

Article 3  
Plant and Non-Domestic Animal Quarantine

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**NOTE:** Rule-making authority cited for formulation of regulations for introduction of all Plant and Non-Domestic Animal Quarantine within the territory of Guam by the Department of Agriculture, 5 GCA §61101.

These Rules and Regulations were filed with the Legislative Secretary on October 2, 1986.

**§3300. Short Title.** These regulations may be cited as the Guam Plant and Non-Domestic Animal Quarantine Regulations.

**§3301. Definition.** As used in these regulations, the term:

(1) *Department* means the Department of Agriculture, Government of Guam.

(2) *Territory* means the Territory of Guam.

(3) *Director* means the Director of Agriculture, or his/her duly authorized agents.

(4) *Person* as used in these regulations shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations.

(5) *Inspector* means any employee or official of the department authorized by the Director to administer and enforce the provisions of these regulations.

(6) *Inspect* means to examine material to ascertain the presence of absence of pests.

(7) *Pest* means any animal, insect, disease agent or other organism in any stage of development that is

detrimental or potentially harmful to agriculture, or horticulture, or animal or public health, or natural resources including native biota or has an adverse effect on the environment as determined by the Director.

(8) *Animal* means any invertebrate or vertebrate species of the animal kingdom including but not limited to mammal, bird, fish, reptile, mollusk, crustacean, insect, mite, nematode, protozoan and any other invertebrate, other than common domestic animal such as dog and cat.

(9) *Plant* means any member of the plant kingdom including seeds, roots and other parts thereof.

(10) *Nursery stock* means all field-grown florists' stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs and other plants and plant products for propagation.

(11) *Insect* means an invertebrate animal belonging to the class Insecta, including beetle, bug, fly, and other arthropods, such as spider, mite, tick, centipede, and wood louse.

(12) *Bacteria* means any unicellular microorganism in the class Schizomycete, exhibiting both plant and animal characteristics, and including the three varieties of bacillus, coccus, and spirillum, including agents of Rickettsia except those on or in living man or animal in Guam and those in or on processed foods, beverages or pharmaceuticals.

(13) *Fungus* means all nonchlorophyll-bearing thallophyte, including rusts, smut, mildews, molds, and yeasts, except those on or in living man or animal in Guam and those on or in processed foods, beverages or pharmaceuticals.

(14) *Virus* means any of a class of filterable, submicroscopic pathogenic agent, chiefly nucleoprotein in composition but often reducible to crystalline form, and typically inert except when in contact with certain living cells, except those on or in living man, or animal in Guam and those on or in processed foods, beverages, or pharmaceuticals.

(15) *Label* means the written, printed, or graphic matter upon the container or any article as pertaining to plant quarantine laws and regulations.

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(16) *Vehicle* means any automobile, truck, tractor and similar equipment.

(17) *Soil* means that part of the upper layer of earth in which plants can grow; this material may or may not contain organic matter and includes such planting media as deteriorated peat, except clean coral, sand, pottery and industrial clay, volcanic cinders and other similar soil-free material.

(18) *Import* means shipment into the Territory from any point outside of the Territory.

**§3302. Delegation of Duties.** All authority vested in the Director by virtue of these regulations may with like force and effect be exercised by such employees of the department as the Director may from time to time designate for such purposes.

PART II. REGULATION OF IMPORTATION

**§3303. Conditions of Importation.** The importation of any of the following articles, viz., nursery-stock, tree, shrub, herb, vine, cut-flower, cutting, graft, scion, bud, seed, leaf, root, or rhizome; nut, fruit, or vegetable; grain, cereal or legume in the natural or raw state; moss, hay, straw, dry-grass, or other forage; unmanufactured log, limb, or timber, or any other plant-growth or plant-product, unprocessed or in the raw state; soil, live bird, reptile, bacteria, fungus, nematode, virus, insect or other animal in any stage of development (that is in addition to the so called domestic animal, the quarantine of which is provided for in other regulations); box, vehicle, baggage, barrel, or crate or other container in which such articles have been transported or contained or any packing material used in connection therewith, into the Territory, shall be made and conducted in the manner and subject to the conditions hereinafter set forth:

(1) **Notification of arrival.** Any person, who receives for transport, brings or causes to be brought into the Territory as freight, baggage, post packages placed in the mail or otherwise, for the purposes of debarkation or entry therein, or as ship's stores, any of the articles enumerated, shall immediately upon arrival thereof, notify the department, in writing, of the arrival, giving the way-bill number, container number, name and address of the consignor, name and address of the consignee or his responsible agent in the Territory, marks, number of packages, description of contents of each package, port at which laden, and any other information that may be necessary to locate or identify the same, and shall hold such articles on the dock, pier, wharf, airport, air terminal, post office, or other places, where they are first received or discharged, in such a manner that they will not spread or be likely to spread any infestation or infection of insects or diseases that may be present until inspection and examination can be made by the inspector, to determine whether or not any article, or any portion thereof, is infested, infected with or contains any pest.

