a global state or territory may submit to the United States Department of Agriculture (USDA), for approval, lists of plants and plant products that they wish to subject to terminal inspection. Once the lists are approved, the USDA transmits them to the Postal Service to permit terminal inspection of mailed packages that are properly identifiable as containing listed items.

23 Terminal Inspection Sites

The Terminal Inspection Act requires each inspecting global state or territory to maintain inspection sites. The Postal Service, however, has authorized postmasters to provide inspection sites in Postal Service facilities when doing so would contribute to the prompt, efficient handling of such mail and the fulfillment of Postal Service mail security and delivery standards.

24 Inspecting Mail

241 Selection of Packages

Postmasters in the global state or territory of destination must direct their employees to select for terminal inspection any package received for processing in their facilities, when at least one of these conditions exists:

- a. The exterior of the package displays a statement showing that it contains a listed item.
- b. The contents of the package are visible through its original, undamaged wrapping and appear to include or consist of a listed item.
- c. The package has any readily observable external characteristic (such as dampness, stains, odors, or swarming insects) that reasonably indicates that it contains a listed item.

242 Inspection of Packages

Any package selected under subsection 241 is submitted to an agricultural inspector assigned to perform terminal inspections, for application of the following procedure:

- a. If the package is not classified as Express Mail[®] service (domestic or international), Priority Mail[®] service, First-Class Mail[®], or an international letter package, it may be opened and its contents examined.
- b. If the package does come within one of these stated classes (and is therefore sealed against inspection), it may be opened and its contents examined only if (1) the package displays on its exterior the sender's statement that it may be opened for inspection; (2) the agricultural inspector telephones the addressee or sender, obtains his or her consent to open the package and examine its contents, and certifies on a form submitted to the Postal Inspection Service that such consent was obtained; or (3) when neither of the foregoing types of authorization to open and examine is available, a federal search warrant is obtained based on probable cause to believe that the contents of the package will evidence violation of the marking requirement of the Terminal Inspection Act.

Any opening of a package or examination of its contents pursuant to the provisions of this section must be conducted in the presence of a Postal Service employee specifically assigned to oversee such activities.

243 Determination by Agricultural Inspector

When mail opened and examined as authorized in subsection 242 is found to contain a listed item, the agricultural inspector must determine the following:

- a. Whether the item is infested or infected with injurious insects or diseases and, if so, whether it can be satisfactorily disinfested or disinfected.
- b. Whether the item has been moved in violation of a plant-quarantine law or regulation of the USDA or of the global state or territory of destination.

244 Completion of Action

Actions taken pursuant to 242 and 243 must be completed within a reasonable time in consideration of the applicable Postal Service delivery standards (see also subsection 711). Any detained package must be released in time to be included in the last dispatch that allows meeting the delivery standard for such mail.

The only exception to this release requirement is that, when examination pursuant to subsection 243 has revealed irreversible infestation or infection, or violation of a plant-quarantine law or regulation, such infested, infected, or violative package may be detained for whatever time is required for diligent notification of the sender and disposition of the package pursuant to section 26.

25 Postage Payment by Addressee

The addressee of a package that requires referral to a terminal inspection site maintained by a global state or territory, and that is sent by mail to such site, must pay the applicable cost of postage. In addition, the addressee must arrange with the agricultural inspector to pay postage to return the package to the office of address after inspection.

If a package is addressed in care of an agricultural inspector rather than to the addressee's address, the addressee must arrange with the inspector to pay postage to forward the package to the addressee after inspection.

26 Return to Sender and Postage

Upon finding that plants or plant products in a package are infested or infected with injurious insects or diseases and cannot satisfactorily be disinfested or disinfected, or that such plants or plant products were moved in violation of a plant-quarantine law or regulation of the USDA or of the state or territory of destination pertaining to such injurious pests, the agricultural inspector so notifies the postmaster at the inspection site. The postmaster then promptly notifies the sender that the plants or plant products will be destroyed by the State or Territorial authorities unless the sender makes arrangements to reclaim the items from the global State or Territorial

authorities. No such notification is necessary when the package bears the sender's instruction not to return it if the package is undeliverable.

