

# Spotlight on Import Regulation: The Animal & Plant Health Inspection Service (APHIS)

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*Many federal agencies besides U.S. Customs and Border Protection regulate imports into the United States. In our Spotlight on Import Regulation series, we discuss the mission of specific import-regulating agencies and explain how their regulations can affect your imports.*

The Animal & Plant Health Inspection Service (APHIS) is a branch of the U.S. Department of Agriculture. APHIS is charged with preventing the importation of animal and plant products bearing pests or diseases that affect livestock and crops. Many of the products that APHIS regulates (e.g., dairy products, fruits, vegetables) are also regulated by the Food and Drug Administration (FDA). However, FDA regulates these products to ensure that they are safe for human consumption, whereas APHIS is most concerned with maintaining the health of U.S. agriculture.

APHIS regulates imports of animal products, including live animals, meat, bones, hides and other animal parts, eggs, milk, honey, pet food, animal feed, items that may be contaminated with animal material, and certain pharmaceuticals and cell cultures. The level of regulation depends on the product and its country of origin. Some merchandise may be subject only to visual inspection for insects or mold, whereas some goods are banned outright. APHIS may also require import permits or origin/processing certificates issued by the originating country's veterinary service, to ensure that the goods have been treated so that any pathogens that they may have originally contained are destroyed.

For example, rawhide chew toys for dogs and other pets can be imported freely from any country so long as they consist of plain, unflavored and uncolored rawhide. However, rawhide that has been

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## Practice Areas

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flavored, colored or otherwise processed cannot be imported without origin and processing certificates. If no such certificates are presented, APHIS will hold the goods at the port pending assessment by the U.S. Veterinary Research Service.

APHIS also regulates imports of plants and plant products, including live plants, fruits, vegetables, seeds for planting, seeds for consumption (such as corn, wheat, coffee beans and rice), parts of plants (cut flowers, greenery, roots, etc.), logs, lumber, wood products, wood packaging materials, and miscellaneous and processed goods involving plant parts, such as rainsticks and other handicrafts. As with animal products, some products may require permits, some may only be imported after undergoing processes aimed at eradicating pests and some may be banned outright.

For example, wheat that has been milled into flour, spelt, kibble or puffed wheat may be imported freely. Wheat that has not milled in this way but has been heated or cooked or which is intended to be cooked may enter after an inspection for pests. However, wheat not milled and not intended to be cooked (as in, for example, animal feed) may be prohibited from entry depending on its country of origin.

In some cases where APHIS determines that merchandise poses a risk to U.S. agriculture, importers may be able to arrange for post-importation fumigation or other treatment. However, there are certain products for which no amount of treatment will be sufficient to allay APHIS' concerns regarding potential threats to U.S. agricultural interests. APHIS offers pre-importation consultations to assist importers in determining whether specific goods are likely to be stopped, and also maintains several extensive manuals regarding the proper treatment of agricultural products. Prudent importers should keep APHIS' regulations in mind when making sourcing and production decisions, so as to avoid having goods stopped at the border.