In addition, the department shall designate restricted articles that shall require a permit to be

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obtained from the department in advance of importation. The restricted articles shall include, but not be limited to, fungi, bacteria, virus, or living insects. Failure to obtain such permits in advance shall result in the articles being refused entry, or confiscated or destroyed. Any expense or loss in connection therewith shall be borne by the owner or his responsible agent in the Territory.

(2) Individual passengers, officers and crews.

(a) It shall be the responsibility of the transportation company to distribute the Territory of Guam plant and animal declaration forms to each passenger, officer and crew member of any aircraft or vessel originating from the United States or its possessions, or from any other areas not under the jurisdiction of the appropriate federal agency prior to arrival in order that the passenger, officer and crew member can comply with the directions and requirement appearing thereon.

Any adult, guardian of minor, or transitting passenger, officer and crew member bringing or causing to be brought fore entry into the Territory items listed on the form shall complete the declaration. Any person who defaces the declaration form required under this section, gives false information, or fails to declare restricted materials in his possession or luggage or fails to declare in cargo manifests shall be in violation of this section.

(b) Such completed forms shall be collected by the transportation company and be delivered, immediately upon arrival, to the inspector at the first airport or seaport of arrival.

(3) **Plant and Animal Declaration Form.** Such forms will include directions for declaring domestic and other animals, in addition to the articles enumerated in these regulations.

(4) **Labels.** Each and every case, box, package, crate, bale, or bundle containing any of the articles above enumerated, imported into the Territory, shall have plainly and legible marked thereon, in a conspicuous manner and place and in the English language the name and address of the shipper or

owner forwarding or shipping the same, the name or mark of the person to whom the same is forwarded or shipped or his responsible agent, the name of the country, state, or territory and locality therein where the product was grown or produced and statement of the contents of the package. Upon failure to comply with this paragraph the importer or carrier shall be liable to suffer the penalty for the violation of this section.

(5) **Authority to Inspect.** Whenever he has good cause to believe that the provisions of these regulations are being violated, the inspector may:

(a) Enter any aircraft, ship, vessel, or other carrier, at any time after its arrival within the boundaries of the Territory, whether off port, offshore, at the dock, pier, wharf, airport or air terminal.

(b) Enter into or upon any dock, pier, or wharf, warehouse or depot, airport or air terminal, post office, or any other place in the Territory, where any of the above-mentioned articles, are moved or stored for the purpose of ascertaining, by inspection and examination, whether or not any of the items listed in this section is infested or infected with any pest or contaminated with soil.

(c) Inspect any baggage and personal effects of disembarking passengers, officers and members of crew on aircraft, ships, vessels or other surface craft arriving into the Territory to ascertain if they contain any of the articles or pests enumerated in these regulations.

Such baggage inspection shall be made at the discretion of the inspector on the dock or on the ship, vessel, other surface craft or aircraft or in any quarantine or inspection area. No baggage or other personal effects of the passengers or crew members shall be released until said effects have been passed.

Whenever he has good cause to believe that the provisions of these regulations are being violated, the inspector may require that any box, bale, crate, bundle, package, truck, bag, suitcase, post packages placed in the mail, or other container carried as ship's stores, cargo or otherwise, by any ship, vessel, other

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surface craft or aircraft, moving between the United States and Guam or any foreign country and Guam be opened for inspection to determine whether any article or pest prohibited by this chapter or by regulations promulgated pursuant thereto is present. If any prohibited articles or any pest or any plant, fruit or vegetable infested with plant pests is found, the department may order the return of the article to the place of origin or otherwise dispose of it or such part thereof as necessary to comply with these regulations. Any expense or loss in connection therewith be borne by the owner or his responsible agent in the Territory.

