



Friday 25th June 2010

Bulletin 701 - 06/10 - Garbage Fines - USA

A Member was recently fined at a U.S. Port, for violating 7 CFR 330.400 which was established under the Plant Protection Act of 2000 (7 U.S.C. 7701). This regulation was designed to prevent the spread of plant pests as well as livestock and poultry diseases. During a routine inspection of the vessel, a U.S. Customs and Border Patrol agent found an exterior garbage collection area, which was not sealed off from the outside environment. The area contained provision boxes and four garbage bags containing food related waste.

For purposes of this regulation, garbage means "all waste material derived in whole or in part from fruits, vegetables, meats, other plant or animal (including poultry) material, and other refuse of any type that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on means of conveyance". Vessels are considered to be within the scope of this regulation if they have been to any port outside the U.S. (and Canada) within the previous two-year period. The only exception is for vessels accompanied by a certificate of inspection, as detailed in the applicable CFR.

The regulation provides, in part, that all regulated garbage must be contained in tight, leak-proof, covered receptacles during storage on board while in U.S. territorial waters and all receptacles shall be contained inside the guardrail while on a watercraft. Regulated garbage should not be unloaded in the U.S. unless it is removed in approved tight, leak-proof receptacles, under the direction of an Animal and Plant Health Inspection Service (APHIS) inspector, to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision of such an inspector.

Any person who knowingly violates the Plant Protection Act (PPA) may be criminally prosecuted and found guilty of a misdemeanor which can result in either a prison term up to one year, penalties or both. Additionally, any person violating the PPA may be assessed civil penalties up to \$250,000 per violation or twice the gross gain or loss for any violation that results in the person deriving pecuniary gain or causing pecuniary loss to another, whichever is greater.

For additional information, Members are encouraged to visit the websites listed below.

<http://www.aphis.usda.gov/brs/pdf/PlantProtAct2000.pdf>
http://edocket.access.gpo.gov/cfr_2002/janqtr/7cfr330.400.htm

Source of information: Robert Shababb
Thomas Miller (Americas)
Robert.Shabbab@thomasmiller.com