27 Quarantine and Inspection Information

Information about plant quarantines imposed by the USDA or by a state or territory and about lists of plants and plant products approved by the USDA for terminal inspection by particular States and Territories may be obtained from:

US DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE
4700 RIVER RD
RIVERDALE MD 20737-1228

3 Plant Pests

31 Mailing Restrictions

Under the Federal Plant Pest Act (7 U.S.C. 150aa – 150jj), any plant pest, the mailing of which does not conform to USDA regulations on the movement of plant pests, is nonmailable.

Under 39 U.S.C. 3015(b), any plant pest, the movement of which is prohibited by 7 U.S.C. 150bb (no importation or interstate transportation except as permitted under USDA regulations) or by 7 U.S.C. 150cc (no conveyance by mail unless in compliance with USDA regulations), is nonmailable.

32 Definition

For the purposes of the Federal Plant Pest Act, the term *plant pest* means any living organism or infectious substance that can injure, or cause disease or damage in, any plant or plant product.

33 Regulatory Control

USDA regulations governing the movement of plant pests within the United States (see 7 CFR 330) are administered by the Plant Protection and Quarantine (PPQ) Programs of its Animal and Plant Health Inspection Service (APHIS) (see section 27 for address).

Movement of a plant pest is lawful if it complies with applicable USDA regulations. Pursuant to 7 U.S.C. 150bb, those regulations may require that a USDA permit or a prescribed inspection certificate be obtained and accompany the plant pest to be moved.

Under USDA regulations, when interstate movement of a plant pest is authorized, the package containing the pest must bear a label identifying the contents and evidencing the authorization (7 CFR 330.211(a)). Similar labeling is required for any such package being moved into the United States by a foreign shipper (7 CFR 330.211(b)).

34 Penalties

Under 7 U.S.C. 150gg, anyone who moves or accepts delivery of a plant pest, when the movement is contrary to USDA regulations, is subject to a civil monetary penalty or, if done knowingly, to criminal penalties of fine and imprisonment. These penalties likewise apply to forgery, counterfeiting, and unauthorized alteration or use of any permit or other document required by USDA regulations.

Under 18 U.S.C. 1716D, anyone who knowingly mails, or causes to be delivered by mail, anything nonmailable pursuant to 39 U.S.C. 3015(b) is subject to criminal penalties of fine and imprisonment.

4 Quarantines

41 Authorization

Section 8 of the Plant Quarantine Act (7 U.S.C. 161) authorizes the USDA to quarantine all or part of any state, territory, or District of the United States when necessary to prevent the spread of a dangerous plant disease or insect infestation.

42 Prohibitions

421 **General Prohibitions**

It is unlawful to move, or allow to be moved, from any such quarantined area into or through any other state, territory, or District of the United States, by common carrier or otherwise, any plant, plant product, or other article capable of carrying such disease or infestation.

This prohibition may be excepted by the USDA in regulations governing the inspection, disinfection, certification, and method and manner of shipment of plants, plant products, and other such articles.

422 **Notices**

Quarantine notices are published in the *Federal Register* and codified in 7 CFR (see, e.g., 7 CFR 301 and 318). Information about quarantines also may be obtained by contacting PPQ (see 27 for address) or county agriculture agents.

423 **Mailing Prohibitions**

As provided by 39 U.S.C. 3014(b), any plant, plant product, or other article capable of carrying a dangerous plant disease or insect infestation is nonmailable from a quarantined area, if movement of any such item by common carrier is prohibited by a USDA quarantine.

424 Mailing Exception

Pursuant to 39 U.S.C. 3014(c) and implementing Postal Service regulations (see DMM C022), the nonmailability provision in 423 does not apply to any plant, plant product, or other article capable of carrying such disease or infestation, provided that these two requirements are met:

- a. The movement is permitted under conditions prescribed in the pertinent quarantines or in other applicable USDA regulations, under 7 U.S.C. 161, governing inspection, disinfection, certification, and other conditions.
- b. The movement by mail complies with all such conditions.

