

Plant and Animal Quarantine Regulations

PART II - General Requirements (Plant And Animal)

7. Points of entry

No plant, plant material, animal, animal product or other regulated material may be imported into the FSM except through a designated official point of entry. The following are designated official points of entry:

Airports:

Kosrae	Kosrae Airstrip
Pohnpei	Pohnpei International Airport
Chuuk	Chuuk International Airport
Yap	Yap International Airport and Ulithi Airstrip

Seaports:

Kosrae	Okat Harbor, and Lelu Harbor
Pohnpei	Kolonia Harbor
Chuuk	Weno (Moen) Anchorage, and Satawan Anchorage
Yap	Tomil Harbor, and Ulithi Anchorage

Post Offices:

Kosrae	Tofol
Pohnpei	Kolonia and Palikir
Chuuk	Weno
Yap	Colonia

8. Requirements of all persons entering the FSM

(a) Every person on entering the FSM or moving from State to State within the FSM shall be required to make a written or oral declaration with respect to plants, plant materials, animals, animal products, soil, cultures or any other thing that is the subject of these Regulations.

(b) No person may introduce into the FSM or move within the FSM any plant, plant material, animal, animal product, or any other thing that is the subject of these Regulations unless the provisions of these Regulations have been duly complied with in respect to such plants, plant material, animals, animal product, or other regulated material.

(c) Every person who makes any false declaration, gives a false certification or interferes with or refuses to submit to an inspection an Inspector deems necessary shall be guilty of a misdemeanor.

9. Notification of the arrival of regulated materials into the FSM

It is the duty of the importer, agent, Customs Officials, Harbor Master, Postmaster and/or Airport Manager to notify the Administrator or his delegate of the intended arrival of regulated material under these Regulations and provide such information as the Administrator may require.

10. Availability of documents, manifests and conveyance movement information

The master or agent of any conveyance entering or moving within the FSM shall on the request of an Inspector provide cargo manifests, ship's logs, crew lists and such other documents as are considered necessary by the Inspector to determine the quarantine status of such conveyance.

11. Powers of the Administrator of Agriculture

In addition to any powers granted under these Regulations:

(a) the Administrator of Agriculture may in writing delegate specific powers designated in these Regulations to authorized officials and these delegations will remain effective until revoked in writing;

(b) the Administrator of Agriculture cannot delegate his power of delegation;

(c) the Administrator of Agriculture shall determine appropriate conditions for the entry of plant, plant products, animals, animal products and goods so as to prevent the introduction of plant and animal diseases and quarantine pests into the FSM as far as is reasonably practicable and desirable for the benefit of public, plant and animal health, and livestock production generally and to preserve the flora and fauna.

12. Language of documents and labelling of goods

(a) All documents and certificates accompanying imports made under these regulations shall be presented in the English language;

(b) No goods may be imported into the FSM under these regulations unless evidence of origin and contents is presented in the English language.

(c) No person shall import or offer for entry any plant, plant material, animal product or other regulated material unless the case, box, package, crate, container is plainly and correctly marked to indicate the country of origin, name and address of shipper and name and address of consignee.

13. Inspection, examination and treatment of any conveyance arriving from overseas

(a) Immediately on the arrival of any conveyance from any overseas country or State of the FSM, the conveyance, together with its cargo, baggage, garbage and provisions, may be inspected, examined and ordered for treatment by an Inspector for the purpose of enforcing these Regulations and no person shall enter the conveyance or remove any baggage or cargo from the conveyance without the authority of the Inspector until such inspection, examination or treatment is completed.

(b) Inspection, examination and treatment of a conveyance may include:

(i) inspection of the conveyance, its cargo and stores as well as treatment if necessary at the expense of the owner or agent of the conveyance;

(ii) spraying or fumigation of every compartment of the conveyance;

(iii) inspection of any documentation certifying that treatment for the control of pests has been carried out or is purported to have been carried out in relation to the conveyance; and

(iv) any other inspection or examination deemed by an Inspector to be necessary to prevent the introduction or spread of pests into or within the FSM.

