

Q&A From APHIS ACE Implementation Webinar February 11, 2021

Q: What was the name of the last website Ricky shared that is still building? I did not catch the entire name?

A: The last slide depicted Agricultural Commodity Import Requirements (ACIR) website.

Q: is the foot and mouth determination based on country of export and country of origin of the product or just country of export.

A: Both.

Q: In some cases a response from APHIS has been that no permit is required, but they have not necessarily stated the item is not under their jurisdiction. This has caused some confusion for importers when their product flags for 'may be required' and the item contains some processed plant material. This is simply an observation and I'm curious if others have had this same experience.

A: Thank you for this observation. Not all products under APHIS' jurisdiction require a Message Set to be submitted. Generally, for products in an HTS with an AQ1 flag, if no LPCO is required, then no Message Set is required and the Disclaimer B can be submitted.

Q: So in that case, is it recommended the importer ask APHIS if they are to file even if a permit is not required? Or if a permit is not required and HTS flags for may be required, is it assumed they can disclaim?

A: If you know that a License, Permit, Certificate or Other Document (such as a Manufacturers Statement) is not required for an AQ1 flagged product, then you can Disclaim. If in doubt or if you want written confirmation, then you can apply for a permit in order to receive the statement from APHIS that no LPCO is required.

Q: We are a broker and have importers that bring in clinical trial material. If there is a VS16-6A (for capsules) made with both porcine and bovine origin gelatin, should we enter two lines; BOV and OTA? We also are not sure if gelatin capsules (with CTM) are category 306A or 314. And the intended use; 180.009 or 130.033 or 150.007. Should we use APH or CBP in DIS for A01?

A: Products that have multiple animal origin materials can be reported using the component level report (as shown in the implementation guide), or the PG10 line can be repeated to show each animal origin. For PG10 category code reporting for the gelatin capsules, either category

(306A or 314) would apply. The recommendation is to use 314 for empty capsules or bulk gelatin. If the capsules are filled, than 306A would be more appropriate. As for intended use, the 180 base code would be most appropriate since this is for research and development (clinical trials). When/if this import is for sale after the trial, other intended use codes would be better.

Q: How do we access the product manuals?

A: You can access them at this APHIS site:

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/complete-list-of-electronic-manuals>

Q: Very confused by the answer regarding in-bond. how do we get permission to move the cargo?

A: APHIS restrictions on agriculture imports and transits, including in-bond movements, apply to all shipments. Entry types Transportation and Exportation (62) and Immediate Exportation (63) are exempt for the message set. For in-bond immediate transportation (61), APHIS still requires admissibility information at the first port of arrival. Importers and brokers who are not filing electronic entries (other than in-bonds) in ACE may submit paper documents at the first U.S. port of arrival. Importers and brokers filing electronically in ACE should submit an APHIS Core message set concurrently with the in-bond. Failure to submit the message set with the in-bond will result in paper clearance of the cargo at the first U.S. port of arrival and flagging of APHIS Core message set at the in-bond port of entry, duplicating work.

Q: How about the entry type 06? It seems it is exempt from the APHIS, but will it need to be submitted on the e214 admission?

A: For FTZ shipments, you still follow the current procedure, providing permit and other documents manually at time of arrival. No Message Set is to be submitted when product enters the zone or when it leaves the zone.

Q: Hi, thank you for this opportunity... First question from get go: "Frozen Cooked Squid or Octopus tentacles" / "Frozen Cooked Squid Rings".... they are subject to Fish & Wildlife permits... under PAHIS CORE this is HTS Code is flagged AQ1 (data may be required)

The product is regulated by APHIS but the agency has determined the product does not need a message set or License, Permits, Certificates, or Other documents (LPCO's)???? So, No Veterinary Service (AVS) permit required??

A: According to the APHIS website for this type of product (<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/import-live-animals/no-import-permit-req>), "a USDA VS Import Permit will not be required if DHS, CBP Agricultural Specialists/Inspectors are provided documentation which may include: manifests, invoices, foreign producer/shipper statements on letterhead, or other shipping documents which provide the following information:

Identification of the material, and
The species of origin.

VS recommends that this information is available for review by the DHS, CBP Agricultural Specialists/Inspectors upon arrival of the shipment at the U.S. port of arrival. We do not recommend that it be placed inside the shipping container.

We further recommend that you provide a copy of this guideline to your foreign producer/shipper."

In other words APHIS recommendation in this case would be to disclaim B (per agency guidance) and provide the necessary information via DIS and tagged for APH.

Q: Ask if something is subject to Fish and Wildlife could it require APHIS clearance as well?

A: Yes if the tariff is flagged with AQ1 or AQ2.

Q: APHIS Permit does not require a company name and it can be issued to an individual. How does CBP AG at the time of entry link an individual permit to a individual officer of multiple companies? What is the USDA requirement to provide to CPB to link the individual to the company?

A: With message set the permit holder will be associated with entry, manifest, invoice and message. APHIS assumes that the party on the permit is associated with the companies provided. With message set APHIS will be able to track use of a permit and the associated parties for later analysis and compliance tracking.

Q: Please provide clarification regarding a "no permit" response from APHIS. When APHIS replies that a permit is not required does this automatically mean that the product is not under APHIS' jurisdiction?

