

PHYTOSANITARY CERTIFICATION IN NORTH DAKOTA – AN OVERVIEW

The term 'phytosanitary' is derived from 'phyto' meaning plant and 'sanitary' referring the freedom from plant pests.

A phytosanitary certificate is an official document issued by a plant regulatory official in the United States to a United States exporter. It is addressed to the Plant Protection Organization of the importing country. It certifies that the plants or plant products are free from quarantine pests, practically free from other injurious pests, and conform to the current phytosanitary regulations of the importing country. Each importing country determines its own phytosanitary regulations.

There are two kinds of phytosanitary certificates depending on the origin of the product.

1). Standard Phytosanitary Certificate (PPQ Form 577)

Used to certify that domestic plants (i.e. grown in the U.S. one of its possessions, or Puerto Rico) or unprocessed plant products have been inspected according to appropriate official procedures and are considered to be free from quarantine pests specified by the importing country and to conform with the current phytosanitary requirements of the importing country including those for regulated non-quarantine pests.

2). Phytosanitary Certificate for Re-Export (PPQ Form 579)

Used to certify that foreign plants or unprocessed plant products, based on the original foreign phytosanitary certificate and/or an additional inspection, that 1) officially entered the United States, 2) are considered to conform to the current phytosanitary regulations of the importing country, and 3) have not been subjected to the risk of infestation or infection during storage in the U.S. If safeguarding cannot be verified, the certifying official must perform a phytosanitary inspection. Phytosanitary certificates for Re-export may be issued for U.S. and foreign commodities that are blended.

Importers of foreign plants or plant products should be sure to retain a copy of 1) Custom's entry papers, 2) an invoice bearing a PPQ release stamp, or 3) the foreign phytosanitary certificate. One of these documents is necessary to verify that the product officially entered U.S. commerce.

Certifying officials hold in strict confidence the information in these documents (PPQ Forms 577, 578, and 579 as well as application forms) to protect buyers and exporters. The Freedom of Information Act disallows the release of trade secrets or confidential commercial or financial information (Title 5, USC Section 552 and 552 (b)(4)).

PHYTOSANITARY REQUIREMENTS OF FOREIGN COUNTRIES

Each foreign country establishes its own phytosanitary requirements. Information on phytosanitary requirements is available from several sources including:

1) USDA-APHIS EXCERPT computer database. The information is not to be considered legally authoritative. Occasionally, important changes in foreign regulations are not brought to the attention of USDA-APHIS. In the case of unusual or high value shipments, exporters may wish to verify regulations through their importer. Contact the North Dakota Department of Agriculture to access information from this database.

2) Import Permits - Sometimes, import permits are required by foreign countries. An Import Permit is special authorization granted by the plant protection service of a country to allow entry of prohibited plants or plant products and specifies entry requirements for restricted plants or plant products. Import Permits are issued to importers and list specific phytosanitary requirements that must be met. If an import permit is not in English, it is the responsibility of the exporter to provide a notarized translation.

3). Other Official Sources from the Importing Country - Official documents include import permits, special authorizations, or recent correspondence from the plant protection service of the foreign country. Unofficial Sources of Information are not valid. Information from exporters or importers cannot be considered official.

EXPORTER RESPONSIBILITIES

1. Apply for inspection and Phytosanitary certification using a form available from the NDDA. Applications may be mailed or faxed.
2. Make shipment available for inspection (see Inspection below). The exporter must export plants and plant products within the time limits prescribed by the importing country. If the importing country does not prescribe a time limit, the general rule is that inspections must be conducted within 30 days of shipping.
3. Provide treatment if required. The certifying official should be contacted prior to treatment to assure that the treatment is appropriate to satisfy foreign phytosanitary import regulations. The certifying official will arrange for supervision of the treatment.
4. Safeguard the certified shipment prior to shipping.
5. Comply with U.S. export control regulations. No special license is required to engage in export trade. The Federal Government controls the exportation of U.S. goods to all foreign countries. The Department of Commerce is the authority for licensing most items for export. Other Federal agencies such as the Agricultural Marketing Service (AMS) and the Federal Grain Inspection Service (FGIS) handle the certification for specific products. For further information, exporters should contact the Office of Export Control, Bureau of International Commerce, Department of Commerce, Washington, DC 20230.

PHYTOSANITARY INSPECTIONS

Official inspections are required to certify plants and plant products. Certification can be based acceptable certificates issued by other agencies or official samples sent to certifying officials for examination. Contact the North Dakota Department of Agriculture for further information.

EXPORT CERTIFICATE FOR PROCESSED PRODUCTS (PPQ Form 578)

Processed Products are commodities derived from a plant and subjected to a procedure that is believed to have rendered the commodity free from plant pests. Some countries require a phytosanitary certificate for processed products but this is in violation of international agreement. To assist exporters, USDA-APHIS has developed the Export Certificate for Processed Plant Products to attempt to facilitate entry of processed plant products.

USDA-APHIS has developed a list of commodities that are ineligible for phytosanitary certification. Those processed products on this list that have a history of being denied entry because of a lack of a phytosanitary certificate have been placed on an "A" list and may be issued a Processed Product Export Certificate to facilitate entry.

The Export Certificate for Processed Products affirms that, based on inspection or processing, the product is believed to be free from injurious plant pests. It is only for domestic products.

ADDITIONAL INFORMATION

Using certificates as commercial documents is discouraged. Contract requirements, letter of credit, or consular visas are not phytosanitary conditions and are not certified using export certificates. Below are frequently requested statements that may not be entered on a phytosanitary certificate:

Grade or quality

Fitness for human consumption

Pesticide or other chemical residues

Freedom from animal diseases (Refer to USDA, APHIS - Veterinary Services)

Level of radioactivity (Refer to USDA/FAS, Office of Food Safety and Technical Services (202 720-1301))

Genetic composition

Aflatoxin or other mycotoxins

Intended use such as "for scientific purposes"

Letter of Credit number (If a letter or credit number is emblazoned on the outer surface of every bag, box, etc. it may be listed as a distinguishing mark.

Advice number

Import reference number

Import tariff item number

Authorization number

Letter of commitment number

Purchase contract number

References to a permit issued by the Office of Management Authority for protected plant species

No Changes Allowed – Exporters may NOT make any changes or corrections to a certificate. If a change is required, it may only be made by the certifying official.

Original Phytosanitary Certificates Required - The original phytosanitary certificate must be presented to the plant quarantine officials in the foreign country. Photocopies are **not** acceptable, although customs officials may retain copies.