(c) In the case of a conveyance entering an unofficial port of entry, all costs associated with the quarantine inspection are to be met by the owner or agent of the conveyance.

14. Disposal of Garbage

(a) It is prohibited to land any garbage in the FSM from any conveyance without the express authorization of an Inspector.

(b) All garbage arriving on board conveyances, including vessels and aircraft must be retained on the conveyance in leakproof, covered containers and in the case of sea vessels, kept inside the vessel's railing.

(c) Garbage must not be dumped at sea within the area which extends from the outer reef of any island or atoll within the FSM and a distance of twelve (12) miles beyond such outer reef or atoll of any island within the FSM.

(d) All costs associated with the supervision, treatment or destruction of garbage shall be at the expense of the importer.

15. Placement into Quarantine

Where an Inspector is not satisfied that the imported plants, plant material, animals, animal products and/or goods are free of disease or quarantine pests, which in his opinion constitute a risk to FSM, he shall advise, where appropriate, the importer or his agent, the Controller of Customs, the Harbor Master and/or the Postmaster that the plants, plant material, animals, animal products and/or regulated goods are to be held under quarantine and not released to the importer or his agent until such time as an Inspector or authorized officer is satisfied that the disease or quarantine pest has been eliminated.

16. Security of quarantine area

(a) No person shall enter a quarantine area or quarantine station without the permission of the Inspector in charge.

(b) Any person damaging, interfering with or in any way reducing the effectiveness of any measures taken to secure a quarantine area or quarantine station, or of any plants, plant material, animals, animal products and related articles therein, shall be guilty of a misdemeanor under these regulations.

(c) An Inspector may lock, seal or otherwise prevent the entry to and exit from any quarantine area or quarantine station, regardless of the ownership of such quarantine area or quarantine station.

17. Removal from quarantine

(a) No plants, plant material, animals or animal products or other regulated goods may be removed from any quarantine area, quarantine station or other place where quarantine detention or treatment is or has been performed without written permission from an Inspector.

(b) Any person who removes any plant, plant material, animal, animal products or other regulated material in contravention of these Regulations or who takes from the control of an Inspector any plant, plant material, animal, animal products or other regulated material under these regulations shall be guilty of a misdemeanor.

18. Samples, testing.

An Inspector or authorized official may take any sample, make any test, fumigate, disinfect, or in any way treat any plants, animals, or goods subject to quarantine and any conveyances carrying the same at any time that such plants, animals or goods are subject to quarantine control or may order that such action is taken, and shall give written notification of such action to the owner or agent.

19. Release of plants, plant material, animals, animal products or goods

Provided all requirements of these regulations for the import and clearance of plants, plant materials, animals, animal products or goods have been met and subsequent to satisfactory inspection or satisfactory conclusion of a treatment, an Inspector shall advise the importer or his agent, the Controller of Customs, the Harbor Master and/or Postmaster, as the case may be, that such imported plants, plant materials, animals, animal products or goods may be released to the importer or the owner.

20. Plant and Animal Quarantine Entry Permits

(a) It shall be unlawful to import into the FSM, or to move within the FSM, any plants, plant material, animals, animal products or other material subject to these regulations except in conformity with the conditions of a permit issued for such movement.

(b) Applications for Plant and Animal Quarantine Entry Permits shall provide specific information including:

(i) Full name, residential and postal address of the importer;

(ii) Name and address of the exporter of the goods;

(iii) The origin of the goods;

(iv) The quantity, the common and scientific name (where applicable) of the goods proposed to be imported;

(v) The mode of transport, point of entry, and the approximate date of arrival; and

(vi) Such additional information as the Administrator may from time to time specify.

(c) Applications for Plant and Animal Quarantine Entry Permits shall be made prior to importation, and

(i) in the case of importations into the FSM from a place outside of the FSM, shall be forwarded to the Administrator of Agriculture; and

(ii) in the case of importations into a State of the FSM from another State of the FSM, shall be forwarded to the Chief of Agriculture of the importing State.

(d) In the granting of any Plant and Animal Quarantine Entry Permit the Administrator of Agriculture, in the case of overseas imports, or the Chief of Agriculture in the case of interstate imports, may specify such conditions as he considers necessary to take into account the risks of importing plant disease, animal disease and quarantine pests.