(6) Request for Importation and Inspection. In addition to requirements of the United States customs authorities concerning invoices or other formalities incident to importations into the Territory, the importer shall be required to file a written statement with the department signed by himself or his responsible agent in the Territory, setting forth his desire to import certain of the articles above enumerated, into the Territory, and giving the following additional information: the kind (scientific name), quantity, and description of same; the locality where same were grown or produced; the certification that all animals to be imported are the progeny of captive populations or have been held in captivity for a period of one year immediately prior to importation or have been specifically approved for importation by the Director; the port from which the same were last shipped; the name of the shipper; and the name of the consignee thereof. The statement also contain:

(a) A request that the department, by its duly authorized agent, examine the articles described;

(b) An agreement by the importer to be responsible for all costs, charges, or expenses; and

(c) A waiver of all claims for damages incident to the inspection or the fumigation, disinfection, quarantine, or destruction of the articles, or any of them, as hereinafter provided for, if any treatment is adjudged necessary.

Failure or refusal to file a statement, including the agreement and wavier, shall be held to be a violation of this section and may, in the discretion of the department, give sufficient cause

for refusing to permit the entry of the articles into the Territory.

(7) **Place of Inspection.** If, in the judgement of the inspector, it is deemed necessary or advisable to move any of the articles above enumerate or any portion thereof, to a place more suitable for inspection than the dock, pier, wharf, airport, air terminal, post office, depot or other place where they are first received or discharged, authority thereof is granted, and all costs and expenses incident to the movement and transportation of the articles to such place shall be borne by the importer or his responsible agent in the Territory owning or having charge thereof.

(8) **Disinfection or Quarantine.** If upon inspection, any article so received or brought to the Territory for the purpose of debarkation or entry therein is found to be infested, or there is reasonable cause to presume that it is infested or infected and the infestation or infection can, in the judgement of the inspector, be eradicated, a treatment shall be given such article. The treatment shall be at the expense of the owner or his agent, and the treatment shall be prescribed shall be prescribed by the department. The article shall be held in quarantine at the expense of the owner or his responsible agent, at a satisfactory place approved by the department, for a sufficient length of time to determine that eradication has been accomplished. If the infestation or infection is of such nature or extent that it cannot be effectively and completely eradicated in the manner described above, or if it is a potentially destructive pest, or not widespread in the Territory, or after treatment it is determined that the infestation or infection is not completely eradicated, the article, or any portion thereof, together with all packing and containers, may at the discretion of the inspector be destroyed or sent out of the Territory at the expense of the owner or his responsible agent in the Territory. Such destruction or exclusion shall not be made the basis of a claim against the department or the inspector for damage or loss incurred.

(9) **Disposition.** At the time of arrival, or at any time thereafter, should any article be held for inspection, treatment or quarantine, the inspector shall



upon completion of inspection, affix to the article or the container or to the delivery order in a conspicuous place thereon, a tag, label, or stamp to indicate the article has been inspected and passed. This action shall in effect be a permit to bring the article into the Territory.

(10) **What Constitutes Importation?** The landing of any of the articles for the purposes of inspection or quarantine is not, nor shall it be construed to be, an importation in the sense of giving to the articles so landed any status, or the owner thereof any right or privilege, incident to articles which have actually been imported into the Territory; but in legal effect the articles so landed for the purpose of inspection shall be construed to be still without the Territory seeking entry there into, and shall not, in whole or in part, be considered suitable for importation into the Territory a tag, label, or stamp has been affixed thereon by the inspector as provided in section 4(9).

(11) **Exceptions to Right to Import.** Nothing in these regulations contained shall permit the importation of any animal or article from any particular place, if the same, or any of them has, by special rules and regulations of the department or by other federal or territorial laws or regulations, been prohibited.

(12) **Ports of Entry.** None of the articles enumerated in this section shall be allowed entry into the Territory except through the air, sea ports and post offices in the Territory designated and approved by the Director.

**§3304. Soils, Snakes, Injurious Insects, Etc., Importation Prohibited.** All persons are prohibited from receiving for transportation, bringing, or causing to be brought to the Territory, for the purpose of debarkation or entry there into, any of the following named articles:

(1) Soil, provided that limited quantities of soil may be imported into the Territory for experimental or other scientific purposes, under permit with conditions prescribed by the department.

(2) Rocks, plants, plant products, or any commodity with soil adhering thereto.

