

CUSTOMS DIRECTIVE

ORIGINATING OFFICE: FO:TP

DISTRIBUTION: S-01

CUSTOMS DIRECTIVE NO. 3250-007B

DATE: FEBRUARY 5, 2001

SUPERSEDES: 3250-007A, 7/8/99

REVIEW DATE: FEBRUARY 2003

SUBJECT: AGRICULTURAL MARKETING SERVICE IMPORTATION INSPECTION REQUIREMENTS

- 1. PURPOSE.** The purpose of this directive is to provide an update on the implementation and enforcement of the Department of Agriculture's (USDA), Agricultural Marketing Service (AgMS) import requirements for various fruits, vegetables and specialty products.
- 2. POLICY.** All agricultural products described in this directive entering the United States are required to be inspected by AgMS to ensure that the standards of imported fruits, vegetables, and specialty products are equal to the standards imposed on domestically-produced products regulated under Federal marketing orders. These standards protect American consumers from substandard or inferior products. They also prevent foreign producers from gaining unfair advantage over American producers by avoiding the costs associated with complying with USDA minimum standards. AgMS mandates notification, inspection, or certification prior to the product's final release from Customs custody. Conditional release may be permitted when the **Stamp** and **Fax** procedure is used (Refer to the Procedures Section of this document).
- 3. AUTHORITIES/REFERENCES.** 7 U.S.C. Sections 601-674, 8e.
- 4. RESPONSIBILITIES.**

 - 4.1** All Field Operations personnel are responsible for ensuring that the guidelines in this directive are met.
 - 4.2** All management and supervisory personnel are responsible for ensuring that the employees follow the rules set forth in this directive.
- 5. PROCEDURES.**

 - 5.1** It is the responsibility of the importer of record, not Customs, to arrange for an AgMS inspection of products covered in this directive (Attachment 1). Inspection may be performed anywhere in the U.S., as long as it is done prior to final release of the

product into the commerce of the United States. AgMS inspectors are not immediately available at all ports, especially at small ports. Prior to, or upon arrival of the shipment, importers must make arrangements for inspection with the AgMS field office that will perform the inspection. If the product is dates, application for inspection must be prepared at least 10 days in advance.

5.2. Stamp and Fax procedure. Prior to line release, Customs Inspectors shall verify that an AgMS notification stamp, bearing the following or similar information and signature, appears on the Customs Form (CF) 3461, CF-7501, or invoice:

Importer has contacted AgMS USDA to perform product examination pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

Signature
AgMS USDA Inspector

Date

5.2.1 A properly executed Importer's Exempt Commodity Form (FV-6, Prune Form 1, or Raisin Form 1) may also be accepted in lieu of a stamped CF-3461, CF-7501, or an invoice.

5.2.2 The importer/broker will fax either a completed CF-3461, CF-7501, or an invoice to the appropriate AgMS inspection office.

5.2.3 AgMS will stamp, sign and date the facsimile CF-3461, CF-7501, or the invoice, and fax it back to the importer/broker.

5.2.4 The importer/broker will submit the stamped CF-3461, CF-7501 or invoice, or if applicable, an Importer's Exempt Commodity Form (FV-6), Prune Form 1, or Raisin Form 1 to Customs when making entry.

5.2.5 The importer must arrange with AgMS for product inspection immediately thereafter. Note: Raisins and dried prunes must be inspected even if they are to be exported.

5.3 Once AgMS inspection has been performed and the products certified, AgMS will issue inspection certificates that should be maintained by the importer in accordance with Customs record-keeping requirements. Copies of USDA Inspection Certificates (FV-184, FV- 300, FV-494, or FV-146) issued by AgMS should be provided to Customs by the importer. Release of the product to the consignee is dependent upon receipt of certificate(s) stating that the product certified meets Section 8e import requirements or has an applicable exemption form (i.e. FV-6, Raisin Form 1 or Prune Form 1).

5.4 In accordance with a Memorandum of Understanding (signed 7/15/96) with AgMS, Customs Headquarters will regularly provide data for final review. AgMS will report discrepancies directly to Customs ports of entry. For shipments that were not made available for AgMS inspection, Customs may request redelivery in accordance with 19 CFR 141.113.

5.5 Questions from Customs officers should be directed to Customs Headquarters, Trade Programs at (202) 927-0801. Public inquiries should be referred to AgMS at (202) 690-0464 or write to: Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 2525-S, Stop Code 0237, Washington, D.C. 20250-0237.

5.6 Persons attempting to enter or introduce products in violation of Section 8e of the Agricultural Marketing Agreement Act, through smuggling or any other types of concealment, false statement, act or omission, are subject to penalty under applicable law, as well as having the goods seized under 19 U.S.C. 1595a(c). As with all other violations, prior to initiating any seizure and/or penalty action as provided for by law, all officers will obtain supervisory approval.