425 Additional Mailing Prohibitions

Under 39 U.S.C. 3015(c), any plant, article, or matter is nonmailable if its importation or interstate shipment is prohibited pursuant to other sections of the Plant Quarantine Act. These other sections include the following:

- a. 7 U.S.C.154 and 156-59 (dealing with importation and interstate shipment of nursery stock and any other plant or plant product designated by the USDA).
- b. 7 U.S.C.160 (authorizing the USDA to restrict importation of any plant or plant product from places where fruit disease or insect infestation exists).
- c. 7 U.S.C.167 (prohibiting transportation, into or out of the District of Columbia, of any plant or plant product for propagation, except as permitted by USDA regulations).

43 Penalties

431 Nonmailable Items

Criminal penalties of fine and imprisonment are provided for mailing nonmailable items as follows:

- a. Under 18 U.S.C. 1716B, for anyone who knowingly mails, or causes to be delivered by mail, anything nonmailable pursuant to 39 U.S.C. 3014(b) and the regulations implementing 39 U.S.C. 3014(c) (see DMM C022).
- b. Under 18 U.S.C. 1716D, for anyone who knowingly mails, or causes to be delivered by mail, anything nonmailable pursuant to 39 U.S.C. 3015(c).

432 Forged or Counterfeit Documents

Similar criminal penalties of fine and imprisonment are provided by 18 U.S.C. 1716C as follows:

- a. For anyone who forges or counterfeits any certification authorized by USDA regulations, issued pursuant to 7 U.S.C. 161, and, concomitantly, by the regulations in DMM C022, with intent to make such certification appear genuine.
- b. For anyone who makes or knowingly uses, sells, or possesses with intent to use or sell, any such forged or counterfeited certification or any device for imprinting a forged or counterfeited certification.

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5 Injurious Animals and Illegally Taken Fish, Wildlife, or Plants

51 Prohibitions

511 Injurious Animals

18 U.S.C. 42 prohibits importation (except as specifically permitted by the Secretary of the Interior) or interstate shipment of species of wild mammals, birds, fish (including mollusks and crustacea), amphibians, reptiles, brown tree snakes, or their offspring or eggs, as named in the statute or declared by the Secretary of the Interior to be injurious to human beings, agriculture, horticulture, forestry, wildlife, or the wildlife resources of the United States. Furthermore, the statute directs that such injurious animals be promptly exported or destroyed at the expense of the importer or consignee.

512 Illegally Taken Fish, Wildlife, or Plants

Under 16 U.S.C. 3372, it is unlawful to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any U.S. law, treaty, or regulation or any Indian tribal law. Under 16 U.S.C. 3372, it is also unlawful to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife or plant taken, possessed, transported, or sold in violation of any State law or (for fish or wildlife only) any foreign law.

The term *fish or wildlife* includes any wild animal — that is, wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, including any part, product, egg, or offspring of such wild animals.

The term *plant* means any wild member of the plant kingdom, including roots, seeds, and other plant parts (except common food crops and cultivars), that (1) is indigenous to any State (including the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, Northern Mariana Islands, American Samoa, and any other United States territory or possession), and (2) is included in specified state or international lists of endangered species.

513 Information on Endangered Plant Species

Additional information about prohibitions and restrictions on importation or exportation of endangered plant species may be obtained from:

US DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
PLANT PROTECTION AND QUARANTINE
4700 RIVER RD
RIVERDALE MD 20737-1228

514 Information on All Other Prohibitions and Restrictions

Additional information about prohibitions and restrictions on the other activities described in subsections 511 and 512 may be obtained from:

OFFICE OF PUBLIC AFFAIRS
US FISH AND WILDLIFE SERVICE
DEPARTMENT OF THE INTERIOR
WASHINGTON DC 20240-0001

52 Mailing Restrictions

Under 39 U.S.C. 3015(a), any injurious animal, the importation or interstate shipment of which is prohibited pursuant to 18 U.S.C. 42, constitutes nonmailable matter.

Under 39 U.S.C. 3015(d), any fish, wildlife, or plant, the conveyance of which is prohibited pursuant to 16 U.S.C. 3372, constitutes nonmailable matter.

53 Penalties

18 U.S.C. 42 provides criminal penalties of fine and imprisonment for any violation of the statute or any regulation issued pursuant to it.

