

Plant and Animal Quarantine Regulations

PART I - PRELIMINARY

1. Short Title

These regulations may be cited as the Plant and Animal Quarantine Regulations.

2. Authority

In pursuance of the powers conferred by section 402 of Title 22 of the Code of the Federated States of Micronesia (Supp. 1987) and Public Law 10-55, the Secretary of the Department of Economic Affairs makes the following regulations and repeals all previously issued Plant and Animal Quarantines and Regulations.

3. Effective Date

These Plant and Animal Quarantine Regulations shall take effect no sooner than ten days after compliance with section 102(1) of Title 17 of the Code of the Federated States of Micronesia, and shall be effective upon certification of adoption of the Department of Economic Affairs, following approval by the Secretary, the President of the Federated States of Micronesia and the Department of Justice.

4. Purpose

The purpose of the Plant and Animal Quarantine Regulations is to protect the agricultural activities and general well-being of the people of the Federated States of Micronesia.

These regulations are promulgated as a method of preventing the introduction and further spread of injurious insects, pests, and diseases into and within the Federated States of Micronesia, to provide procedures and conditions to ensure the safe movement of plants and animals and plant and animal products into, out of, and within the Federated States of Micronesia; and to fulfil international obligations to prevent the movement of pests in international trade and traffic.

5. Definitions

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of the provisions of these regulations:

"Administrator" means the Agricultural Program Manager within the Department of Economic Affairs, or other person within the Department of Economic Affairs duly authorized by the Secretary to fulfill the specific responsibilities of the Administrator under these regulations.

"Agent" includes any person performing functions on behalf of or instead of an owner or importer in relation to an import, or an exporter in relation to the export, of a live plant, plant material, live animal, animal product or goods which are subject of these Regulations.

"Agricultural Quarantine Facility" means an approved government facility, equipped and specifically designed and set aside for holding or for growing imported plants or plant materials or for holding imported animals.

"AI Centre" means a facility for the production of semen approved by the veterinary administration of the exporting country and used exclusively for donor animals and conforming with internationally accepted standards.

"Animal" means any living stage of the animal kingdom except human beings; and, in the case of any mammal, bird, insect, fish, crustacean or reptile, includes the egg, larva, semen or the carcass thereof.

"Animal Pest" means any organism that is capable or potentially capable of causing disease in animals and includes any living stage of insect, helminth or other invertebrate animal, bacteria, fungi, virus or similar organism and noxious weeds.

"Animal Product" means any part of an animal (including the flesh, wool, hair, skin, hide, bones, horns, hooves, feathers and other parts of the carcass), and any product that is wholly, or partly derived from an animal or any part of an animal, being part of any animal or a product that has not been treated or sterilized to the stage where it is rendered free from any disease and from carrying any disease.

"Approved Place for the Performance of Quarantine" means a place other than an agricultural quarantine facility which has been approved by the Administrator for the quarantine of plants, animals or goods.

"Approved treatment" means any treatment approved by the Administrator.

"As Prescribed" means any procedure or treatment specified by the Administrator of Agriculture or incorporated in a manual or official treatment schedule promulgated in accordance with the Administrative Procedure Act, Title 17, Section 101, of the FSM Code.

"Authorized Official" means the Administrator, the State Chiefs of Agriculture, and Directors, Agricultural Inspectors, or any other person designated by the Secretary of the Department of Economic Affairs.

"Chief of Agriculture" means the person responsible for agriculture within each of the different States of the FSM.

"Contaminate" means infestation or infection by plant or animal pests or having in association with it animals, animal products, unauthorized plant material or soil adhering to or in company with the goods.

"Contraband Goods" means any goods imported into or transported within the FSM by any person in contravention of these regulations.

"Conveyance" means any carrier such as a vessel, aircraft, lighter, barge, truck, van, vehicle, and transport or shipping container.

"Cutting up establishment" means a slaughterhouse, export cutting plant, export cold store, butchery, cannery, or poultry plant where meat is cut into smaller cuts than half carcasses, cut into three wholesale cuts, prepared for retail sale, or totally deboned.

"Culture" means any plant or animal tissue, or any planting material or parts thereof on nutrient media.

"Declaration" refers to a written or oral statement certifying the presence, absence, nature, quantity or condition of any plants, plant material, animals and animal products or other prohibited or restricted goods under these regulations which accompany a person on his or her arrival from overseas or that arrive as that person's cargo.

"Disease" in relation to animals means any disease, parasite or pest declared by the Secretary of Economic Affairs by proclamation to be a disease affecting animals. For the purposes of these regulations, goods of animal origin shall be deemed to be diseased if they are in a deteriorated or abnormal condition, whether or not that condition is dependent on the presence of, or is due to the operation, development, growth or effect of, a disease.

