

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

Publication 14

August 2014  
Transmittal Letter

- A. Purpose.** This publication outlines the regulations for mailing plants, animals, and related products. The Postal Service<sup>®</sup> 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> — in the left-hand column under “Essential Links,” click on *PolicyNet*, then on *PUBS*, and then on the link for Publication 14.
  - **Internet:** Accessible at [www.usps.com](http://www.usps.com) — at the bottom of the page under “ON ABOUT.USPS.COM,” click on *Forms and Publications*, then on *Postal Periodicals and Publications*, then on *Publications*, and then on the link for Publication 14.
- D. Comments.** Questions and comments, including suggestions for information that you wish to be included in future editions, should be sent to:
- PRODUCT CLASSIFICATION  
US POSTAL SERVICE  
475 L'ENFANT PLZ SW RM 4316  
WASHINGTON DC 20260-4316
- E. Cancellations.** All previous issues of Publication 14 are obsolete.
- F. Effective Date.** This publication is effective August 2014.

*Cynthia Sanchez-Hernandez*  
Vice President  
Pricing



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# 1 Statement of Purpose

Federal statutes impose restrictions and prohibitions on the mailing of fish, wildlife, plants, and products made from these, as well as plant pests, and certain protected 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 Publication 52, *Hazardous, Restricted, and Perishable Mail*, section 5, available for reference at all Post Offices.

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# 2 Terminal Inspection of Plants and Plant Products

## 21 Terminal Inspection Act

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The Terminal Inspection Act (7 U.S.C 7760) makes it unlawful for anyone to mail a package that contains a plant or a plant product to an address in a global state or territory maintaining 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

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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

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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

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### 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, or an officer of Fish and Wildlife Services, for application of the following procedure:

- a. If the package is not classified as Priority Mail Express™ service (domestic or international), Priority Mail® service, First-Class Package Service™, 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.
- c. USDA may be limited in their inspection authority; however, The Endangered Species Act [16 § 1540(e)] states that authorized U.S. Fish and Wildlife Service (and Treasury) personnel “may detain for inspection any package, crate, or other container including its contents, and all accompanying documents upon importation or exportation.”

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

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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

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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

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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 OR VETERINARY SERVICES  
4700 RIVER RD  
RIVERDALE, MD 20737-1228

# 3 Plant Pests

## 31 Mailing Restrictions

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Under the Federal Plant Protection Act (7 U.S.C. 7701), any plant pest, the mailing of which does not conform to USDA regulation 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 7701 (no importation or interstate transportation except as permitted under USDA regulations) or by 7 U.S.C 7701 (no conveyance by mail unless in compliance with USDA regulations), is nonmailable.

## 32 Definition

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For the purposes of the Federal Plant Protection Act, the term *plant pest* means any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product:

- a. A protozoan.
- b. A nonhuman animal.
- c. A parasitic plant.
- d. A bacterium.
- e. A fungus.
- f. A virus or viroid.
- g. An infectious agent or other pathogen.
- h. Any article similar to or allied with any of the articles described.

## 33 Regulatory Control

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USDA regulations governing the movement of plant pests within the United States are administered by the Plant Protection 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. 7701, 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, (see 7 CFR 330) 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. Similar labeling is required for any such package being moved into the United States by a foreign shipper.

## 34 Penalties

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Under 7 U.S.C 7701, 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

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The Plant Protection Act (7 U.S.C 7701) 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

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### 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 Publication 52, *Hazardous, Restricted, and Perishable Mail*), 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. 7701, 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 the Plant Protection Act.

## 43 Penalties

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#### 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 601.10.0).
- 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, and, concomitantly, by the regulations provided in Pub 52, 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.

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

## 51 Prohibitions

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### 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. 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 or foreign law.

The term *fish* or *wildlife* includes any wild animal (whether alive or dead) such as a 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, parts, or products thereof, including trees from either natural or planted forest stands (except common food crops and cultivars), that (1) are 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) are 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:

DEPARTMENT OF THE INTERIOR  
US FISH AND WILDLIFE SERVICE  
OFFICE OF LAW ENFORCEMENT  
4401 N FAIRFAX DR, MS-LE-3000  
ARLINGTON, VA 22203

## 52 Mailing Restrictions

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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

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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 prohibited conduct.

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

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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

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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

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### 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 601.9.0, 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

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As provided in ASM 274, law enforcement 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

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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

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Plant quarantines that affect the importation of plant material from foreign countries (see *Mailing Standards of the United States Postal Service*, International Mail Manual (IMM<sup>®</sup>) 138.2 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

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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

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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

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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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