(e) Plant and Animal Quarantine Entry Permits may be issued for single or multiple importations and the alternative shall be indicated on the permit.

(f) The Administrator may grant or authorise the granting of general import permits valid for unlimited importations of a specified commodity by unspecified importers where it is in his opinion expedient so to do providing at all times that such permits do not result in an increased quarantine risk.

(g) The following items may be imported without a permit:

(i) fully manufactured foods, hermetically sealed and not requiring refrigeration for permanent storage, but excluding foods derived from animals and preserved only by drying;

(ii) fully manufactured personal clothing and footwear;

(iii) fully tanned or processed leather, feather, fleece and hair goods except used saddlery, harnesses and other equipment used with animals;

(iv) all fish and fish products with the exception of live fish;

(v) other items not prohibited from importation without a permit under Parts IV and V of these regulations.

(h) Where the animal or plant disease or pest status of the exporting country has changed or has been reported to have changed since the issue of a Plant and Animal Quarantine Entry Permit or if any other condition prevails whereby the entry of the plants, plant material, animals, animal products or other regulated goods would constitute a quarantine risk, such permits may be cancelled at any time without notice, whether or not the importer has a pre-existing contractual obligation to import.

21. Any plants, plant material, animals, animal products, goods or regulated material may be ordered back into quarantine

(a) An Inspector may examine any imported plant, plant material, animal, animal products, goods or regulated material that has been released from quarantine.

(b) If, after examination of any imported plant, plant material, animals, animal products, goods or regulated material that has been released from quarantine the Inspector is of the opinion that there is a danger of spreading pests and/or diseases, the Inspector may order such plant, plant material, animal, animal product, goods or regulated material back into quarantine for tests or treatment as prescribed and the owner shall be responsible for all costs.

22. Seizure and destruction

(a) Any plants, plant material, animals, animal products, or other regulated material introduced or attempted to be introduced into the FSM without a permit may be seized by an Inspector and destroyed by order of the Inspector provided the declared value of such goods does not exceed two hundred dollars. Where the value of such goods exceeds two hundred dollars the goods may be destroyed by order of the Administrator and such destruction shall be at the owner's expense.

(b) Any plants, plant material, animals, animal products or other regulated material introduced or attempted to be introduced into a State of the FSM from another State of the FSM without a permit may

be seized by an Inspector and destroyed by order of the Inspector provided the declared value of such goods does not exceed two hundred dollars. Where the value of such goods exceeds two hundred dollars the goods may be destroyed by order of the State Chief of Agriculture and such destruction shall be at the owner's expense.

(c) Any person who imports plants, plant material, animals, animal products or other regulated material in contravention of these Regulations shall be guilty of a misdemeanor.

23. Disposal of regulated material carrying or suspected to be carrying a pest

(a) Any plant, plant material, animal, animal product or goods imported in accordance with these regulations which on examination or re-examination by an Inspector is shown to be or is suspected to be carrying a pest which in his opinion cannot be effectively treated shall:

(i) in the case of an animal infected or believed to be infected with an OIE List A disease or other disease not present at that time in FSM be ordered by an Inspector to be destroyed immediately; and

(ii) in all other cases the importer or owner shall be ordered by an Inspector to re-export or destroy the plants, plant material, animal, animal product or other regulated goods within a specified period and in default of such order, such plants, plant material, animal, animal product or other regulated goods shall be destroyed at the importer or owner's expense.

(b) Where the importer or owner of goods which have been ordered for destruction in accordance with clause (a) fails to take action to destroy the goods within the prescribed time, an Inspector may arrange for such goods to be destroyed and to recover the costs of such destruction through action in a court of competent jurisdiction as a debt due to the State. The importer or owner of goods which have been ordered for destruction in accordance with clause (a) shall have no legal proceeding of any nature in respect of such destruction.

24. Quarantine forms and documents

(a) The Administrator of Agriculture may introduce forms at any time to facilitate the safe import into the FSM and export from the FSM of plants, plant material, animals, animal products and goods.