6 MEASUREMENT. Field Operations personnel will have successfully complied with this directive if they ensure that products subject to Section 8e of the Agricultural Marketing Agreement Act meet the guidelines set forth in this directive.

Assistant Commissioner
Office of Field Operations

Attachments

ATTACHMENT 1

HTS NUMBER	PRODUCT DESCRIPTION
0701901000	potatoes, fresh or chilled, yellow (salono)
0701905010	potatoes, fresh or chilled, russet/netted gem, not exceeding 45 kg.
0701905020	potatoes, fresh or chilled, other, not exceeding 45 kg.
0701905030	potatoes, fresh or chilled, russet or netted gem
0701905040	potatoes, fresh or chilled, other

AgMS inspection and certification required prior to release for lots of whole potatoes (including potatoes for processing) 227 kgs. (500.45 lbs.), except for potatoes certified as seed potatoes. If Canadian grown, a Canadian Agricultural Inspection Certificate is acceptable in lieu of an AgMS stamped notification. Potatoes for processing or other exempt outlets require FV-6 form.

0702002095	tomatoes
0702004090	tomatoes fresh or chilled
0702006095	tomatoes, fresh or chilled

AgMS inspection and certification required prior to release for lots of whole tomatoes (including tomatoes for processing) over 27.24 kgs. (60.05 lbs.), except between June 16 and October 9, and with the exception of pear-shaped (i.e. Roma), cherry, or hydroponic greenhouse tomatoes. If Canadian grown, a Canadian Agricultural Inspection Certificate is acceptable in lieu of an AgMS stamped notification. Tomatoes for processing or other exempt outlets require FV-6 form.

0703104000	onions and shallots, other, fresh or chilled
------------	--

AgMS inspection and certification required prior to release for lots of onions (including onions for processing) over 49.94 kgs. (110.10 lbs.), except green onions, braided red onions, shallots or onion sets. If Canadian grown, a Canadian Agricultural Inspection Certificate is acceptable in lieu of an AgMS stamped notification. Onions for processing or other exempt outlets require FV-6 form.

0802210000	hazelnuts or filberts in shell
0802220000	shelled hazelnuts or filberts

AgMS inspection and certification required prior to release for lots of nuts over 52.21 kgs. (115.10 lbs.). Hazelnuts for processing or other exempt outlets require the FV-6 form.

0802310000 walnuts in the shell

AgMS inspection and certification required prior to release for lots of walnuts in shell over 52.21 kgs. (115 lbs.). Walnuts for processing or other exempt outlets require FV-6 form.

0802320000 shelled walnuts

AgMS inspection and certification required prior to release for lots of shelled walnuts (including walnut pieces) over 27.24 kgs. (60.05 lbs.). Walnuts for processing or other exempt outlets require FV-6 form.

0804102000 dates; whole, with/without pits, not over 4.6 kg.
0804104000 other dates w/pits; whole, more than 4.6 kg.
0804106000 other dates with pits removed; more than 4.6 kg.
0804108000 other dates; fresh or dried, not whole

AgMS inspection and certification required prior to release for lots of dates over 31.78 kg. (70.06 lbs.) except dates prepared, preserved, and meant for processing. Dates prepared, preserved or meant for processing require FV-6 form.

0804400000 avocados, fresh or dried

AgMS inspection and certification required prior to release for fresh whole avocados (including avocados for processing) in lots over 24.97 kgs. (55.05 lbs.). Avocados for processing or other exempt outlets require FV-6 form.

0805100040 other oranges, fresh or dried

AgMS inspection and certification required prior to release for fresh whole oranges (including oranges for processing) in lots over 181.6 kgs.(400.36 lbs.), except during the months of July and August. Oranges for processing or other exempt outlets require FV-6 form.

0805304000 limes, fresh or dried

AgMS inspection and certification required prior to release for fresh whole limes (including limes for processing) in lots over 113.5 kgs. (250.225). Limes for processing or other exempt outlets require FV-6 form.

0805404000 grapefruit
0805406000 grapefruit
0805408000 grapefruit

AgMS inspection and certification required prior to release for lots of grapefruit (including grapefruit for processing) over 15 standard packed cartons (4/5 bushel per carton, roughly 12 bushels) 217.92 kgs. (480.43 lbs.). Grapefruit for processing or other exempt outlets require FV-6 form.

0806102000 fresh grapes
0806104000 fresh grapes
0806106000 fresh grapes

AgMS inspection and certification required prior to release for lots of vinifera species table grapes (including grapes meant for processing) except Emperor, Calmeria, Almeria, or Ribier varieties and except during August 16-April 19. Grapes for processing or other exempt outlets require FV-6 form.