A: A product can be under APHIS jurisdiction but not require an LPCO. For AQ1 flagged products, a Message Set does not have to be transmitted if no LPCO is required; however, the product may be subject to an inspection.

Q: I didn't understand FTZ exempt - we still have to contact USDA at time of arrival?

A: For FTZ shipments, yes you still follow the current procedure, providing permit and other documents manually at time of arrival. No Message Set is to be submitted when product enters the zone or when it leaves the zone.

Q: How do we sign up for updates?

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

Q: Will there be a guide for looking up dried, processed plants, products made from them?

A: At this site, see the Miscellaneous and Processed Products Manual under Quick Reference: <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/complete-list-of-electronic-manuals>

Q: Hello, will there be a USDA/APHIS filer evaluation similar to the FDA evaluations?

A: Not at this time. APHIS will be addressing quality of data submissions as implementation progresses.

Q: Are the UNSPC Codes Mandatory or only the scientific name genus/species?

A: The UNSPC Code is optional.

Q: When will an updated version of the Implementation Guide be published? Some forms such as the PPQ505 are no longer considered an APHIS LPCO but the implementation guide states it is.

A: In the next week or 2 an updated Implementation Guide and Supplemental Trade guide should be published.

Q: Does aphis core apply to entry type 86?

A: Yes.

Q: Are tree harvesting equipment regulated by aphis?

A: Used tree harvesting equipment will need to be cleaned and will be subject to inspection.

Q: Is anyone able to confirm if Fiberboard products are required to be reported or if they can be disclaimed? or is that also dependent on Country of origin?

A: Page 3-4 of the Miscellaneous and Processed Products Manual says "Commodities have been processed to the point at which they do not remain capable of being infested with quarantine pests. Hence, no phytosanitary measures should be required and such a commodity should not be deemed to require phytosanitary certification with respect to pests that may have been present in the commodity before the process." Table 3-2 gives the examples of plywood, particle board and wafer board as products that have undergone multimethod processing that render the resulting product to be incapable of being infested with pests.

Q: How do we get a link to hts correlation spreadsheet? is this within the presentation?

A: Go to the 4th bullet under Resources at this link:

<https://www.aphis.usda.gov/aphis/ourfocus/importexport/ace/audience/broker-filers>

Q: if searching VS commodity for permit is this the best way to find out if permit is required?

A: It's one way. Go to the VS permitting assistant. If it does not turn up anything, then go the manual, and if still no answer, then to the aphis customer service.

Q: Should brokers file for permits via eFile on behalf of Importer?

A: The responsible party is required to obtain the permit. Generally this will be the importer. A customs broker with a power of attorney can file for an e-permit on behalf of the importer.

Q: Earlier webinar indicated a MAY PROCEED would happen for a disclaim...well, that is what I heard. I saw, in today's webinar, on an FAQ, that a MAY PROCEED on a disclaim will NOT be sent....but a ONE USG will, when all PGA Filings requirements are fulfilled and there is CBP Release. So, just want to confirm no MAY PROCEED will be received on an APHIS Core Disclaim.....correct?

A: That is correct.

Q: The supplemental guide directs for Intended Use codes to review Appendix R - In Appendix R - many of the IU's show (APHIS) next to them which leads me to believe they are the only ones that can be used. Is this true? I was told via a ticket that any IU can be used, but then why indicate (APHIS) next to certain ones listed? What does it signify?

A: Any intended use code may be used for APHIS Core message sets. To understand the color scheme please refer to notes one and two on the first page of Appendix R- Intended Use Codes.

Q: Where would we find info on FDA approved Drugs? We know they can be disclaimed, but are not sure what info we have to submit to do the disclaim.

A: See the Animal Products Manual, particularly page 3-11-4 and 3-11-9, which shows documentation required by VS for FDA-approved drug imports.

https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/apm.pdf

Q: What are venison (deer meet) classified as for USDA/APHIS?

A: You will find information about deer meat imports in the Animal Products Manual :https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/apm.pdf It is categorized as "cervid" meat. We suggest that you do a search of cervid in the manual. APHIS requirements will depend upon many factors (cooked/uncooked, status of country re FMD, etc.), as shown in the Tables in the manual. You may also use the VS Assistant <https://efile.aphis.usda.gov/s/vs-permitting-assistant> Under Animal Origin, choose "other species."

Q: If a tariff flags in the spreadsheet under one program such as AP0400 for yellow corn seed, but based on the intended use, research, and LPCO is required. However, it seems AP0500 (seeds not for planting) would be more appropriate, do we guide the importer in that direction?

A: Yes. The master correlation table is guidance based on what we understand to be imported under the tariff. If the broker or importer feels that a different category would be more appropriate they should provide message set based on what they believe to be the appropriate information. IF they notice a lot of shipments coming in under a different category for an HTS we are happy to update our spreadsheet with secondary categories.

Q: How long to receive the efile permit, approx?

A: 24-hour for fruits and vegetables; longer for animal products.

Q: For personal dog imports, will APHIS be required. In one section, we read that only required if the dog is for re-sale but we had CBP reject saying aphis is required even for personal.

A: If the dog is not for resale or adoption (but is a personal importation of a pet), see this APHIS site <https://www.aphis.usda.gov/aphis/pet-travel/bring-pet-into-the-united-states/pet-travel-dogs-into-us>

Q: can you repeat the email address please.

A: The address for the APHIS ACE Team is: ace.itds@usda.gov