"Disease" in relation to plants means any disease, pest or plant declared by the Secretary of Economic Affairs by proclamation to be a disease or pest affecting plants, or a noxious plant. For the purposes of these regulations, goods of plant origin shall be deemed to be diseased if they are in a deteriorated or abnormal condition, whether or not that condition is dependent on the presence of, or is due to the operation, development, growth or effect of, a disease.

"Dunnage" means any timber used in the stowage of goods in conveyances such as vessels or cargo containers.

"Examination" means physical inspection and shall include the inspection of any document, the taking of any sample, the conduct of any test or other procedure used to determine the conformity or lack of conformity with the conditions under which an importation of plants, plant materials, animals or animal material or other regulated goods has been approved.

"Export" means to take a thing or cause it to be sent out of the country or to another island within the FSM by any means of conveyance.

"Export Inspection" means the inspection or examination of agricultural produce and animals, conveyances or goods, for the purpose of ensuring that they comply with the sanitary and/or phytosanitary quarantine requirements of the country of destination.

"Fish" means any aquatic animal, whether piscine or not, and includes any mollusc, crustacean, coral, sponge, holothurian (beclie-de-mer), and reptile and their young and eggs.

"Free zone" means a clearly defined territory within a country in which no case of a specified disease has been reported during a defined period for such disease, and within which and at the borders of which official veterinary control is effectively applied for animals and animal products, and their transportation.

"Fruit and Vegetables" means the edible portion of any plant, whether attached to the plant or not, and includes any peel, skin, shell or seed, whether edible or not, including vegetables, in the raw or unprocessed state.

"FSM" means the Federated States of Micronesia.

"Garbage" means mixed refuse waste material derived in whole or in part from plants, fruits, vegetables, meats or other plant or animal material, or other refuse of any character whatsoever that has been associated with any fruits, vegetables, meats or other plant or animal material and includes vessel or aircraft galley scraps.

"Goods" means any movable property and includes plants and plant material, animals and animal products.

"Handicrafts" shall include native artifacts, decorative goods or adornments made from or containing plant material, animal material or sea shells, including, but not limited to, seeds, vines, leaves, wood,

grass, gum, dried flowers, untreated feathers, skin, hair, fur, wool, dried flesh, teeth, bones, the external shells of animals, coral and like materials.

"Import" means to bring a thing or cause it to be brought into the FSM from any place outside of the FSM, or to move a thing or cause it to be moved within the FSM by any conveyance.

"Infected" means a condition caused by a plant or animal disease pathogen.

"Infested" means the presence of plant or animal pests other than a plant or animal disease pathogen.

"Inspection" means the examination of plants or plant material, animals or animal products, goods or other regulated material for the purpose of determining conformity with FSM entry requirements. Inspection shall include the examination of any conveyance, container or packaging of any kind on which or in which such goods have been carried or stored, or on or in which such goods are intended to be carried or stored, and any place where such goods, conveyance or packaging have been or are being held prior to clearance by an Inspector.

"Inspector" means any person, including an Agricultural Quarantine Inspector, appointed by the Governor of either Yap, Chuuk, Pohnpei or Kosrae approved by the Secretary of the Department of Economic Affairs, FSM, to enforce the provisions of the Plant and Animal Quarantine Regulations, quarantines and controls. "Inspector" also includes temporary inspectors appointed under Title 22, Agriculture and Livestock, FSM Code, section 407, (supp. 1987).

"Intermediate Quarantine" in the case of plants, means the growing of plants intended for consignment to the FSM in a place approved by the Secretary where the plants are screened for plant pests, including disease, to enable certification by an approved overseas authority that the plants have been grown in an approved place and as far as can be determined are free of plant pests. "Intermediate Quarantine" in the case of animals means the satisfaction of prescribed quarantine conditions by animals or animal products intended for import into the FSM in a place approved for the purpose by the Secretary.

"International Animal Health Certificate" means a certificate issued by an official veterinarian of the exporting country, certifying the state of good health of the animal, and giving particulars, where applicable, of any tests to which the animal has been subjected, any vaccinations carried out on the animal, and any measures taken to prevent the spread of disease.

"International Health Certificate" means a certificate issued by an official veterinarian of the exporting country, certifying the wholesomeness of animal products, and giving particulars, where applicable, of the measures taken to prevent the spread of disease.

"In Transit" means the temporary storage, transfer or movement into or within the FSM of plants, plant material, animals or animal products, goods or regulated articles which are not intended for importation into FSM but which arrive in the FSM from another place for forwarding to a destination outside of the FSM, irrespective of the duration of their temporary stay in the FSM.

"Land" includes any surface area, building, wharf or port facility.

"Noxious weed" means any plant declared by the Secretary to be a noxious weed.

"O.I.E. means the Office International des Epizooties.

"Official veterinarian" means a civil service veterinarian or a veterinarian appointed or authorized by the veterinary administration of the exporting country.