(3) Any live or dead injurious insect or animal in any condition or stage of development that is detrimental or potentially harmful to agriculture or horticulture or animal or public health or natural resources including native biota or has an adverse effect on the environment as determined by the Director provided that a government agency may bring into and maintain in the Territory nor more than two live, nonvenomous snakes of the male sex solely for the purposes of exhibition in a public zoological park, but only after the Director is presented with satisfactory evidence that the sex of the snakes was established to be male prior to the shipment, and after the director gives written approval conditioned upon such terms as the Director may deem necessary, which terms shall include the continuing supervision and control by the Director and shall provide that the Director may determine the manner in which such snakes shall be disposed of or destroyed. In case of the death of one or both snakes, the government agency may import and maintain replacements subject to the conditions.

(4) The Department may maintain either a list of animals and plants which may be imported into the Territory or a list of animals and plants which are prohibited entry into the Territory.

**§3305. Disposition.** (a) Any plant, plant product or any commodity contaminated with soil which may be brought to the Territory contrary to Section 5 shall be refused admittance and the same may, in the discretion of the inspector, be seized and treated, destroyed, or excluded at the expense of the owner or his responsible agent in the Territory.

(b) Any or all living or dead creatures mentioned in Section 5 brought to the Territory shall be seized immediately upon discovery and be destroyed, donated to a government zoo, or sent out of the Territory, at the discretion of the department; any expense or loss in connection therewith to be borne by the owner or his responsible agent. The foregoing shall not apply to any snake which is brought into the Territory by a government agency solely for the purpose of exhibition in a public zoological park pursuant to Section 5(3).

(c) Whenever any living creature introduced or admitted under rules and regulations of the department escapes, or is found to be free from confinement, the department shall confiscate, capture or have it and is progeny captured at the expense of the owner. The department may destroy the creature, donate it to a government zoo, or sent it out of the Territory after five days at the discretion of the department. Any expense or loss in connection therewith shall be borne by the owner or his responsible agent.

**§3306. Transporting in Territory.** Flora and fauna specified by rules and regulations of the department shall not be moved from one locality to another, except by a permit issued by the Director, as a measure for the control of incipient or emergency outbreaks of insect pests or plant or animal diseases.

**§3307. Interim Rules.** (a) The department shall have the power, subject to the provisions of this section, to establish, implement, and enforce interim rules governing the transporting of flora and fauna into and within the Territory.

(b) An interim rule may be adopted in the event that the importation or movement of any flora or fauna, in the absence of effective rules, creates a situation dangerous to the public health and safety or to the ecological health of flora or fauna present in the Territory which is so immediate in nature as to constitute an emergency. No interim rules shall be adopted without such a finding by the advisory committee on plants and animals created under Section 9.

(c) Interim rules adopted by the department pursuant to this section shall be effective as stated by such rules; provided that any interim rule shall be published at least once in each newspaper of general circulation in the Territory within five days of issuance; and provided, further, that no interim rule shall be effective for more than one hundred eighty days.

**§3308. Advisory Committee on Plants and Animals.** There shall be an advisory committee on plants and animals composed of the Director or his representative who shall be chairman of the committee, and five other members, with expertise in

plants, animals or microorganisms, and who, by virtue of their vocation or avocation, also are thoroughly conversant with modern ecological principles and the variety of problems involved in the adequate protection of our natural resources. The give members shall be chosen by the Chairman.

The chairman may create Ad Hoc or permanent subcommittees as needed.

### PART III. NURSERY STOCK EXPORT SHIPMENTS.

**§3309. Certification for Shipment.** The department may certify as to the pest condition or post treatment of shipments when officially required. Fees may be charged for certificates in certain instances.

**§3310. Responsibility for Treatment.** Any treatment of nursery stock which may be required under the provisions of law shall be at the risk and at the expense of the owner or persons in charge or in possession thereof at the time of treatment, unless otherwise provided. Fees must be determined at time of inspection.

**§3311. Nursery Stock Certificate.** The department may issue and authorize the use of nursery stock certificates by any shipper complying with its regulation for nursery inspection. Nursery stock certificates may be issued for interstate shipments. Fees may be charged for nursery certification. Nursery stock certificates shall not be altered or misused.

The department may revoke or suspend the right to use any nursery stock certificate which is issued to any person who fails to comply with requirements for their use.

**§3312. Penalty.** Any person who knowingly violates any provision of these regulations or any interim rules or regulations promulgated by the Director, or who knowingly forges, counterfeits, alters, defaces or destroys any import permit, certificate or other document provided in these regulations shall be deemed guilty, of a misdemeanor and punishable pursuant to 5 GCA §61110.