16 U.S.C. 3373 provides civil and criminal penalties for conduct prohibited by 16 U.S.C. 3372.

18 U.S.C. 1716D provides criminal penalties of fine and imprisonment for knowingly mailing, or causing to be delivered by mail, anything nonmailable pursuant to 39 U.S.C. 3015(a) or 3015(d).

6 Compliance

61 Mailer Responsibility

Each mailer has the responsibility to ensure that his or her mailing activity does not violate any law. With respect to laws on mailing plants, plant products, plant pests, injurious animals, and illegally taken fish, wildlife, or plants, the Postal Service assists prospective mailers by making copies of this publication available at local Post Offices.

62 Additional Information

Detailed information about the nonpostal laws cited in this publication, and their administration and enforcement, may be obtained by contacting the agencies identified in the sections discussing those laws.

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7 Enforcement

71 Mail Security

711 Postal Handling

Postal Service employees may not refuse, detain, open, or relinquish mail suspected of containing matter nonmailable under laws described in this publication, unless taking such action is specifically authorized by DMM C021, by *Administrative Support Manual (ASM) 274*, or by this publication.

Mail detained for inspection pursuant to such authorization must be released in time to be included in the last dispatch that allows meeting the delivery standard for such mail. The only exception to this release requirement (besides the exception in subsection 244 for action required by the Terminal Inspection Act) is that, when inspection of the contents of such mail has duly revealed evidence of violation, the apparently violative mail may be detained for whatever time is required for diligent completion of action to enforce the violated law or laws.

712 Inspection Service Notification

Consistent with the requirements of ASM 274, Postal Service employees must bring evidence of possible violation of 18 U.S.C. 1716B, 1716C, or 1716D to the attention of the Postal Inspection Service.

72 Hawaii and Puerto Rico Mailings

As provided in ASM 274, PPQ officers are authorized to examine mail without a search warrant at its respective point of origin in Hawaii or Puerto Rico, if these three conditions are met:

- a. The mail is reasonably suspected of containing plant matter or plant pests.
- b. The mail is addressed to the mainland United States.
- c. The mail is sent under a class of mail not sealed against inspection or, if sent under a class of mail sealed against inspection, the sender permits the mail to be opened for inspection.

73 U.S. Virgin Islands Mailings

The U.S. Virgin Islands lie outside the Customs Territory of the United States (CTUS) — that is, the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico. Accordingly, even though domestic postage rates apply, mail originating in the U.S. Virgin Islands and addressed for delivery inside the CTUS is still subject to the same customs clearance procedures required for foreign mail.

To expedite customs clearance and entry into the CTUS, plant material mailed in the U.S. Virgin Islands and intended for addressees within the CTUS should bear one of the following notices:

- a. A green and yellow address label directing it to a PPQ inspection site.
- b. A PPQ stamp impression showing the endorsement "RELEASED."

74 Samoa, Former Canal Zone, and Guam Mailings

Plant quarantines that affect the importation of plant material from foreign countries (see *International Mail Manual* 139.21 and 720) also apply to plant material mailed to any part of the United States from any of the following:

- a. Samoa (whether under U.S. control or not).
- b. Areas formerly constituting the Canal Zone.
- c. Guam.

8 Packaging Requirements for Mailable Plants

81 Materials

The wettable packing material and the roots or butt of the plant must be packaged in a waterproof material sufficient to contain the plant without loss of the packing material or leakage while in the mail.

The waterproof material must consist of a tar-centered paper or waxed kraft paper or equivalent liners or plastic wrap. The mailing box must have a similar lining to prevent leakage or loss of contents and to ensure retention of moisture content without weakening the box.

The tops of all bundles must be wrapped with a covering of material to protect each plant from injury or drying. If a plant has thorns or other pointed projections, the packaging must be punctureproof.

82 Markings

The exact nature of the contents, along with the names and addresses of the mailer and the addressee, must be marked on or affixed to the outside of any package, using a material or method that is not water-soluble and that cannot be easily rubbed off or smeared.

83 Compliance

Mere compliance with these packaging requirements in no way alters, lessens, or removes the illegality of mailing plants that, pursuant to applicable law, are declared to be nonmailable.

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