"Owner" means the person responsible for plants, plant material, animals, animal products, or any other goods or regulated material and may include the owner, the owner's agent, the importer, the person to whom the goods or regulated materials are consigned or, in the case of exports, the person by whom they are being exported or the person in charge of any conveyance in which plants, plant material, animals, animal products, or any other goods or regulated material are being carried or have been carried.

"Person" means both singular and plural and shall include individuals, corporations, companies, governments, associations, societies, partnerships and natural persons.

"Part of the territory of a country" means a geographical or administrative entity possessing an authorised administrative veterinary organisation capable of taking and controlling the appropriate measures.

"Phytosanitary Certificate" means an official certificate issued by a plant protection authority, substantially in the format of the current Model Certificate of the International Plant Protection Convention.

"Plant" includes any part of a plant, whether living or dead.

"Plant and Animal Quarantine Permit" means a written authorization issued by the Administrator of Agriculture, FSM, or his delegate or, in all other cases, the State Chief of Agriculture, for the purpose of facilitating the movement of any plants, plant materials, animals, animal products or other goods or regulated materials which require a permit for such movement under these regulations, where such plants, plant materials, animals, animal products or other regulated goods or materials are intended for importation from overseas.

"Plant Material" means all goods of plant origin and shall include but not be limited to, timber, wooden articles, and other items manufactured or not, wholly or in part from material of plant origin.

"Plant Pest" means an organism of animal or plant origin that can directly or indirectly cause injury or damage to plants and includes any living stage of insect, mite, nematode, snail, slug or other invertebrate animal, bacteria, fungi, virus or similar organism, and noxious weeds known, or suspected to be harmful to plants.

"Point Of Entry" means the designated official seaport, airport or post office in the FSM through which any conveyance or goods must first enter the FSM.

"Quarantine" means a restriction or other control method imposed upon the production, movement or existence of plants, plant material, animals, animal products or any other goods; or measures which are put in place to prevent, or limit the introduction or spread of quarantine pests.

"Quarantine Area" means any land which has been declared by the Secretary to be a quarantine area on account of the presence or suspected presence of a quarantine pest or in or on which measures are to be taken to prevent the entry to, exit from or spread of a quarantine pest.

"Quarantine Pest" means a pest of potential national economic importance to the endangered country that is either not yet present there, or which is present but not widely distributed and is being actively controlled.

"Quarantine Station" includes a temporary quarantine station, a quarantine check point, a pre-entry or post-entry quarantine station, a place approved by the Secretary for intermediate quarantine and all facilities and services related to a quarantine station or check point.

"Regulated Material" means garbage, soil, pest and other materials, substances or goods, including but not specific to, plant or plant material, animals or animal products, the importation or movement of which is controlled under these regulations.

"Re-ship or Re-export" in relation to any imported plant, plant material, animal or animal product, or regulated material, means to remove or to take a thing or cause it to be sent out of the FSM by any conveyance.

"Secretary" means the Secretary, Department of Economic Affairs, FSM.

"Soil" means the loose surface material of the earth in which plants grow and which may serve to harbor plant pests, in most cases consisting of disintegrated rock with an admixture of organic material and soluble salts including, among other things, gravel, rock aggregate, compost, clay, sand or silt.

"Timber" includes logs, poles, dunnage, branchwood, firewood and all wood, which has been split, hewn, sawn or dressed or otherwise manufactured and includes furniture partly or wholly manufactured with timber, pre-fabricated building units, shakes, shingles, wooden cases or boxes and the like.

"Tissue Culture" means plants in a clear aseptic medium in a sealed, transparent container.

"Transport Within The FSM" means the interstate movement of goods from one island or atoll in one State of the FSM to another island or atoll in another State of the FSM or, as applied by certain quarantines, the inter-island or intra-island movement of goods from one place to another place within the same State of the FSM.

"Treatment" means the use of remedial measures to ensure the removal of injurious or objectionable materials or the elimination, sterilization or destruction of any plant or animal pest or contamination, including, among other measures, the fumigation, cleaning, incineration, disinfection, disinfestation of plants, plant material or other goods or regulated materials, and, in the case of animals, the use of remedial measures to ensure the removal of injurious animal pest contamination, any immunization, medication, vaccination, insecticidal dipping or spraying or any other practice carried out for the removal of such pest or contamination including the destruction and disposal of the affected animals or animal products.

"Vegetables and Fruit" means the edible portion of any plant, whether attached to the plant or not, and includes any peel, skin, shell or seed, whether edible or not, including vegetables, in the raw or unprocessed state.

"Veterinarian" means a qualified veterinarian approved by the Secretary for the purposes of these regulations.

6. Codes of practice to be recognised

Except in so far as the same are contrary to the provisions of these Regulations, the following shall be adopted as codes of practice and their provisions shall generally be applied in the FSM:

- (a) The International Animal Health Code of the Office International des Epizooties;

- (b) The Manual of the International Embryo Transfer Society;
- (c) The International Air Transport Association Live Animal Regulations.