(b) The Secretary may impose fees for the issuance of any forms.

25. Official importations by Government

(a) Official importations of plants, plant material, animals, animal products, or goods by the Government of the FSM for scientific purposes, biological control and other experimental purposes are exempt from the prohibitions and restrictions hereafter in these regulations. Such importations shall be made subject to the conditions set out in a permit issued by the Administrator of Agriculture.

(b) Official importations of organisms of plant or animal origin, including any living stage of insect, mite, nematode, snail, slug, or other invertebrate animal, bacteria, fungi, virus or other organism or plant or animal may be imported under permit issued by the Administrator of Agriculture.

26. Approved places for quarantine to be performed

(a) The Administrator of Agriculture may, in writing, approve a place other than a quarantine station as a place where the quarantine of any plant, plant material, animal, animal product or other

regulated material may take place and any quarantine action as an Inspector may direct may be undertaken at such approved place.

(b) Applications for registration of a place as an approved place for the performance of quarantine shall be made in writing on the approved form and submitted to the Administrator.

(c) The Administrator may apply such conditions or require such facilities as he deems necessary for the proper performance of quarantine related activities and when satisfied that such conditions have been met or are being met and that such required facilities are available he shall approve such place as a place for the performance of quarantine subject to such conditions or restrictions as he deems necessary.

(d) On payment of the prescribed fee the owner or operator of a place which has been approved for the performance of quarantine shall be issued with a certificate of registration.

(e) A certificate of registration of an approved place for the performance of quarantine shall remain current for a period of one year from the date of registration unless previously cancelled by the Administrator or there is a change in the ownership of such approved place or such approved place ceases to operate.

27. Quarantine seal

(a) At any time after the arrival of a conveyance or goods in the FSM an Inspector may place a quarantine seal on any container or package of imported goods or on any cabin or locker in any conveyance from outside of the FSM, either for subsequent quarantine inspection, or for the holding of goods under quarantine while the conveyance remains in the territorial waters of the FSM.

(b) An Inspector may place a quarantine seal or lock on any container or package of imported goods which has been discharged from any conveyance arriving from outside of the FSM, either for subsequent quarantine inspection, treatment or detention prior to release or re-export of goods as the case may be.

(c) Any person who interferes with or removes a quarantine seal or lock without the permission of an Inspector shall be guilty of a misdemeanor.

28. Official stamps

(a) The official quarantine stamps shall be used in conjunction with the signature of an authorized officer to authenticate documents issued under these Regulations.

(b) Any person other than an authorized official who uses an official quarantine stamp for any purpose shall be guilty of a misdemeanor.

29. Quarantine screening of live plants and live animals

(a) The Administrator of Agriculture may prescribe as a condition of importation into the FSM a period of quarantine at an approved quarantine station or quarantine area where live plants or live animals are to be detained and undergo any inspection or examination or treatment as prescribed. Animals or plants detained in such quarantine shall be released when an Inspector is satisfied that the plant or animal is free from pest and disease.

(b) The Administrator of Agriculture may prescribe as a condition of entry into the FSM a period of quarantine at an approved quarantine facility located outside of the FSM where plants or animals are screened for prescribed pests and diseases prior to entry into the FSM.

30. Treatment

Where imported plants, plant material, animals, animal products, regulated material or goods have been detained in quarantine on the evidence of infection, infestation of a pest, or suspected infection or infestation of a pest, an Inspector may order a treatment as prescribed to be carried out at the importer's expense.

31. Transport, storage, unpacking, treatment, growth in quarantine - Importer's expense

(a) Prior to the release from quarantine detention of any imported plants, plant material, animal, animal product and/or goods, the importer or owner shall pay the prescribed fees including the cost of transport, examination, unpacking, security, storage, treatment, cleaning, sorting, and in the case of live plants, growth and care in post-entry quarantine, and in the case of live animals in post-entry quarantine, care and feeding of such animals.