0806201010 raisins
0806201020 sultanas, from grapes; dried
0806201090 other made from seedless grape
0806202000 other raisins; dried
0806209000 other dried grapes

AgMS inspection and certification required prior to release for lots of raisins over 45.40 kgs. (100.09 lbs.). Raisins which do not pass requirements may be reconditioned and presented for reinspection, or may be imported for use in the production of alcohol, syrup for industrial use or animal feed, which would require the completion of a Raisin Form 1 and Raisin Form 2. Raisins failing import requirements due to mechanical damage or sugaring may be manufactured into raisin paste upon completion of Raisin Form 1 and Raisin Form 2.

0810500000 kiwifruit

AgMS inspection and certification required prior to release (including kiwifruit for processing) in lots over 90.8 kgs. (200.18 lbs.). Kiwifruit for processing or other exempt outlets require FV-6 form.

0813202000 prunes, (dried plums)

AgMS inspection and certification required prior to release for lots of prunes over 68.1 kgs. (150.135), with the exception of prunes made from silver plums and dehydrated prunes which require refrigeration. Prunes for processing may use Prune Form 1 and Prune Form 2.

0809402000 prunes, (fresh plums)

0809404000 prunes, (fresh plums)

AgMS inspection and certification required to release for lots of prunes not exceeding 500 lbs. (226.80 kgs.) for Stanley and Merton varieties and not exceeding 350 lbs. (158.76 kgs.) for other varieties, except during October 1 through July 14 and Brooks variety. Prunes for processing or other exempt outlets require FV-6 form.

2005705030 olives, canned, not pitted, container >0.3 kgs.
drained weight

2005705060 olives, canned, not pitted, container <0.3 kg.
drained weight

2005706020 olives, other, whole pitted containers >0.3 kg.
drained weight

2005706030 olives, other, whole pitted containers <0.3 kg.
drained weight

2005706050 olives, in brine, not green, canned, other,
sliced

2005706060 olives, in brine, not green, canned, other,
chopped or minced

2005706070 olives, in brine, not green, canned, other,
other including wedged or broken

AgMS inspection and certification required prior to release for lots of canned, ripe olives (other than Spanish-style green olives) or olives in bulk meant for the production of canned ripe olives (including olives meant for processing), over 45.4 kgs. (100.09 lbs.) drained weight. Olives for processing or other exempt outlets require FV-6 form.

ATTACHMENT 2

AgMS Field Offices for the Corresponding Customs Port Offices:

<u>U.S. Customs Port</u>	<u>Processed Products</u>	<u>Fresh Products</u>
Anchorage	509-575-5869	907-745-7200
Baltimore	410-584-9008	301-317-4397
Boston	207-772-1588	617-389-2480
Buffalo	732-545-0939	716-591-4609
Charleston	404-763-7495	803-737-4597
Charlotte Amalie	202-720-4693	800-811-2373
Chicago	219-287-5407	630-794-0754
Cleveland	219-287-5407	440-826-9274
Dallas/Ft. Worth	956-968-2126	214-767-5337
Detroit	219-287-5407	313-928-1150
Duluth	920-748-2287	612-341-7193
El Paso	956-968-2126	915-877-9012
Great Falls	509-575-5869	406-444-2944
Honolulu	808-973-9566	808-973-9566
Houston/Galveston	956-968-2126	713-923-2557
Laredo	956-968-2126	210-222-2751
Los Angeles	626-732-9178	323-725-0442
Miami	863-294-9416	305-870-9542
Milwaukee	920-748-2287	414-486-1587
Minneapolis	920-748-2287	612-341-7193
Mobile	404-763-7495	334-415-2531
Newark	732-545-0939	973-645-2636
New York	732-545-0939	718-991-7665
Nogales	626-732-9178	520-281-0783
Norfolk	804-786-0930	757-518-2942
Ogdensburg	732-545-0939	518-457-1211
Pembina	920-748-2287	612-341-7193
Philadelphia	410-584-9008	215-336-0845
Port Arthur	956-968-2125	713-923-2557
Portland, ME	207-772-1588	207-287-2161
Portland, OR	509-575-5869	503-255-0681
Providence	207-772-1588	617-389-2480
St. Albans	207-772-1588	802-828-2429

U.S. Customs Port**Processed Products****Fresh Products**

St. Louis	219-287-5407	314-425-4514
San Diego	626-732-9178	519-661-6355
San Francisco	209-946-6301	650-876-9313
San Juan	787-783-2230	787-783-2230
Savannah	404-763-7495	912-764-5849
Seattle	509-575-5869	253-859-9801
Tampa	863-294-7416	813-272-2470
Washington, D.C.	410-584-9008	301-317-4387
Wilmington, N.C.	410-584-9008	302-739-4811
Headquarters	202-720-4693	800-811-2373