(b) Upon notification by an Inspector of the release from quarantine detention of imported plants, plant material, animals, animal product and/or goods such imported plants, plant material, animals, animal product and/or goods must be removed from the place of detention within five working days. The owner or importer shall be subject to the payment of prescribed fees for each additional day or part thereof during which the imported plants, plant material, animals, animal product and/or goods remain at the place of quarantine.

(c) Notwithstanding the provisions of clause (b) the owner of importer of any live animal which has been released from post-entry quarantine but which has not been removed immediately following release shall be responsible for meeting the cost of all food provided to such animal/s until they are removed from quarantine.

32. In-transit movement of regulated material and goods

Any plants, plant material, animals, animal products, or goods in transit through the FSM to another country may be subject to quarantine safeguard measures and permission to transit shall be required.

33. Pre-departure inspections of conveyances and cargo

(a) For the purpose of preventing the introduction and/or further spread of *Achatina fidica* (Giant African Snail) into or within the FSM, it is prohibited for any vessel or aircraft to depart from any island or atoll within the FSM where this pest is present enroute to any other island or atoll within the FSM unless a Predeparture Quarantine Inspection Certificate has been issued

(b) Predeparture Quarantine Inspection Certificates may only be issued by an Inspector or Authorized Officer following an inspection of the conveyance and its cargo, baggage and stores. Predeparture inspections shall be made prior to and/or during the loading of the conveyance at the discretion of the Inspector.

(c) A cargo manifest shall be presented to an Inspector by the agent or owner at least twenty four (24) hours prior to the loading of cargo and any such cargo shall be made available for inspection prior to being loaded onto the conveyance.

(d) Any cargo, baggage, stores, goods or conveyance found to be infested with living stages of the Giant African Snail shall be treated to the satisfaction of the Inspector.

(e) An Inspector shall not permit the loading on a conveyance of any goods found to be infested with Giant African Snail unless such goods have been effectively treated to remove the risk of transferring living Giant African Snails onto or into such conveyance.

(f) When an Inspector is satisfied that goods loaded onto or into a vessel from a port in FSM where Giant African Snail is known to occur have been adequately inspected or treated in such manner as to removed the risk of transferring live snails to the conveyance, the Inspector shall complete and issue a Pre-Departure Inspection Certificate to the master or agent for such conveyance.

34. Emergency measures for the eradication/control of a quarantine pest

During a declared state of national emergency the Secretary may take such actions as are deemed necessary to control or eradicate a pest or disease affecting plants, animals or goods and such measures may include but not be limited to:

(a) Declaring specific pests, including noxious weeds, to be a quarantine pest;

(b) Defining a geographic area within the FSM as a quarantine area;

(c) Controlling the movement of persons, plants, animals, conveyances or goods into or out of a quarantine area;

(d) Notifying the owner or occupier of the land, in writing, of the measures to be taken to eradicate or control any quarantine;

(e) Undertaking or arranging to undertake measures to eradicate or control any quarantine pest if the owner or occupier of land on which the quarantine pest occurs, or is believed to occur, cannot be contacted; and

(f) Where it is deemed necessary for an Inspector to carry out control measures or destruction or to arrange to carry out control measures or destruction of plants, plant material, animals or animal material in the absence of the owner, the cost of such control measures or destruction may be recovered through action in a court of competent jurisdiction as a debt due to the State.

35. Expenses, fees and charges for importers and exporters

(a) All costs and expenses of, and attendant upon, any importation or exportation including any documentation, tests, inspections, treatments, detention in quarantine, destructions or re-export, or of any other procedure or action taken or brought about under the provisions of these Regulations shall be borne by the importer or exporter as the case may be and no compensation shall be payable by the State for any loss or reduction in value caused by such action.

(b) If any plants, plant materials, animal, animal products or goods are required by these Regulations to be inspected, examined, treated, destroyed or held in quarantine, the importer or consignee in the case of imports and, in the case of Part VIII of these Regulations the exporter, shall pay the appropriate fee as determined by the Secretary.

36. Exclusion of liability

Neither the Department of Economic Affairs nor the Administrator of Agriculture, Authorized Officers or Inspectors shall be liable for any loss or damage resulting from the exercise of their authority under these Regulations unless the loss or damage was caused other than in the reasonable exercise of their authority.